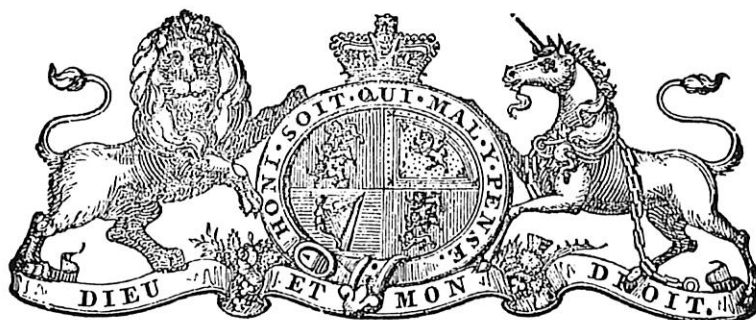


VICTORIA.



ANNO QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. DCCLXVI.

An Act to regulate the Pastoral Occupation of the
Mallee Country in the North-Western District
of Victoria. [12th October 1883.]

BE it enacted by the Queen's Most Excellent Majesty by and with
the advice and consent of the Legislative Council and the
Legislative Assembly of Victoria in this present Parliament assembled
and by the authority of the same as follows (that is to say) :—

1. This Act may for all purposes be cited as "*The Mallee Pastoral Leases Act 1883.*" It shall commence and come into operation on the
first day of December One thousand eight hundred and eighty-three.

Short title.

INTERPRETATION OF TERMS.

2. In this Act—

Interpretation.

"Board" shall mean the Board of Land and Works:

"Cattle" shall mean horses geldings mares bulls bullocks
cows steers and heifers, also foals and calves over six
months old:

"Lessee" shall mean as well the lessee of any land leased
pursuant to this Act as the executor administrator assignee
or personal representative of such lessee:

"Minister"

*Published as a Supplement to the 'Victoria Government Gazette' of Friday,
12th October 1883.*

"Minister" shall mean the Responsible Minister of the Crown administering this Act:

"Owner" shall include every person having an estate of freehold in possession and every person in occupation of land held by him under a title derived from such person as aforesaid:

"Sheep" shall mean rams wethers and ewes and also lambs after the thirty-first day of the month of December in the year in which such lambs are born:

"Vermin" shall include kangaroos wallabies and other marsupials dingoes or native dogs dogs run wild dogs at large rabbits and any other animal or any bird which the Governor in Council may by proclamation in the *Government Gazette* declare to be vermin for the purposes of this Act.

Mallee Country.

First Schedule.

3. The lands not alienated from the Crown and situated in the North-Western district of Victoria within the boundaries set forth in the First Schedule hereto comprising in all some Ten millions of acres wholly or partially covered with the mallee plant and known as the Mallee Country shall be divided into blocks as hereinafter provided.

Division into blocks.

4. A plan shall be prepared of the mallee country, and on such plan there shall be projected boundary lines showing the division of such Mallee Country into blocks varying in size, and such blocks are hereinafter designated as "mallee blocks," and each block shall be divided into two parts marked respectively on the said plan A and B. A lease for one of such parts of each mallee block may be granted and the lessee thereof shall occupy as hereinafter provided the other of such parts of such mallee block. The Governor in Council may before issuing a lease for a part of any such mallee block alter vary extend or adjust such boundary lines in any way that he may think fit.

Term of lease.

5. The Governor in Council may grant a lease for pastoral purposes of one part of each mallee block to the person who in manner hereinafter provided takes up or purchases the right to a lease in respect of such mallee block for any term of years, provided that the term for which any land is so leased shall expire not later than twenty years after the commencement of this Act, and at the expiration of such term the land so leased and all improvements thereon shall revert absolutely to Her Majesty her heirs and successors.

Existing occupiers may take up mallee block.

6. Every person who at the time of the commencement of this Act is in the occupation of any land forming part of the Mallee Country as a run or runs for pastoral purposes or under a grazing right or rights and has occupied such land for the two years next preceding the commencement of this Act shall within one month after such commencement be entitled to take up on application to the Board one mallee block, which shall include in part or in whole one or more of such runs or grazing rights so occupied by him subject to the provisions herein contained.

7. The

7. The right to a lease in respect of any mallee block not applied for and taken up as aforesaid shall be offered for sale by auction, and notice of such auction shall be given in the same manner in all respects as notice with regard to Crown land to be sold by auction in fee simple is given under any law for the time being in force.

Right to lease to be sold by auction.

8. The person who bids the highest sum by way of premium for the right to a lease in respect of any mallee block offered for sale by auction as aforesaid shall be entitled to receive a lease in respect of the same, provided he pay such premium at the time of such auction, and in default of such payment the right to lease shall be forthwith again put up to auction.

Highest bidder to be entitled to lease.
No. 360 s. 67.

9. If there be no bidder at such auction, the right to a lease in respect of such mallee block shall after public notice be granted to the first person who after such notice lodges an application for the same. If two or more applications be lodged on any one day before the hour of two of the clock in the afternoon in respect of the same mallee block, the right to a lease in respect of such mallee block will be put up to limited auction between such applicants. The person who then offers the highest amount of premium and thereupon pays the same shall be declared entitled to the lease.

If no bidder, area to be open for selection by first applicant.
Ib. s. 70.

10. If there be no bidder at such auction and if after public notice no person lodges an application for a lease in respect of any mallee block within one month after the giving of such notice of auction as herein provided, the Governor in Council may subdivide any such mallee block or add thereto any other unsold portion or portions of the Mallee Country anything in this Act to the contrary notwithstanding, and in that case the right to a lease in respect of such mallee block altered as aforesaid shall be again submitted to public auction in the manner provided in this Act.

If no bidder, size of block may be altered and right to lease again offered.

11. Any person taking up a mallee block as aforesaid may within three months thereafter elect of which of the parts of such mallee block he will take a lease, and any person purchasing the right to a lease in respect of a mallee block at auction may within three months thereafter elect of which of the parts of such mallee block he will take a lease; but in both of such cases the lessee shall occupy as herein provided the other of the parts of such mallee block.

Lessee may elect which part of mallee block he will lease.

12. It shall be a condition in granting such lease as aforesaid that the lessee thereof shall occupy in connexion with the part of the mallee block demised by such lease for a period of five years then next ensuing from the date of such lease the other part of such mallee block as shown on the plan aforesaid upon the terms covenants and conditions herein-after provided. A lessee occupying such other part as aforesaid shall be in respect thereof an "occupier" under this Act.

Lessee to occupy other part of mallee block.

MALLEE

MALLEE BORDER.

Mallee border.

Second Schedule.

13. The lands not alienated from the Crown and forming the Southern and Eastern border of the country known as the Mallee Country, and described in the Second Schedule, shall be divided into allotments as hereinafter provided. Provided that any mallee block comprised within the boundaries set forth in the First Schedule hereto may, if the Governor in Council think fit, be added to the lands described in the said Second Schedule, and may be subdivided into mallee allotments, but only upon the condition that applications shall have been previously made to the Minister by persons willing to take up the whole of such mallee block when subdivided into mallee allotments.

Division into allotments.

14. A plan shall be prepared of the portion of the Mallee Border described in the Second Schedule hereto, and on such plan there shall be projected boundary lines showing the division of such portion of the Mallee Border into allotments varying in size, but not exceeding in gross area twenty thousand acres, and such allotments are hereinafter designated "mallee allotments." The Governor in Council may before issuing a lease for any such mallee allotment alter vary extend or adjust such boundary lines in any way that he may think fit.

Leases of allotments.

15. The Governor in Council may grant a lease of any mallee allotment to any person not being the lessee of a mallee block who in accordance with regulations in that behalf makes application for the same and pays half a year's rent in advance in respect of the allotment a lease of which is so applied for. Leases of mallee allotments may be granted for any term of years provided that the term thereof shall expire not later than twenty years after the commencement of this Act, and all improvements upon the land so leased shall at the expiration of the term of the lease revert absolutely to Her Majesty her heirs and successors. Save as hereinafter provided no person shall take a lease of more than one mallee allotment.

Existing occupiers each entitled to a lease of one mallee allotment.

16. Every person who at the time of the commencement of this Act is in the occupation of any land forming part of any mallee allotment or allotments as a run or runs for pastoral purposes or under a grazing right or rights shall on application to the Board within one month after the commencement of this Act be entitled to a lease of one mallee allotment including in part or in whole one or more of such runs or grazing rights so occupied by him.

Lands in Second Schedule remaining unoccupied may be dealt with as lands in First Schedule.

17. If any of the lands forming a portion of the lands described in the Second Schedule hereto have not at the expiration of six months from the commencement of this Act been leased to any person under the provisions herein contained, then such land may be dealt with in all respects as if it formed a portion of the lands situated within the boundaries set forth in the First Schedule hereto.

If no lessee or occupier, Board to be deemed for purposes of destruction of vermin to be the lessee or occupier.

18. If there be no lessee or occupier of either of the parts of any mallee block or no lessee of any mallee allotment, the Board shall for the purpose of the destruction of "vermin" as hereinafter provided be deemed to be the lessee or occupier thereof, and shall pay in respect of each

each square mile of land contained in every such part of such mallee block or in such mallee allotment the annual rate or assessment payable in respect thereof. Such annual rate or assessment shall be paid out of the consolidated revenue to the Local Committee of the "vermin" district (to be constituted as is in this Act provided) in which such part is situated so long as there is no lessee or occupier of such part of such mallee block or lessee of such mallee allotment and so long as such part or such mallee allotment continues to form portion of a "vermin" district.

MALLEE PASTORAL LEASES.

19. The annual rent to be reserved in every lease of a part of a mallee block demised under the provisions of this Act shall be computed at the rate of Twopence per head on the average number of sheep and One shilling per head on the average number of cattle actually depasturing on the land thereby demised for the first five years of such demise, and at the rate of Fourpence per head on such sheep and Two shillings per head on such cattle for the second five years of such demise, and at the rate of Sixpence per head on such sheep and Three shillings per head on such cattle for the remainder of the term of such demise.

Reserved rent when mallee block is taken up by existing pastoral tenant.

20. The annual rent payable in respect of the part of a mallee block occupied in connexion with any demised part of a mallee block shall be computed at the rate of Two pence per head on the average number of sheep and One shilling per head on the average number of cattle actually depasturing on the land occupied as aforesaid. The lessee of any demised land shall in filling up the Sheep and Cattle Rent Return as hereinafter directed include therein the sheep and cattle depasturing on such demised land and also on such land occupied in connexion therewith ; but in no case shall such yearly rent be less than the sum of Two shillings and sixpence for each square mile or fractional part of a square mile of the land included in both such parts of a mallee block.

Reserved rent of occupied block.

21. Every lease of a part of a mallee block shall be dated the first day of January or the first day of July in any year, and shall contain the following covenants (that is to say):—

Covenants &c. of lease.

- (1.) A covenant for the payment of the annual rent reserved in moieties :
- (2.) A covenant that the lessee will not cultivate assign sublet or subdivide any land demised by such lease or any portion thereof without the consent of the Board signified in writing :
- (3.) A covenant that the lessee will at once commence to destroy and will within three years after the granting of the lease have destroyed to the satisfaction of the Board the vermin upon such land, and that he will keep the same free of vermin to the satisfaction of the Board during the currency of his lease :
- (4.) A covenant that the lessee will at once commence to destroy and will within three years after the granting of the lease aforesaid have destroyed to the satisfaction of the Board

Board the vermin upon the part of the mallee block occupied by him as aforesaid in connexion with his lease of the other part of such mallee block, and that he will for a period of five years from the date of such demise keep the same free of vermin to the satisfaction of the Board :

- (5.) A covenant that the lessee will at the expiration of the term of five years surrender the part of the mallee block occupied by him as aforesaid in connexion with his lease of the other part of such mallee block and give peaceable and quiet possession thereof to Her Majesty her heirs and successors :
- (6.) A covenant that the lessee will keep in good condition and repair during the continuance of the term of the lease all houses fences wells reservoirs tanks dams and all improvements of a permanent character situated on such demised land whether made erected or constructed by such lessee or not, reasonable wear and tear and damage by fire storm and tempest alone excepted, and that the lessee will not remove fill up or render useless or cause to be removed filled up or rendered useless any of the same without first obtaining the permission of the Board signified in writing :
- (7.) A condition that the lease shall be voidable at the will of the Governor in Council in the event of any breach of or non-compliance with the covenants thereof by the lessee :
- (8.) A condition reserving to Her Majesty her heirs and successors a right to resume possession at any time of any of the land comprised in the lease other than the site of the homestead and improvements connected therewith erected by the lessee, which shall in no case exceed an area of six hundred and forty acres, which may in the opinion of the Governor in Council be required for the purposes of water supply irrigation works races dams and ditches or timber reserves or for public railways roads canals or other internal communication through such lands or for mining purposes or for any of the purposes set forth in sections forty-five and forty-seven of "*The Land Act 1869*" except that mentioned in subdivision seven of the said section forty-seven, and upon such resumption as aforesaid such lands shall be deemed to be Crown lands not under lease or licence within the meaning of the said section :
- (9.) A condition reserving to the Governor in Council the power to grant in the manner and on the conditions prescribed in Part III. of "*The Land Act 1869*" licences to any person to enter upon any of the land comprised in the lease and search for cut dig and take away any live or dead timber mineral gravel salt guano sand resin stone or lime-stone loam brick or other earth or to occupy the site of fishermen's residences drying grounds fellmongering establishments slaughter-houses brick or lime kilns or to erect pumps or collect ballast :
- (10.) A

- (10.) A condition that Her Majesty her heirs and successors may at any time in accordance with regulations in that behalf to be made by the Governor in Council under the authority of this Act resume for mining purposes and re-enter upon any lands forming part of the lands leased upon payment for his improvements on the lands so resumed to the lessee the full value of all houses fences wells reservoirs tanks dams and all improvements of a permanent character made erected or constructed by such lessee. Nothing contained in any of these covenants or in this Act shall be construed to give a better tenure to the lessees in regard to the right of miners to enter upon such leased land in search of gold than is now possessed by the present pastoral tenants under Act No. 360.
- (11.) A condition reserving to each and every other lessee the right of ingress egress and regress to and from his block or allotment through from and to any public road or track, subject to regulations to be made by the Governor in Council:
- (12.) A condition that the Board or any person appointed in that behalf by the Board may at any time enter upon the land demised to ascertain if the conditions and covenants of the lease are being performed by the lessee:
- (13.) A condition reserving to Her Majesty her heirs and successors a right to resume after having given three years' notice in the *Government Gazette* possession of any land demised by such lease upon payment to the lessee for his interest in such lease together with the value of houses fences wells reservoirs tanks dams and all improvements of a permanent character made erected or constructed by the lessee during the currency of his lease. Provided that the sum paid in respect of such improvements by the Board shall not exceed the sum expended thereon by such lessee, and that such sum shall be determined in accordance with regulations in that behalf made by the Governor in Council, and that the compensation to be paid to the lessee in respect of his interest in the lease shall be determined in manner provided by "*The Lands Compensation Statute 1869*" or any Act amending the same.

22. Any part of a mallee block occupied by the person who holds a lease of the other part of such mallee block for a term of five years under the provisions of this Act shall be held subject to the terms and conditions in respect of such first-mentioned part as those expressed in the lease of such other part.

Terms and conditions of occupation of mallee block for five years.

23. Every lease of a mallee allotment shall be dated the first day of January or the first day of July in any year, and the rent to be reserved thereby shall be determined by regulations to be made by the Governor in Council. Every such lease shall contain covenants to the same effect as

Covenants of lease of mallee allotment.

as those which it is by this Act provided that the lease of a mallee block shall contain with the exception of such covenants as relate to the part of a mallee block occupied in connexion with the lease of the other part of such mallee block.

Occupiers to be compensated for improvements.

24. If any occupier with the consent of the Board signified in writing erect on the part of any mallee block occupied by him any houses fences wells reservoirs tanks dams or other improvements of a permanent character, he shall on the resumption under the authority of this Act of any portion of such part of a mallee block or at the expiration of the term for which he occupies such part of a mallee block be entitled to demand and receive from the Board the full value of such improvements of a permanent character erected during the term of his occupation on such part of a mallee block or on such portion thereof as the case may be. Provided that the sum paid in respect of such improvements by the Board shall not exceed the sum expended thereon by such occupier, and that such sum shall be determined in accordance with regulations in that behalf made by the Governor in Council.

Alienated lands in Mallee Country may be resumed by Board.

25. All lands included within the boundary of any mallee block or of any mallee allotment and of which the fee-simple is vested in persons other than Her Majesty may at any time be entered upon resumed and taken possession of by the Board on behalf of Her Majesty whenever any money has been appropriated by Parliament for that purpose, and the compensation therefor shall be determined in manner provided by "*The Lands Compensation Statute 1869*" or any Act amending the same, and upon such resumption shall be deemed to form part of the Mallee Country as though the fee-simple thereof had always remained in Her Majesty.

Alienation of demised lands forbidden.

26. No lands forming part of the Mallee Country and demised under the provisions of this Act shall be alienated in fee simple, and every conveyance and alienation thereof shall be absolutely void as well against Her Majesty as all other persons whomsoever.

Alienation of occupied lands forbidden.

27. No lands forming part of the Mallee Country and occupied in connexion with any demised land for a term of five years under the provisions of this Act shall be alienated in fee simple, and every conveyance and alienation thereof shall be absolutely void as well against Her Majesty as all other persons whomsoever.

Alienation of lands resumed forbidden.

28. No lands resumed by the Board on behalf of Her Majesty under the provisions of this Act shall be alienated in fee simple, and every conveyance and alienation thereof shall be absolutely void as well against Her Majesty as all other persons whomsoever.

Parts of mallee blocks re-vested in Crown before twenty years from commencement of Act to be again leased.

29. The part of a mallee block occupied in connexion with any land demised hereunder and surrendered in pursuance of the provisions of this Act either before or at the end of five years from the date of such demise, and also any part of a mallee block demised and also of any mallee

mallee allotment demised which may have been revested in Her Majesty her heirs or successors for breach of the covenants and conditions of such demise, shall be dealt with by the Board as Parliament directs, and in default of such direction may be leased as mallee blocks or mallee allotments by the Governor in Council for any term of years for pastoral purposes, provided that the term for which any such land is so demised shall expire not later than twenty years after the commencement of this Act. Such lease shall contain covenants and conditions similar in effect to those which it is herein provided that leases issued under the authority of this Act are to contain which are applicable thereto, and also a covenant on the part of the lessee to keep in good condition and repair houses fences wells reservoirs tanks dams and all improvements of a permanent character situated on such demised land reasonable wear and tear and damage by fire storm and tempest only excepted. Before any of such parts of a mallee block unless divided into mallee allotments are demised under the powers in this section contained, the right to a lease thereof shall be offered for sale by auction, and notice of such auction shall be given in the same manner in all respects as notice with regard to Crown land to be sold by auction in fee simple is given under any law for the time being in force.

30. When any land comprised in any lease under this Act is resumed by Her Majesty her heirs and successors, the Board shall for the purpose of the destruction of vermin be deemed to be the lessee thereof and shall contribute therefor as is hereinbefore provided; and if such land be thereafter demised to or occupied by any other person, such other person shall be deemed to be the lessee thereof for the purpose of the destruction of vermin.

In case of land resumed, Board to be deemed for purposes of destruction of vermin to be the occupier.

31. For the purpose of ascertaining the average number of sheep and cattle actually depasturing in each and every year on any part of any mallee block, the lessee occupier overseer or other person in charge of such part of a mallee block shall on or before the twenty-first day of June and twenty-first day of December in each and every year during the currency of the lease or the currency of the term of occupation thereof as the case may be fill up and deliver at or forward by post to the office of the Board in Melbourne a return hereinafter termed a "Sheep and Cattle Rent Return" in the form and in compliance with the directions in the Third Schedule hereto contained; and the rent payable in respect of such land for the half-years ending on the thirtieth day of June and the thirty-first day of December respectively shall be calculated on the average number of sheep and cattle which with the consent of such lessee occupier overseer or other person as aforesaid were on the dates on that behalf mentioned in the said Schedule actually upon or depasturing on such part of such mallee block.

Return of sheep and cattle for purpose of computing rent.

Third Schedule.

32. Every lessee occupier overseer or other person as aforesaid shall on or before the twenty-first day of June and the twenty-first day of December in each year fill up and forward in the like manner as is prescribed

Lessees to make statement of their own travelling stock.

Fourth Schedule.

prescribed for the returns hereinbefore required to be forwarded a return (hereinafter termed a "Travelling Stock Return") in the form in the Fourth Schedule hereto of all sheep and cattle the property of such lessee which within the six months next preceding the date of such return have been travelling over any Crown lands whether held under lease or not (except such lands as are leased to the said lessee or in the occupation of the said occupier) giving the brands or other marks of such sheep or cattle and the name of the person in charge thereof, and such return shall also state where to the best of the knowledge of such lessee overseer or other person such sheep or cattle actually were on the first day of the months of February April and June or August October and December as the case may be next preceding the date of such return.

Lessee to have compensation for certain improvements.

S. A. Act 40 & 41
Vict. No. 86 s. 77.

33. Upon the resumption in pursuance of the conditions in a lease of a part of a mallee block or any portion thereof or of any mallee allotment or any portion thereof comprised in such lease, or upon the termination of the period of such lease, the lessee thereof shall be paid out of the consolidated revenue within six months from such resumption the value of all wells reservoirs tanks or dams of a permanent character situate on such land and constructed by such lessee or any person under whom he claims during the currency of the lease if available for the use of sheep or cattle so as to increase the carrying capability of such block or allotment, and such value shall be determined in accordance with regulations and the same shall be paid to the lessee as aforesaid.

Fences or other improvements.**Board to reimburse lessee improvements effected within five years of termination of lease.**

34. If any of the land included in any lease under this Act be resumed under the power in that behalf in this Act contained at any time during the first half of the term granted by such lease or at the termination of the said first half of the term, the full value of all substantial buildings and fences made upon such land by the lessee during the currency of his lease shall be paid to the lessee out of the consolidated revenue; if any such land be so resumed during the third quarter of the term of years granted by any such lease, one-half of the value shall be paid to the lessee; and if such land be so resumed during the last quarter of the term, one-fourth of the value of all such improvements shall be determined in accordance with regulations and paid to the lessee as aforesaid. Provided that if the lessee of a part of a mallee block or of a mallee allotment have during the last five years of his lease effected with the previous consent of the Board signified in writing any improvements therein, such lessee shall be entitled to be reimbursed by the Board to the extent of the full value of such improvements within six months after the termination of such lease.

One return for contiguous lands.

35. In cases where parts of contiguous mallee blocks included in more leases than one are occupied or used together as one run, the returns by this Act prescribed may be made in the same manner as

as if the whole of such parts of a mallee block were included in one lease.

36. Every return under the provisions of this Act shall be signed by a lessee occupier overseer or other person making the same and shall be certified by him to be correct in all particulars ; and if any such lessee occupier overseer or other person wilfully make sign deliver or forward any false return or make or practice any fraudulent contrivance or device whatever with intent thereby to conceal or misrepresent the number of sheep or cattle actually upon or depasturing on any part of a mallee block, such lessee occupier overseer or other person so offending shall on conviction for every such offence be liable to a fine of not less than Fifty pounds nor more than Two hundred pounds, or in default of payment to imprisonment for a period of not less than six months nor more than two years ; and the lease or right of occupation of any land in respect of which such false return is made shall be voidable at the will of the Governor in Council. It shall be lawful for the Board by any person acting under its authority to enter upon any Crown lands whether leased or not and count the sheep and cattle which should under the provisions of this Act be included in any return as aforesaid, and for such purpose it shall be lawful for the Board in manner aforesaid to place such sheep or cattle in yards or paddocks for the purpose of counting the same with greater facility.

Penalty for false return.

37. Every transfer of a lease and right of occupation of a mallee block shall on application if approved by the Governor in Council be registered at the office of the Board, and until such registration has been made the transfer shall have no effect or operation, and no interest either at law or in equity shall be transferred thereby.

Transfer of leases to be registered.

38. If the rent reserved in respect of any part of a mallee block or of a mallee allotment under the authority of this Act or any part of such rent remain unpaid for thirty days after any of the days on which the same should have been paid (although no formal demand be made thereof) or in case of the breach or non-performance on the part of the lessee or occupier of any of the covenants and agreements under which such part of a mallee block or such mallee allotment is held, then in either of such cases it shall be lawful for the Crown at any time thereafter into and upon such mallee block or such mallee allotment or any part thereof in the name of the whole to re-enter and the same to have again re-possess and enjoy as of its former estate anything herein contained to the contrary notwithstanding.

Effect and evidence of forfeiture.

39. The rent of any mallee block or mallee allotment may be recovered in like manner as any other rent is or may hereafter by any law for the time being in force be recoverable, and in case the same be levied by distress an order of the Board shall be sufficient warrant and authority to distrain, any law or enactment to the contrary notwithstanding.

How rent is recoverable.
No. 145 s. 115 ; No. 360 s. 82.
Covenants.

40. The

Occupier.
No. 479.

40. The word "occupier" in "*The Fences Statute 1874*" shall mean and include the lessee or occupier of a part of a mallee block and the lessee of a mallee allotment, or in case there be no lessee or occupier of any part of a mallee block or lessee of a mallee allotment at the time of the erection of a dividing fence by the occupier of adjoining land, then the word "occupier" shall include the first person who thereafter becomes lessee or occupier of such part of a mallee block or lessee of such mallee allotment. Provided that the fences specified in sub-sections four to ten (both inclusive) of section four of the said Act shall not be erected on any land within the boundaries set forth in the First and Second Schedules hereto, and shall not be deemed to be a sufficient or a substantial fence within the meaning of the said Act and of this Act.

SURVEY OF BOUNDARIES.

Minister may direct
boundaries of
survey blocks at
charge of lessee
or occupier.

41. In any case where it may seem advisable to the Minister that the boundaries or any portion of the boundaries of any part of a mallee block or group of mallee blocks or mallee allotment or group of mallee allotments should be determined by actual survey, he may direct such survey to be made, and in consideration of the expense of such survey may charge to the lessee or occupier thereof as the case may be the full or proportionate cost of such survey, and the sum so charged shall be added to and taken to form a part of the rent payable in respect of such lease or leases on the thirtieth day of June or thirty-first day of December next following the completion of such survey, and may be recovered in the same manner as such rent is recoverable.

Provided that the amount so charged shall not be calculated at a rate higher than Two pounds per mile of boundary line actually surveyed.

Exemption of fenced
blocks or allot-
ments.

42. The Governor in Council may from time to time exempt any mallee block or mallee allotment enclosed with a substantial fence or any part of such block or allotment so enclosed from the operation of section one hundred and three of "*The Land Act 1869*" and may vary or revoke such exemption.

VERMIN DISTRICTS.

Exemption from sec-
tion 103 No. 360.

43. The Governor by proclamation to be published in the *Government Gazette* may from time to time declare any lands situate within the Mallee Country or the Mallee Border to be "vermin districts" for the purposes of this Act and fix the boundaries thereof, and may from time to time in like manner cause any lands to cease to be vermin districts or may vary the boundaries thereof.

Governor may pro-
claim districts.

44. The owners lessees and occupiers of the lands within any vermin district shall in manner prescribed in regulations to be made in that behalf by the Governor in Council upon the proclamation of any such district and annually in every year thereafter elect five persons to be a Local Committee for the destruction of vermin of such district, and such persons shall hold office for one year from the date of their first appointment, and three of such persons shall form a quorum.

No

No person shall be elected a member of the Local Committee for any vermin district unless he own within such district at least one thousand sheep or two hundred and fifty head of cattle or be an overseer or superintendent of at least five thousand sheep or one thousand head of cattle within such district or be a lessee of any mallee allotment paying a rent of not less than Ten pounds per annum.

The owners lessees and occupiers of lands within any vermin district within such district shall be entitled to vote personally or by proxy at the election of members of the Local Committee in accordance with the scale contained in the Fifth Schedule hereto.

Fifth Schedule.
Casual vacancies.

If any casual vacancy occur in the Local Committee by the death resignation or removal of any member, the Governor in Council may appoint a member in the place of the member so dying resigning or removed, and the member so appointed shall continue to be a member of the Local Committee for the same period as the member so dying resigning or removed would have done.

If the owners lessees and occupiers of land within any vermin district fail to exercise their right to elect members of the Local Committee within six weeks after a notice has been published in the *Government Gazette* by the Minister calling upon such owners lessees and occupiers to exercise their right of election, the Governor in Council may appoint members of the Local Committee, who shall hold office for the same period and have the same rights and duties as if they had been elected by such owners lessees and occupiers.

Governor may
appoint Local
Committee.

If any member of the Local Committee ceases to own the number of sheep or cattle necessary to qualify him to be a member of the Local Committee or ceases to be a lessee at a rental of not less than Ten pounds per annum of a mallee allotment, the Minister, who for the purposes of this section shall be the sole judge of his qualification, may recommend the Governor in Council to remove such member and he may thereupon be removed.

45. The Local Committee may take any proper and lawful measures to ensure the destruction within its vermin district of all vermin and for that purpose may out of the sums of money raised under this Act pay for such destruction such sums of money by way of scalp-money as may seem fit.

Power of Local
Committee.

46. The Local Committee shall within thirty days from its appointment and thereafter in the month of January in each and every year recommend to the Governor an annual rate or assessment specifying the amount thereof to be paid by the owners lessees or occupiers of land within its vermin district in respect of each square mile of land owned held under lease or occupied under the provisions of this Act and also in respect of the sheep or cattle depasturing thereon.

On appointment of
Local Committee,
assessment to be
made.

Every such rate when made in respect of sheep or cattle shall be payable in respect of and apportioned to the average number of sheep or cattle

cattle actually depasturing on the land owned or held under lease or occupied by any person under the provisions of this Act, such average number to be computed as herein provided.

Payment of assess-
ment.

47. Such rate or assessment on being proclaimed by the Governor in Council in the *Government Gazette* shall be the rate payable by the owners lessees and occupiers of land within the vermin district for the current year for the purposes of this Act, and shall be paid to the Minister at the same time as the rent payable by such lessees and occupiers, but payment of such rate or assessment shall not be deemed to relieve such lessees or occupiers from any obligation imposed upon them by this Act or under the authority thereof to destroy vermin upon the land leased or occupied by them, and to keep the same free from vermin.

The Minister on receipt of the rate payable by any owner lessee or occupier shall remit the same to the Local Committee of the proper district, to be by them expended for the purposes of this Act.

The Local Committee may by any person authorized by them on that behalf if any owner lessee or occupier fail or neglect to pay such rate or assessment to the Minister by notice published in the *Government Gazette* call upon every such owner lessee or occupier to pay the sum due under any such rate or assessment on or before a day to be named in such notice ; and if any such owner lessee or occupier make default in complying with the requirements of any such notice, the Local Committee may recover all moneys due in respect of any such rate or assessment by distress of the sheep cattle goods and chattels of the owner lessee or occupier making default or in the discretion of the Local Committee in a summary manner.

In default of lessee,
Local Committee
may destroy vermin.

48. If any owner lessee or occupier of any land within any vermin district after receipt by him of a notice from the Local Committee calling upon him to destroy all vermin upon the land occupied by him fail to destroy such vermin within the space of thirty days from the receipt of such notice or within such further time as the Local Committee may appoint in such notice, the Local Committee or any person by them in that behalf authorized may enter upon his land and use such means as may seem expedient to take and destroy vermin and remove the carcasses or any portion thereof, and for that purpose may stop up any burrows or holes, and after forty-eight hours' notice to the owners lessees and occupiers and adjoining owners lessees and occupiers if any may burn or destroy any brushwood or fences on such land which may be found to harbour vermin. Provided that proper precaution be taken to protect the said owners lessees and occupiers from unnecessary damage or loss from any such burning or destruction.

Local Committee
may recover
expenses.

49. The costs and expenses incurred by the Local Committee or by any authorized person under the provisions of the last section shall be paid by the owner lessee or occupier to the Local Committee ; and if not so paid within fourteen days after a demand has been made by the

Local

Local Committee under the hand of any member thereof, may be recovered in a summary manner on behalf of the Local Committee by any person authorized by them in that behalf.

50. If any Local Committee neglect to carry out the provisions of this Act and to take proper measures to ensure the destruction of vermin within its district, the respective Local Committees of two or more adjoining vermin districts may require such defaulting Local Committee to proceed within thirty days after the publication of a notice in the *Government Gazette* addressed to such Local Committee to take the proper measures under this Act to ensure the destruction of such vermin within its district. And if within three months after the publication of such notice such defaulting Local Committee do not proceed to carry out the requirements of such notice, then the Local Committees of such adjoining districts may present a petition to the Governor in Council setting out the facts and praying the Governor in Council to annex such defaulting district to the districts of the petitioners for the purposes of this Act; and upon receipt of such petition the Governor in Council shall cause the substance and prayer thereof to be published in the *Government Gazette*, and he may on the expiry of thirty days after such publication by proclamation in the *Government Gazette* declare that such defaulting district shall be annexed to the districts of such petitioning Local Committees, and for the purposes of this Act but not otherwise shall form part thereof, whereupon the owners lessees and occupiers of land within such annexed district shall be liable to assessment and to all other the provisions of this Act as if such lands were contained in the districts to which the said district shall be so declared to be annexed.

On neglect of Local Committee, adjoining Local Committee may put Act in force.

51. Any person in that behalf authorized by a Local Committee may enter upon any land within the district of such Local Committee for the purpose of ascertaining if any vermin are thereupon; and no such person shall be deemed a trespasser by reason of such entry or be liable for any damage thereby occasioned unless the same be occasioned by his wilful act or gross negligence. Provided that every such person upon being so required by the owner lessee or occupier of such land shall exhibit his authority, or on default he shall be liable to be dealt with as a trespasser.

Authorized persons may enter upon land to search for vermin &c.

52. The Local Committee of any district may require any person applying for scalp-money in respect of any vermin to make a declaration before a justice of the peace that all the vermin in respect of which he is applying for scalp-money have been destroyed within the district; and every person who in any such declaration wilfully makes a false statement shall be deemed to have committed perjury and shall be punishable accordingly.

Local Committee may require declaration.

53. If any person neglect to make any return or give any information required by any Local Committee or by any person in that behalf authorized

Penalty for not giving information.

authorized by the Local Committee of the vermin district for the purposes of this Act, he shall on conviction be liable for every such offence to a penalty not exceeding Twenty pounds, to be recovered in a summary manner.

General penalty.

54. Every person who commits a breach of any of the provisions of this Act or of any regulation made hereunder for which a penalty is not specially provided shall be liable on conviction for every such offence to a penalty not exceeding Ten pounds, to be recovered in a summary manner.

REGULATIONS.

Power to make regulations &c.

55. The Governor in Council shall in the manner prescribed in section one hundred and ten of "*The Land Act 1869*" have power from time to time to make alter or rescind and publish any rules regulations and orders for the undermentioned purposes (that is to say) :—

- (1.) Prescribing the fee payable on and the conditions and mode of applying for leases under this Act :
- (2.) Prescribing the mode of registering transfers and the notifying or forwarding thereof to the Office of Titles :
- (3.) Prescribing the conditions and mode of applying for and the amount of rent to be reserved by leases of mallee allotments under this Act :
- (4.) Generally for carrying out all matters and things arising under and consistent with this Act :
- (5.) To regulate the election of members of Local Committees under this Act :
- (6.) To regulate the place time and mode of meetings of such Local Committees, the appointment of their officers, and conduct of their proceedings :
- (7.) To determine the duties and manner of exercising the powers by this Act respectively imposed and conferred upon such Local Committees :
- (8.) To provide for the receipt of the moneys payable under this Act for the purpose of the destruction of vermin, and the mode of distribution or expenditure thereof :
- (9.) To regulate the enforcement of rates payable under this Act for the destruction of vermin by distress or otherwise and to determine the persons by whom and the manner in which such enforcement shall be carried out :
- (10.) To regulate the performance by the Minister of the duties of Local Committees within proclaimed districts :
- (11.) Generally for carrying out the provisions of this Act with regard to the destruction of vermin.

Penalties not exceeding Ten pounds may be in such regulations assigned to any breach thereof, and all such penalties may be recovered in a summary manner before any two justices.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

Commencing at a point on the Murray River six chains north from the south-east angle of the Tyntyndyr pre-emptive section and bounded on the east and north by the River Murray to the point where the Chalka Creek runs out of the river, by that creek westward and northward till it re-enters the river; thence again by the river to the point where the Walpolla Creek leaves the river, by that creek westward till it rejoins the river; thence again by the River Murray to the point where the Lindsay River leaves the same, by the Lindsay River till it re-enters the Murray, and by the River Murray to the point where the boundary line between Victoria and South Australia intersects the same; on the west by the said boundary line southward to a point twelve miles south of the parallel of 36° of south latitude; thence on the south by a line due east to the south-west angle of the parish of Pecchember; thence by the western boundary of that parish and of the parish of Dalwedarro and a production of the same northward to the said parallel; thence by that parallel eastward till it intersects the west boundary of the parish of Warmur; thence by the west and north boundary of that parish and the west boundary of the parishes of Wirmbirchip, Towma, and Marlbed northward to the north-west angle of the last-mentioned parish; thence east by the north boundaries of the parishes of Marlbed, Jil Jil, Nullawil, and Kalpienung, to the parish of Tittibong; thence by the west boundary of that parish and of the parish of Lalbert to the north-west angle of the same; thence by the north boundary of that parish, the west and north boundary of the parish of Mumbel to the south-west angle of the parish of Castle Donnington; thence by the western boundary of that parish to the north-west angle thereof; thence by a line to the south-west angle of the Tyntyndyr pre-emptive section and by the south boundary of that section to the south-east angle thereof; and thence by a line north to the point of commencement, and excepting therefrom two blocks of twenty-five square miles each at the junctions of the Murrumbidgee and Darling Rivers respectively; excepting therefrom that portion of country lying between the Murray River and a line which commences at a point on the river three miles sixty chains in a direct line upwards from the junction of the Benance Creek with the river and terminates at a point on the river nine miles forty chains in a direct line downwards from the said junction.

SECOND SCHEDULE

Section 13.

The lands not alienated from the Crown and situated in the North-Western district of Victoria wholly or partially covered with the mallee plant and not specifically included within the boundaries set forth in the First Schedule except such portions thereof as may be specially exempted by the Governor in Council.

THIRD

THIRD SCHEDULE.

RENT RETURN.
A Return of all Sleep and Cattle Depauring on the part or parts of Mallee Block No. , held under lease or occupied by under the provisions of "The Mallee Pastoral Leases Act 1883."

A Return of all Sheep and Cattle Depasturing on the part or parts of Mallee Block No. , held under lease or occupied by under the provisions of "The Mallee Pastoral Leases Act 1888."

Amount of Rent due for the six months ending 31st December, 18 .		£	s.	d.
Average Number of Sheep and Cattle de- pasturing between 1st January, 18 . and 1st July, 18 .	Cattle.			
	Sheep.			
Number of Sheep and Cattle actually de- pasturing on 1st June, 18 .	Cattle.			
	Sheep.			
Number of Sheep and Cattle actually de- pasturing on 1st April, 18 .	Cattle.			
	Sheep.			
Number of Sheep and Cattle actually de- pasturing on 1st February, 18 .	Cattle.			
	Sheep.			

I, A.B. of _____, in the Colony of Victoria, the lessee [or occupier, or overseer or manager for the lessee or occupier as the case may be] of the Crown lands being part of Mallee Block No. _____ do hereby certify and declare that the above return is a true and correct return in all particulars of the total number of sheep and cattle, whether belonging to me [if return made by overseer say whether belonging to the said _____] or to any other person or persons, actually upon or depasturing on such lands on the days above specified [if the declaration is made in reference to the December return add here and also of the number of sheep actually shorn at the shearing last past at all the stations on such land]; and I further declare that I have not nor has any person or persons to the best of my knowledge and belief driven off or caused to be removed from such lands any sheep or cattle with intent thereby to diminish the number of sheep or cattle which should have been included in this statement and return; and I further declare that such lands above referred to are contiguous.

Signed this

18 bv me

A. B.

N.B.—This return is to be filled up by or on behalf of the lessee or occupier on the twenty-first day of June and twenty-first day of December in each and every year, and in it there must be stated the number of all sheep and cattle (whether belonging to the lessee or occupier or not) which at the hour of noon on the first day of February (and on the first day of April, and on the first day of June, or at the hour of noon on the first day of July, or the first day of September, and on the first day of December (as the case may be) then last past, were with the consent of the lessee or occupier actually upon or depasturing on the Crown lands being part of the Maltese Block No. and in respect of which this return is made; and in each half-year the dates hereinafter mentioned shall for the half-year in which the same occur be the dates from which the average number of sheep and cattle actually on or depasturing on such lands shall be calculated. It must also be stated in this return whether any sheep have been shorn on such lands or removed therefrom for the purpose of being shorn during the half-year in respect of which the return is made, and also of the total number of sheep so shorn or so removed. If in any half-year there have been no sheep or cattle upon or depasturing on any lands leased or occupied under *The Maltese Pastoral Leases Act 1883*, upon any of the before-mentioned dates, or no sheep shorn or removed for the purpose of being shorn, then a statement to that effect shall be made on this return form.

FOURTH

FOURTH SCHEDULE.

Section 32.

TRAVELLING STOCK RETURN.

A Return of all Sheep and Cattle the property of [name of lessee or occupier] which within the six months next preceeding the first day of 18 have been travelling over any Crown Lands except such lands as are held under lease or occupied by the said [name of lessee or occupier] under the provisions of "The Mallee Pastoral Leases Act 1883."

—	No. of Sheep and Cattle.	Name of Person in Charge.	Marks or Brands.	If travelling, from whence.	If travelling, destination.	Where supposed to be on the first day of		
						Feb.	April.	June.
						August.	October.	Decem.
						<i>As the case may be.</i>		
Sheep ...								
Cattle ...								

I, _____, in the Colony of Victoria, the lessee [or occupier, or overseer or manager for the lessee or occupier as the case may be] of the Crown lands being part _____ of Mallee Block No. _____ in Lease No. _____, do hereby certify and declare that to the best of my knowledge and belief the above is a true and correct return in all particulars of all sheep and cattle, being my property [if return made by overseer say being the property of the said _____], which within six months next preceeding the first day of 18, have been travelling over any of the Crown lands, whether under lease or not, except such lands as are held under lease or occupied under the provisions of "The Mallee Pastoral Leases Act 1883" by me [if return made by overseer say held by the said _____].
Signed this _____ day of 18, by me,

A.B.

Witness—

FIFTH SCHEDULE.

Section 44.

Scale of Votes at the Election of Members of Local Committees.

Every owner and every lessee and occupier of a part of a mallee block within the district shall have—

For every 1,000 sheep or 250 head of cattle within the district	...	1 vote
For every 10,000 sheep or 2,500 head of cattle within the district	...	2 votes
For every 30,000 sheep or 7,500 head of cattle within the district	...	3 votes
For every 60,000 sheep or 15,000 head of cattle within the district	...	4 votes

Every lessee of a mallee allotment within the district paying a rent of not less than ten pounds per annum shall have ... 1 vote

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.