

Queenland.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

No. 16.

An Act to provide for the Leasing of Runs in the Settled Districts of the Colony.

[ASSENTED TO 29TH NOVEMBER, 1876.]

WHEREAS the terms of the leases of the runs in those parts of ^{Preamble.} the colony described in “*The Crown Lands Alienation Act of 1868*” as “The Settled Districts” will shortly expire and the said leases are liable to be determined in the meantime by resumption And whereas it is desirable that provision should be made for dealing with the lands comprised in the said leases at the expiration or sooner determination thereof Be it therefore enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

1. For the purposes of this Act the term “improvements” ^{Interpretation.} shall mean and include any head-station house store stable hut woolshed sheep-pen drafting-yard barn stockyard fence well dam reservoir tank trough artificial watercourse or watering-place garden clearing cultivation or plantation of trees shrubs or artificial grasses or any building erection construction or appliance being a fixture for the working or management of a run or of any sheep cattle or horses pastured thereon or for maintaining or increasing the pastoral or agricultural capabilities thereof And the term “Minister” shall mean the Secretary for Public Lands or other Minister who for the time being performs the duties of Secretary for Public Lands.

2. Whenever

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Runs in settled districts may be leased at expiration of existing or future leases.	2. Whenever the term of the lease of any run in those parts of the colony described in " <i>The Crown Lands Alienation Act of 1868</i> " as "The Settled Districts" shall have expired by effluxion of time or shall have become determined by forfeiture and whenever the term of any lease of any run issued under the provisions next hereinafter contained shall have expired by effluxion of time forfeiture or otherwise the Governor in Council may from time to time cause any such run or any part thereof to be offered for lease for pastoral purposes by public auction for a term not exceeding five years.
Upset price.	3. In any such case the sale shall be held at the land agent's office nearest to the run and the upset price shall not be less than two pounds per square mile per annum and the highest amount bid at auction shall be the annual rent of the run for the said term.
Conditions of lease.	4. The Governor in Council shall issue to the purchaser a lease of the run for the said term subject to the conditions following that is to say—
Commencement.	(1.) The term of the lease shall be from the first day of January or first day of July next following the date of sale
Liability to reservation and sale.	(2.) During the term of the lease the lands demised shall be subject to alienation under the provisions of the laws in force for the time being relating to the alienation of Crown lands and shall be liable to be withdrawn from the lease by such alienation or by reservation for any public purpose
In which case rent to be reduced.	(3.) If during any year any part of the land shall be withdrawn from the lease in manner hereinbefore provided the lessee shall in the ensuing years be entitled to a remission of rent equal to twice the proportion of rent due for the area withdrawn from the lease Provided that in no case shall the rent of the remainder of the land be thereby reduced to less than one pound per square mile
Date for payment of rent.	(4.) The amount of the first year's rent shall be paid to the Land Agent at the time of sale and the subsequent years' rent shall be payable at the Treasury in Brisbane on the thirtieth day of September in each year and in default of such payment the lease shall be forfeited and the land and all improvements thereon shall revert to the Crown Provided that the lessee may defeat such forfeiture for non-payment of rent by paying at the Treasury in cash on or before the thirty-first day of December following a sum equal to the annual rent together with an additional sum equal to one-tenth part thereof by way of penalty but in default of such payment of rent and penalty on or before such thirty-first day of December the lease shall be absolutely forfeited and the lessee and any person claiming under him shall be deemed a trespasser upon Crown land and be liable to be removed therefrom as such
Forfeiture.	(5.) When any land comprised in any such lease shall be proclaimed for sale by auction or as open to selection such proclamation or the offer for sale by auction shall not withdraw the land from the lease but the withdrawal from the lease shall take effect on the actual sale or selection which may be made from time to time pursuant to such proclamation
Time of withdrawal by sale or selection.	(6.) When

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- (6.) When any part of the land is withdrawn from the lease by sale selection or reservation as aforesaid the boundaries of the land so withdrawn except where defined by natural features or the external limits of the lease shall be defined and marked on the ground by survey and notice of such withdrawal having been so made shall be sent by the land agent to the lessee or person in charge of the land on his behalf at the principal place of residence on the land comprised in the lease or in case neither the lessee nor any person in charge of the land can be found such notice of withdrawal shall be published twice in the nearest convenient newspaper. Provided that all notices of reservation for any public purpose shall be issued by the Minister and the substance thereof shall be published in the *Gazette* Notice of withdrawal to be given.
- (7.) Every such notice of withdrawal shall set forth the area of the land resumed and a description thereof Form of notice.
- (8.) Any lessee or his agent may within sixty days after the notice of withdrawal remove from the land comprised therein any part of his improvements in respect of which no pre-emptive right has been exercised under "*The Crown Lands Alienation Act of 1868*" or may within the like time lodge with the land agent for the district a written statement of his claim for compensation for the value of such improvements not so removed accompanied by a schedule of the items of improvement and the value claimed for each but in default of such notice of his claim being given to the land agent within sixty days from the notice of withdrawal the lessee shall be deemed to have abandoned all right to compensation for the value of such improvements. Claims for improvements.
- (9.) When a lessee being entitled so to do shall claim compensation as hereinbefore provided for the value of improvements on land withdrawn from his lease by being selected either by conditional purchase or as a homestead or sold by auction or subsequent selection the selector or purchaser shall within sixty days after notification of such claim to him pay the value of the improvements to the lessee or require that the value be determined by arbitration and such selector or purchaser shall pay the lessee the amount awarded by the arbitrators or umpire within sixty days from the date of the award and in default of such payment he shall forfeit all right to occupy the land and the selection or purchase shall have no effect Time of payment.
- (10.) When any such lessee being so entitled shall claim compensation for the value of improvements situate on land withdrawn from his lease for any public purpose the Minister may within sixty days after receipt of the claim agree to the same or offer a less sum and if the lessee fail to notify his acceptance of such lesser sum within thirty days the Minister shall cause the claim to be determined by arbitration. Provided that if the amount of compensation as agreed to by the Minister and the lessee or determined by arbitration be not paid or tendered to the lessee within six months from the date of the agreement or award the withdrawal shall cease to have any effect Case of claim against the Crown.
- (11.) Any such lease may be transferred on application to the Minister and payment of a transfer fee of twenty-one shillings. Transfer of leases.
- (12.) Upon

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No claim for improvements after term.

(12.) Upon the expiration of the term of the lease the lessee shall have no right or claim to any renewal thereof or to any compensation for the value of improvements on the land. Provided that if the value of any improvements made by any lessee not being improvements in respect of which any right of pre-emption has been exercised or compensation paid shall at any time thereafter be paid by any purchaser or selector such value shall when received be paid over to the lessee by whom the same were made.

Sale at auction of leases of forfeited and vacated runs. 33 Vic. c. 10 s. 27.

5. All runs leased under the foregoing provisions of this Act which may be forfeited or vacated during the currency of the lease thereof may be offered for sale by public auction for the residue of the term of the lease computed from the nearest first day of January or first day of July. The upset price shall be not less than twenty shillings per square mile according to the estimated area and the highest amount bid shall be the annual rent to be paid for the remainder of the term of the lease.

Provisions in case of resumption of the whole of a run in the settled districts.

6. Whenever the whole of the land comprised in any existing lease of any run in the said "Settled Districts" shall have been heretofore or shall be hereafter resumed from lease under the provisions of the tenth section of the said "*Crown Lands Alienation Act of 1868*" the following consequences shall ensue that is to say—

- (1.) The land comprised in the lease and so resumed shall be subject to alienation under the provisions of the laws in force for the time being relating to the alienation of Crown lands and shall be liable to be withdrawn from the lease by such alienation or by reservation for any public purpose
- (2.) All the provisions of the fourth section of this Act relating to the withdrawal of land from the leases therein mentioned shall extend and apply to the land so resumed and the lessees thereof.
- (3.) Except as aforesaid the lease of the run shall be deemed to be still subsisting and unaffected by such resumption.

Lessee to be entitled to six months to remove his stock.

7. At the expiration of any lease by effluxion of time the lessee shall be entitled to remain in possession of the run for the period of six months for the purpose of removing his stock therefrom.

Mode of appraisal or arbitration. 31 Vic. c. 46 s. 102.

8. Whenever it shall become necessary under the provisions of this Act to fix or ascertain any price value or sum of money by arbitration the Minister and the claimant in matters concerning the rights of the Crown and each of the respective parties interested in any other case may concur in the appointment of a single appraiser or arbitrator as the case may require and failing such concurrence it shall be lawful for either party of his own accord or at the request of the other to appoint an appraiser or arbitrator as the case may require and upon such appointment to give notice thereof to the other party or parties. And if the other party or parties or any of them shall not within thirty days after such notice appoint an appraiser or arbitrator the appraiser or arbitrator first appointed together with such other appraisers or arbitrators (if any) as shall have been duly appointed within that time shall have power to determine the matter alone. And in any of the cases aforesaid the matter in question shall be inquired into and determined by such single appraiser or arbitrator or such appraisers or arbitrators or their umpire.

9. This Act shall be styled and may be cited as "*The Settled Districts Pastoral Leases Act of 1876.*"