

PASTURES PROTECTION (AMENDMENT) BILL.

SCHEDULE of Amendments referred to in Message of 5th December, 1918.

- Page 3, clause 2, line 38. *Omit "or carried"*
Page 4, clause 2, line 14 *Omit "three" insert "twelve"*
Page 7, clause 4. *After paragraph (iv) insert new paragraph (v)*
Page 13, clause 4, line 19. *After "penalty" insert "on the first conviction"*
Page 13, clause 4, line 20. *At end of line add "and on any subsequent conviction
"not exceeding fifty pounds"*
Page 15, clause 4. *At end of clause add new paragraph (xxxii).*
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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 November, 1918.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 5th December, 1918.*

New South Wales.



ANNO NONO

GEORGI V REGIS.

Act No. , 1918.

An Act to make further provision for the protection of pastures; to provide for the control of certain travelling stock and camping reserves; to make further provision with regard to boundary fences; to provide for the imposition and collection of a rate on travelling stock; to establish a reserves improvement fund; to validate certain payments made by pastures protection boards; to amend the Pastures Protection Act, 1912, the Crown Lands Acts, and certain other Acts; and for purposes consequent thereon or incidental thereto.

Pastures Protection (Amendment).

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. This Act may be cited as the “ Pastures Protection Short title.
(Amendment) Act, 1918,” shall be read with the Pastures
Protection Act, 1912, hereinafter referred to as the
Principal Act, and shall come into force on a date to be
10 proclaimed by the Governor in the Gazette.

2. The following short headings and new sections New short
headings and
sections.
are inserted next after section twenty-six of the
Principal Act :—

Travelling stock reserves and camping reserves.

15 26A. (1) The Minister for Lands may from time to time, by notification published in the Gazette, place
under the control of the board therein specified, for
a period of five years or such extended period as he
may approve, any travelling stock reserve, or
20 camping reserve, or part thereof, except any such
reserve or part thereof within a State forest or
in the Western Division. Such board shall there-
upon have the general management, maintenance,
and control of any reserves or parts thereof so
25 notified :

Provided that where any such reserve or part
thereof is held under a lease other than an annual
lease or occupation license under the Crown Lands
Acts, the management thereof shall not be placed
30 under the board until the lease or the part thereof
relating to such reserve is terminated in pursuance
of any provision of the Crown Lands Acts.

(2) The board shall take proper measures for
the protection of such reserves or parts thereof from
35 trespass and from rabbits and noxious animals, and
for the improvement of such reserves by clearing
scrub, noxious weeds and plants, ringbarking,
suckering, fencing, providing water, and for effect-
ing such other improvements as may be deemed
40 advisable in the interest of travelling stock :

(3)

Pastures Protection (Amendment).

(3) Where the Minister for Lands considers that a board has not taken or is not taking proper measures for the protection or improvement of a travelling stock reserve or camping reserve he may in writing notify such board to that effect; and, if after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

(4) Where any such reserve or part thereof which has been placed under the control of the board is held under annual lease or occupation license, the Minister for Lands may, notwithstanding anything to the contrary in the Crown Lands Acts, cancel such lease or license, as to the part of the land which is to be retained as a reserve, upon giving three months notice to the lessee or licensee, and upon the expiration of that period the lease or license or part thereof as the case may be shall be terminated.

26B. The Minister for Lands may withdraw from any such travelling stock or camping reserve any lands required as sites for towns or villages, or for any public purpose under the Crown Lands Acts. Upon such withdrawal being notified in the Gazette, the board shall be entitled to compensation for any improvements effected by it on such lands, and such compensation shall not in any case exceed the cost of effecting such improvements. If the Minister and the board fail to agree in regard to the amount of compensation, such amount shall be determined by the Local Land Board.

Withdrawal
of lands from
reserves and
compensation
therefor.

Reserves Improvement Fund.

26C. (1) The board shall impose and collect a rate as prescribed on all travelling stock driven or carried along or over travelling stock reserves or camping reserves or roads in the Eastern Division and Central Division as respectively set forth in the Crown Lands Acts. (2)

Rate on
travelling
stock.

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(2) All moneys received in pursuance of Fund.
this section shall form part of a fund to be
called the "Reserves Improvement Fund" for the
district.

5 Such fund shall, after deduction of the cost of
collection of such moneys and the cost of necessary
supervision, be used exclusively in improving the
reserves handed over to the control of the board in
pursuance of section 26A of this Act.

10 26D. A board may, subject to the approval of Grazing
the Minister for Lands, grant permits to graze permits.
over any travelling stock reserve or camping reserve
or part thereof for any periods not exceeding in each
case ~~three~~ twelve months, and any money derived
15 from such permits shall be paid to the reserves
improvement fund, and shall be used as provided in
the preceding section.

3. The following new sections and short headings are New short
inserted next after section fifty-two of the Principal headings and
20 Act:— sections.

Fencing travelling stock and camping reserves.

52A. (1) Where a board considers it necessary for Fencing
the proper protection or improvement of a travelling reserves.
stock reserve or a camping reserve—

25 (a) that a stock-proof boundary fence should Stock-proof
be erected, such board may, by notice in fence.
writing, require the owner of any adjoining
land, within a period to be therein specified,
to erect, and thereafter to maintain, such a
30 fence between such land and the reserve.

If such owner fails to complete the erection
of such a fence within such period, and there-
after to maintain such fence in a state of
good repair, the board may, with the approval
35 of the Minister for Lands, erect or complete
and thereafter so maintain such fence, and
may recover the cost thereof in all such cases
from such owner ;

40 (b) that a fence on any boundary of a camping Rabbit-proof
reserve should be made rabbit-proof, such fence.
board

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board may, by notice in writing, require the owner of the land adjoining such boundary, within a period therein specified, to make such fence rabbit-proof.

5 If any owner fails within the period so specified to comply with any such notice, the board may, with the approval of the Minister for Lands, do any work necessary to make the fence rabbit-proof. The owner
10 and the board shall each pay half of the cost of making such fence rabbit-proof, as well as half of the cost of the maintenance and repair of such fence. If an owner and a
15 board fail to agree in regard to such cost, the amount shall be determined by the local land board upon application by either party.

(2) The provisions of this section shall not apply to the holder of an annual lease, occupation
20 license, or preferential occupation license, or of any lease from the Crown having less than five years to run at the date of the service of the notice.

Roads or watercourses.

52B. The intervention of a road or watercourse Roads or watercourses
25 between two holdings shall not prevent holdings or lands being taken to be adjoining, or prevent a intervening between claim for contribution for erection, netting, or main- holdings.tenance being brought in respect of a fence on either side of such road or watercourse—

- 30 (a) if such fence has been used as a common boundary fence by the owners or occupiers of the holdings on either side thereof; or
(b) if in the opinion of the local land board such
35 fence can be reasonably used as a common boundary fence by the owners or occupiers of the holdings on either side thereof.

Claims for maintenance of fencing.

52c. (1) In any case where a rabbit-proof fence Contribution towards cost of rabbit fences.
is used as a boundary or part of a boundary the
between two holdings, and expense is incurred by

Pastures Protection (Amendment).

the owner or occupier of either of such holdings in the work of maintenance and repair of such fence, the owner or occupier who has incurred such expense may serve the prescribed notice of demand on the owner or occupier of the holding on the other side of such fence, and shall be entitled thereafter to recover from him a contribution towards the cost of such work.

The amount of such contribution shall be assessed by the local land board, and shall be one-half the reasonable cost of the work.

(2) If any boundary fence is not being maintained as an effective rabbit-proof fence, and such maintenance of the fence is necessary, the owner or occupier of the holding on either side of such fence may, for the purpose of the effective maintenance of such fence, by himself or his agents or servants, enter on the land of the adjoining owner or occupier.

(3) This section shall apply only to work effected on fences in respect of which fences no award has been made by a local land board for the original cost of making the same rabbit-proof, and nothing herein contained shall affect the rights to contribution for maintenance otherwise conferred by this Act.

General amendments of the Principal Act.

4. The following amendments are made in the Principal Act :—

- (i) Section four, definitions :—
- (a) In the definition of "brand" insert the word "horn" immediately before the words "or face."
 - (b) Definition of "Minister": Omit the definition.
 - (c) In the definition of "occupier" after "1900" insert "and the council of a municipality or shire."
 - (d) In the definition of "sheep" the word "ear" is inserted after the word "hoof."

Amendments
of Principal
Act.
Sec. 4.

(e)

Pastures Protection (Amendment).

- (e) In the definition of "travelling sheep" or "travelling stock," the words "by land or water" are omitted and the words "by rail or otherwise on land or by water" are inserted in lieu thereof.
- (f) After the definition of "travelling sheep" or "travelling stock" insert the following new definition:—
 "Travelling stock reserve," or "camping reserve," means any travelling stock route, reserve for travelling stock, or camping reserve, notified or dedicated as such either separately or otherwise under the provisions of the Crown Lands Acts.
- (ii) Section six: Omit subsections two and three Sec. 6. and insert the following in lieu thereof:—
 (2) The directors holding office at the commencement of the Pastures Protection (Amendment) Act, 1918, shall continue to hold office until their successors are elected.
 In the month of April, one thousand nine hundred and nineteen, and thereafter every three years, eight directors shall be elected for each district, who shall hold office for a term of three years, but shall be eligible for re-election.
- (iii) Section ten: Omit "two directors or one director" and insert "four directors or two directors" in lieu thereof. Omit "annually" and insert "triennially" in lieu thereof.
- (iv) Section eleven: Omit the proviso. Sec. 11.
- (v) The following new section is inserted after New s. 17A.
 section seventeen:—
 17A. A board shall, with the written consent of the Minister for Lands, have power to appear and be represented by counsel, solicitor, or agent before a local land board in any matter before such local land board relating to the proposed curtailment of a travelling stock or camping reserve, or to an application for the conversion of any lease of land within or partly within any such reserve.

(vi)

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- (vi) Section eighteen: At the end of subsection Sec. 18.
one insert the following new subsection:—
5 (1A) Where an owner or occupier has large
stock and sheep, but by reason of the numbers
is not liable to be assessed in respect thereof,
the board may reckon eight sheep as equal
to one head of large stock, and one head of
large stock as equal to eight sheep for the
purpose of making such owner or occupier
liable for assessment under this Act.
- 10 (vii) Section nineteen: After the words "make any Sec. 19.
such return" insert "or supplying incorrect or
misleading information in any such return."
- 15 (viii) Section twenty-three: At the end of the section Sec. 23.
add "Provided, that the Auditor-General may
authorise a board to write off any such sum
which he is satisfied is irrecoverable."
- (ix) Section twenty-four:— Sec. 24.
20 (a) Subsection one: After the word "rates"
insert "except the rate provided for the
improvement of travelling stock and camping
reserves."
- 25 (b) Subsection two is repealed, and the following Sec. 24(2)
subsection inserted in lieu thereof:— repealed, new
subsection
substituted.
(2) Moneys forming part of such fund may Purposes to
be applied by the board of the district— which funds
may be
applied.
(a) to the payment of any expenses of, or
incidental to, the administration of this
Act by the board, or to the payment of
any costs or expenses incurred in accor-
dance with the provisions of this Act,
and
(b) to clearing scrub, noxious weeds and
plants, ringbarking and suckering,
fencing, providing water on and other-
wise improving travelling stock and
camping reserves, and
(c) any other purpose approved by the
Minister.
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40 (c) Subsection three: After the words "pastures
protection fund" insert "and reserves im-
provement fund." (x)

Pastures Protection (Amendment).

- (x) Section twenty-five is repealed and the following is inserted in lieu thereof :—

Repeal of s. 25,
new section
substituted.

5 25. Any board having in its possession any moneys vested in it under subsection four of section twenty-four of the Act No. 111, 1902, may, with the approval of the Minister, transfer such balance to the Pastures Protection Fund of the district.

Certain
balances to be
transferred to
Pastures Pro-
tection Fund.

- 10 (xi) Section twenty-seven, subsection two : After "municipality" where firstly and secondly occurring insert "or shire."

Sec. 27 (2).

Omit "or held by such municipality" and insert "held by or under the control of such council" in lieu thereof.

- 15 (xii) Section thirty-five : After "forfeited" insert "or surrendered."

Sec. 35.

- (xiii) Section thirty-seven is amended by the addition of the following subsection :—

Sec. 37.

20 (3) Upon the cancellation of any such notification with regard to a barrier fence erected or made rabbit-proof by or at the expense of the Crown, the owner of any land deriving benefit from such fence shall pay to the Minister for Lands the value of so much of such fence as is situated within or is on the boundary of his land.

25 The value of any portion of the fence situated within such land shall be the value thereof to the owner; and the value of any portion on the boundaries of such land shall be the value at the date of the cancellation of such notification.

30 Any such value shall be that agreed upon by the Minister for Lands and the aforesaid owner. If such value cannot be so agreed upon, it shall be determined by the local land board. Payment shall be made as directed by such Minister or the local land board as the case may be.

- 35 (xiv) Section forty-one—

Sec. 41 (3).

40 (a) Subsection two : By omitting the words "except as provided in the next section"; and

(b)

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- (b) Subsection three: At the end of the subsection add "or may cause the continuity of the fence to be broken where it or they is or are satisfied that it should be done in the public interests, and that the effectiveness of the fence will not thereby be endangered.
- 5 (xv) Section forty-two is repealed. Sec. 42. Repeal.
- (xvi) Section forty-six: After the words "the local land board may" insert "upon application in the prescribed manner and payment of the prescribed fee."
- 10 Before the word "dispensation" insert the words "permission or."
- After the words "may be revoked by the" insert "local land."
- 15 (xvii) Section forty-eight: After the words "such notice has been given" insert "and the consent of the local land board has been obtained."
- Omit the words "from the date of such notice" and insert "from the date of such consent" in lieu thereof.
- 20 Omit "such notice" and insert "such consent" in lieu thereof.
- (xviii) Section forty-nine— Sec. 49.
- 25 (a) Subsection three, paragraph (b): After the words "The local land board shall" insert "upon application in the prescribed manner and payment of the prescribed fee."
- Omit the word "at" immediately after the word "contribution" where secondly occurring, and insert in substitution therefor the words "according to the benefit derived and to be derived from the fence, and in no case shall such contribution exceed."
- 30 (b) Subsection four: Omit "and no owner who uses as a boundary a fence which is outside the boundaries of his holding"; omit "or owner."
- 35 (c) The following new subsection is added at the end of the section:—
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(7) Any notice of demand in respect of a fence erected or made rabbit-proof prior to the thirty-first day of December, one thousand nine hundred and eighteen, shall be served within twelve months after that date; and in respect of a fence erected or made rabbit-proof after the aforesaid date, the notice of demand shall be served within twelve months after the completion of the work for which contribution is claimed.

In every case a copy of such notice of demand shall be forwarded by the claimant to the chairman of the local land board within fourteen days after the date of the notice. And, with any application to assess the amount of contribution payable, a copy of such notice of demand shall also be forwarded to the district surveyor for the land board district within which the land is situated or to the commissioners of the Western Land Board when the land is situated within the Western Division.

(xix) Section fifty-eight: At the end of the first paragraph insert: "Provided such roads are not vested in, held by, or under the control of the council of a municipality or shire, in which case the work of destroying the rabbits thereon shall be carried out, in accordance with the requirements of the board, by the council of the municipality or shire concerned."

Omit "fifty pounds" insert "one hundred pounds" in lieu thereof.

(xx) Section sixty-five: After the words "Every board may" insert "and if the Minister so directs shall."

(xxi) Section sixty-six: At the end of the section insert the following:—"Provided that where the scalps of foxes are delivered to the secretary of the board or to any person duly authorised as aforesaid, the scalps, if attached to the skin, may be indelibly marked for identification purposes"

Pastures Protection (Amendment).

purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may subsequently be disposed of as the board may decide."

- 5 (xxii) Section one hundred and five: After the word *Sec. 105.*
"sheep" where first occurring insert "and
large stock."

Subsection one: After the word "sheep"
wherever occurring insert "or large stock."

- 10 Subsection two: After the word "sheep" where
firstly, secondly, and thirdly occurring insert
"or large stock"; after the words "two pence
per one hundred sheep" insert "and twopence
for every ten head of large stock."

- 15 At the end of the subsection insert "Provided
that on the removal by the owner or purchaser
of any sheep or large stock sold or bona fide
offered for sale at a recognised sale-yard a
renewed permit shall not be necessary."

- 20 Subsection three: After the word "sheep"
wherever occurring insert "or large stock."

- (xxiii) Section one hundred and six, subsection one: *Sec. 106.*

- Omit "horses or cattle" where first occurring
and insert "large stock" in lieu thereof; omit
25 "horses or cattle" where secondly occurring
and insert "or large stock" in lieu thereof.

- At the end of the subsection add:—"It
shall be deemed to be a compliance with the
provisions of this section, or section one
30 hundred and five of this Act, or section one
hundred and eighty-four of the Stock Act,
1901, if the drover is supplied with, and pro-
duces when called upon, a travelling statement
issued under this section, or a permit issued
35 under section one hundred and five."

Subsection two: Omit "and", insert "or" in
lieu thereof.

- (xxiv) Section one hundred and seven, subsection one: *Sec. 107.*

- At the end of the subsection add:—"Provided
40 that where there is a travelling stock or camp-
ing reserve leading to the place of destination
mentioned

Pastures Protection (Amendment).

mentioned in the permit or travelling statement, travelling stock shall be taken by such reserve where practicable."

5 Subsection two: Omit "horses or cattle" and insert "large stock" in lieu thereof.

Subsections three, four, and five: After "sheep" wherever occurring insert "or large stock."
 (xxv) Section one hundred and eight: After the Sec. 108.
 words "such intention by" insert "sending
 10 the same by post, telegram, or telephone, or by."
 Omit "horses or cattle" and insert "large stock" in lieu thereof.

(xxvi) Section one hundred and ten, subsection one: Sec. 110.
 After "travelling stock" where first occurring
 15 insert "or working large stock belonging to teamsters, carriers, or travellers."

Subsection three: At the end of the subsection insert "and the owner shall be liable to a penalty on the first conviction not exceeding
 20 twenty pounds, and on any subsequent conviction not exceeding fifty pounds."

(xxvii) Section one hundred and thirty, subsection five: Sec. 130.
 Omit "not exceeding twelve months" and insert "he may determine" in lieu thereof.

25 (xxviii) Section one hundred and thirty-two is repealed Sec. 132.
 and the following section inserted in lieu thereof:—

3 (132. (1) Only one fire-brand, one paint or Brands
 tar "owner's brand," and one owner's ear-mark allotted to
 shall be allotted to each sheepowner for each each owner.
 run held by him, provided that if two or more
 such runs adjoin they shall be deemed one
 run.

15 (2) Sheepowners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.

4 ((3) The proprietor of any brand or ear-mark referred to in subsection one of this section may transfer such brand or ear-mark only

Pastures Protection (Amendment).

only to a subsequent owner or occupier on his own behalf of the run to which such brand or ear-mark has been allotted.

5 The proprietor of any distinctive mark referred to in subsection two which has been duly recorded as hereinafter provided, may transfer such distinctive mark to any person.

10 (4) To give effect to any such transfer the proprietor shall join with the person to whom he transfers in a memorandum of transfer, in the prescribed form, and shall deliver or transmit such memorandum, together with the fee prescribed by Schedule Three hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to the transferee a certificate of the transfer.

15 (5) If such proprietor disposes of or abandons any run owned or occupied by him, and does not make such transfer, the inspector for the district shall cancel the allotment of such brand, ear-mark, or distinctive mark, and notify the Chief Inspector of such cancellation.

20 The brand, ear-mark, and distinctive mark shall on such cancellation become available for reallocation.

25 (6) If such proprietor dies without having made such transfer, the property in such brand, ear-mark, and distinctive mark shall vest in his legal personal representatives for a period of six months after such death. Before the said period elapses such representatives shall, in writing, notify the inspector for the district whether or not they desire to retain the brands and marks, and if they do so desire on whose behalf the retention is to be made. They shall, if they notify that they desire the brands and marks to be retained, forward to the inspector with such notification the prescribed particulars, together with the fee for recording and publishing such brands and marks, according to the scale given in the Third Schedule hereto.

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Any

Pastures Protection (Amendment).

Any brand or mark for the recording of which they do not so remit the scheduled fee shall be available for reallotment.

5 (xxix) Section one hundred and thirty-seven is repealed. Sec. 137.

(xxx) Section one hundred and forty, subsection (1) Sec. 140.
(d) : Omit "without his authority."

The following new subsection is added after subsection two :—

10 (3) Any person having in his possession sheep with such misbranding, defacing, altering, cutting, or marking, who fails within the time specified in the preceding section to give notice thereof to the inspector for the district, or to the
15 officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

(xxxi) Section one hundred and forty-one, paragraph Sec. 141.
(g) : After "protection" insert "improvement."

20 (xxxii) Section one hundred and seventy-seven: At Sec. 177.
the end of the section add :—

"If either House of Parliament within fifteen sitting days after such regulations have been laid before it, passes a resolution dis-
25 allowing any regulation, such regulation shall thereupon cease to have effect."

Validation.

5. All payments made before the passing of this Act Validation of
by any pastures protection board to any patriotic fund certain
30 in connection with the present war are hereby validated. payments.

THE UNITED STATES (Continued)

The United States is a country of great natural resources, and its people are well equipped to make the most of them.

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 27 November, 1918.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, December, 1918.*

New South Wales.



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GEORGE V REGIS.

Act No. , 1918.

An Act to make further provision for the protection of pastures; to provide for the control of certain travelling stock and camping reserves; to make further provision with regard to boundary fences; to provide for the imposition and collection of a rate on travelling stock; to establish a reserves improvement fund; to validate certain payments made by pastures protection boards; to amend the Pastures Protection Act, 1912, the Crown Lands Acts, and certain other Acts; and for purposes consequent thereon or incidental thereto.

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BE

NOTE —The words to be omitted are ruled through; those to be inserted are printed in black letter.

Pastures Protection (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Pastures Protection (Amendment) Act, 1918," shall be read with the Pastures Protection Act, 1912, hereinafter referred to as the Principal Act, and shall come into force on a date to be proclaimed by the Governor in the Gazette.

2. The following short headings and new sections are inserted next after section twenty-six of the Principal Act :—

Travelling stock reserves and camping reserves.

26A. (1) The Minister for Lands may from time to time, by notification published in the Gazette, place under the control of the board therein specified, for a period of five years or such extended period as he may approve, any travelling stock reserve, or camping reserve, or part thereof, except any such reserve or part thereof within a State forest or in the Western Division. Such board shall thereupon have the general management, maintenance, and control of any reserves or parts thereof so notified :

Provided that where any such reserve or part thereof is held under a lease other than an annual lease or occupation license under the Crown Lands Acts, the management thereof shall not be placed under the board until the lease or the part thereof relating to such reserve is terminated in pursuance of any provision of the Crown Lands Acts.

(2) The board shall take proper measures for the protection of such reserves or parts thereof from trespass and from rabbits and noxious animals, and for the improvement of such reserves by clearing scrub, noxious weeds and plants, ringbarking, suckering, fencing, providing water, and for effecting such other improvements as may be deemed advisable in the interest of travelling stock :

(3)

Pastures Protection (Amendment).

(3) Where the Minister for Lands considers that a board has not taken or is not taking proper measures for the protection or improvement of a travelling stock reserve or camping reserve he may in writing notify such board to that effect; and, if after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

(4) Where any such reserve or part thereof which has been placed under the control of the board is held under annual lease or occupation license, the Minister for Lands may, notwithstanding anything to the contrary in the Crown Lands Acts, cancel such lease or license, as to the part of the land which is to be retained as a reserve, upon giving three months notice to the lessee or licensee, and upon the expiration of that period the lease or license or part thereof as the case may be shall be terminated.

26B. The Minister for Lands may withdraw from any such travelling stock or camping reserve any lands required as sites for towns or villages, or for any public purpose under the Crown Lands Acts. Upon such withdrawal being notified in the Gazette, the board shall be entitled to compensation for any improvements effected by it on such lands, and such compensation shall not in any case exceed the cost of effecting such improvements. If the Minister and the board fail to agree in regard to the amount of compensation, such amount shall be determined by the Local Land Board.

Withdrawal
of lands from
reserves and
compensation
therefor.

Reserves Improvement Fund.

26c. (1) The board shall impose and collect a rate as prescribed on all travelling stock driven or carried along or over travelling stock reserves or camping reserves or roads in the Eastern Division and Central Division as respectively set forth in the Crown Lands Acts.

Rate on
travelling
stock.

(2)

Pastures Protection (Amendment).

(2) All moneys received in pursuance of Fund.
this section shall form part of a fund to be
called the "Reserves Improvement Fund" for the
district.

5 Such fund shall, after deduction of the cost of
collection of such moneys and the cost of necessary
supervision, be used exclusively in improving the
reserves handed over to the control of the board in
pursuance of section 26A of this Act.

10 26D. A board may, subject to the approval of the Minister for Lands, grant permits to graze
over any travelling stock reserve or camping reserve
or part thereof for any periods not exceeding in each
case ~~three~~ twelve months, and any money derived
15 from such permits shall be paid to the reserves
improvement fund, and shall be used as provided in
the preceding section.

3. The following new sections and short headings are New short
inserted next after section fifty-two of the Principal headings and
20 Act :— sections.

Fencing travelling stock and camping reserves.

52A. (1) Where a board considers it necessary for Fencing
the proper protection or improvement of a travelling reserves.
stock reserve or a camping reserve—

25 (a) that a stock-proof boundary fence should Stock-proof
be erected, such board may, by notice in fence.
writing, require the owner of any adjoining
land, within a period to be therein specified,
to erect, and thereafter to maintain, such a
30 fence between such land and the reserve.

If such owner fails to complete the erection
of such a fence within such period, and there-
after to maintain such fence in a state of
good repair, the board may, with the approval
35 of the Minister for Lands, erect or complete
and thereafter so maintain such fence, and
may recover the cost thereof in all such cases
from such owner ;

40 (b) that a fence on any boundary of a camping Rabbit-proof
reserve should be made rabbit-proof, such fence.
board

Pastures Protection (Amendment).

board may, by notice in writing, require the owner of the land adjoining such boundary, within a period therein specified, to make such fence rabbit-proof.

5 If any owner fails within the period so specified to comply with any such notice, the board may, with the approval of the Minister for Lands, do any work necessary to make the fence rabbit-proof. The owner
10 and the board shall each pay half of the cost of making such fence rabbit-proof, as well as half of the cost of the maintenance and repair of such fence. If an owner and a
15 board fail to agree in regard to such cost, the amount shall be determined by the local land board upon application by either party.

(2) The provisions of this section shall not apply to the holder of an annual lease, occupation license, or preferential occupation license, or of any
20 lease from the Crown having less than five years to run at the date of the service of the notice.

Roads or watercourses.

52B. The intervention of a road or watercourse
25 between two holdings shall not prevent holdings or lands being taken to be adjoining, or prevent a claim for contribution for erection, netting, or maintenance being brought in respect of a fence on either side of such road or watercourse—

- (a) if such fence has been used as a common
30 boundary fence by the owners or occupiers of the holdings on either side thereof; or
(b) if in the opinion of the local land board such fence can be reasonably used as a common
35 boundary fence by the owners or occupiers of the holdings on either side thereof.

Claims for maintenance of fencing.

52c. (1) In any case where a rabbit-proof fence
is used as a boundary or part of a boundary
between two holdings, and expense is incurred by
the
Contribution towards cost of rabbit fences.

Pastures Protection (Amendment).

the owner or occupier of either of such holdings in the work of maintenance and repair of such fence, the owner or occupier who has incurred such expense may serve the prescribed notice of demand on the owner or occupier of the holding on the other side of such fence, and shall be entitled thereafter to recover from him a contribution towards the cost of such work.

The amount of such contribution shall be assessed by the local land board, and shall be one-half the reasonable cost of the work.

(2) If any boundary fence is not being maintained as an effective rabbit-proof fence, and such maintenance of the fence is necessary, the owner or occupier of the holding on either side of such fence may, for the purpose of the effective maintenance of such fence, by himself or his agents or servants, enter on the land of the adjoining owner or occupier.

(3) This section shall apply only to work effected on fences in respect of which fences no award has been made by a local land board for the original cost of making the same rabbit-proof, and nothing herein contained shall affect the rights to contribution for maintenance otherwise conferred by this Act.

General amendments of the Principal Act.

4. The following amendments are made in the Principal Act :—

(i) Section four, definitions :—

(a) In the definition of "brand" insert the word "horn" immediately before the words "or face."

(b) Definition of "Minister": Omit the definition.

(c) In the definition of "occupier" after "1900" insert "and the council of a municipality or shire."

(d) In the definition of "sheep" the word "ear" is inserted after the word "hoof."

(e)

Amendments
of Principal
Act.
Sec. 4.

Pastures Protection (Amendment).

5 (e) In the definition of "travelling sheep" or
"travelling stock," the words "by land or
water" are omitted and the words "by rail
or otherwise on land or by water" are
inserted in lieu thereof.

(f) After the definition of "travelling sheep"
or "travelling stock" insert the following
new definition:—

10 "Travelling stock reserve," or "camping
reserve," means any travelling stock
route, reserve for travelling stock, or
camping reserve, notified or dedicated
as such either separately or otherwise
under the provisions of the Crown
15 Lands Acts.

(ii) Section six: Omit subsections two and three Sec. 6.
and insert the following in lieu thereof:—

20 (2) The directors holding office at the com-
mencement of the Pastures Protection (Amend-
ment) Act, 1918, shall continue to hold office
until their successors are elected.

25 In the month of April, one thousand nine
hundred and nineteen, and thereafter every
three years, eight directors shall be elected for
each district, who shall hold office for a term
of three years, but shall be eligible for re-
election.

30 (iii) Section ten: Omit "two directors or one Sec. 10.
director" and insert "four directors or two
directors" in lieu thereof. Omit "annually"
and insert "triennially" in lieu thereof.

(iv) Section eleven: Omit the proviso. Sec. 11.

(v) The following new section is inserted after New s. 17A.
section seventeen:—

35 17A. A board shall, with the written consent
of the Minister for Lands, have power to appear
and be represented by counsel, solicitor, or
agent before a local land board in any matter
before such local land board relating to the
40 proposed curtailment of a travelling stock or
camping reserve, or to an application for the
conversion of any lease of land within or partly
within any such reserve. (vi)

Pastures Protection (Amendment).

- (vi) Section eighteen: At the end of subsection Sec. 18.
one insert the following new subsection:—
5 (1A) Where an owner or occupier has large
stock and sheep, but by reason of the numbers
is not liable to be assessed in respect thereof,
the board may reckon eight sheep as equal
to one head of large stock, and one head of
large stock as equal to eight sheep for the
purpose of making such owner or occupier
liable for assessment under this Act.
- 10 (vii) Section nineteen: After the words "make any Sec. 19.
such return" insert "or supplying incorrect or
misleading information in any such return."
- 15 (viii) Section twenty-three: At the end of the section Sec. 23.
add "Provided, that the Auditor-General may
authorise a board to write off any such sum
which he is satisfied is irrecoverable."
- (ix) Section twenty-four:— Sec. 24.
20 (a) Subsection one: After the word "rates"
insert "except the rate provided for the
improvement of travelling stock and camping
reserves."
- 25 (b) Subsection two is repealed, and the following Sec. 24(2)
subsection inserted in lieu thereof:— repealed, new
subsection
substituted.
(2) Moneys forming part of such fund may Purposes to
be applied by the board of the district— which funds
may be
applied.
(a) to the payment of any expenses of, or
incidental to, the administration of this
Act by the board, or to the payment of
any costs or expenses incurred in accor-
dance with the provisions of this Act,
and
(b) to clearing scrub, noxious weeds and
plants, ringbarking and suckering,
35 fencing, providing water on and other-
wise improving travelling stock and
camping reserves, and
(c) any other purpose approved by the
Minister.
- 40 (c) Subsection three: After the words "pastures
protection fund" insert "and reserves im-
provement fund." (x)

Pastures Protection (Amendment).

- (x) Section twenty-five is repealed and the following is inserted in lieu thereof:— Repeal of s. 25, new section substituted.
- 5 25. Any board having in its possession any Certain
 moneys vested in it under subsection four of balances to be
 section twenty-four of the Act No. 111, 1902, transferred to
 may, with the approval of the Minister, Pastures Pro-
 transfer such balance to the Pastures Protec- tection Fund.
 tion Fund of the district.
- 10 (xi) Section twenty-seven, subsection two: After Sec. 27 (2).
 “municipality” where firstly and secondly
 occurring insert “or shire.”
 Omit “or held by such municipality” and
 insert “held by or under the control of such
 council” in lieu thereof.
- 15 (xii) Section thirty-five: After “forfeited” insert Sec. 35.
 “or surrendered.”
- (xiii) Section thirty-seven is amended by the addition Sec. 37.
 of the following subsection:—
 (3) Upon the cancellation of any such
 20 notification with regard to a barrier fence
 erected or made rabbit-proof by or at the
 expense of the Crown, the owner of any land
 deriving benefit from such fence shall pay to
 the Minister for Lands the value of so much
 25 of such fence as is situated within or is on the
 boundary of his land.
 The value of any portion of the fence
 situated within such land shall be the value
 thereof to the owner; and the value of any
 30 portion on the boundaries of such land shall be
 the value at the date of the cancellation of
 such notification.
 Any such value shall be that agreed upon
 by the Minister for Lands and the aforesaid
 35 owner. If such value cannot be so agreed
 upon, it shall be determined by the local land
 board. Payment shall be made as directed
 by such Minister or the local land board as the
 case may be.
- 40 (xiv) Section forty-one— Sec. 41 (3).
 (a) Subsection two: By omitting the words
 “except as provided in the next section”;
 and
 (b)

Pastures Protection (Amendment).

- (b) Subsection three: At the end of the subsection add "or may cause the continuity of the fence to be broken where it or they is or are satisfied that it should be done in the public interests, and that the effectiveness of the fence will not thereby be endangered.
- 5
- (xv) Section forty-two is repealed. Sec. 42. Repealed.
- (xvi) Section forty-six: After the words "the local land board may" insert "upon application in the prescribed manner and payment of the prescribed fee."
- 10
- Before the word "dispensation" insert the words "permission or."
- After the words "may be revoked by the" insert "local land."
- 15
- (xvii) Section forty-eight: After the words "such notice has been given" insert "and the consent of the local land board has been obtained."
- 20
- Omit the words "from the date of such notice" and insert "from the date of such consent" in lieu thereof.
- Omit "such notice" and insert "such consent" in lieu thereof.
- (xviii) Section forty-nine— Sec. 49.
- 25
- (a) Subsection three, paragraph (b): After the words "The local land board shall" insert "upon application in the prescribed manner and payment of the prescribed fee."
- 30
- Omit the word "at" immediately after the word "contribution" where secondly occurring, and insert in substitution therefor the words "according to the benefit derived and to be derived from the fence, and in no case shall such contribution exceed."
- 35
- (b) Subsection four: Omit "and no owner who uses as a boundary a fence which is outside the boundaries of his holding"; omit "or owner."
- 40
- (c) The following new subsection is added at the end of the section:—

Pastures Protection (Amendment).

5 (7) Any notice of demand in respect of a
fence erected or made rabbit-proof prior to
the thirty-first day of December, one
thousand nine hundred and eighteen, shall
be served within twelve months after that
date; and in respect of a fence erected or
made rabbit-proof after the aforesaid date,
the notice of demand shall be served within
10 twelve months after the completion of the
work for which contribution is claimed.

In every case a copy of such notice of
demand shall be forwarded by the claimant
to the chairman of the local land board within
fourteen days after the date of the notice.
15 And, with any application to assess the
amount of contribution payable, a copy of
such notice of demand shall also be for-
warded to the district surveyor for the land
board district within which the land is situated
or to the commissioners of the Western Land
20 Board when the land is situated within the
Western Division.

(xix) Section fifty-eight: At the end of the first Sec. 58.
paragraph insert: "Provided such roads are not
25 vested in, held by, or under the control of the
council of a municipality or shire, in which
case the work of destroying the rabbits thereon
shall be carried out, in accordance with the
requirements of the board, by the council of
30 the municipality or shire concerned."

Omit "fifty pounds" insert "one hundred
pounds" in lieu thereof.

(xx) Section sixty-five: After the words "Every Sec. 65.
board may" insert "and if the Minister so
35 directs shall."

(xxi) Section sixty-six: At the end of the section Sec. 66.
insert the following:—"Provided that where
the scalps of foxes are delivered to the secretary
of the board or to any person duly authorised
40 as aforesaid, the scalps, if attached to the skin,
may be indelibly marked for identification
purposes

Pastures Protection (Amendment).

purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may subsequently be disposed of as the board may decide."

- 5 (xxii) Section one hundred and five: After the word Sec. 105.
"sheep" where first occurring insert "and
large stock."

Subsection one: After the word "sheep"
wherever occurring insert "or large stock."

- 10 Subsection two: After the word "sheep" where
firstly, secondly, and thirdly occurring insert
"or large stock"; after the words "two pence
per one hundred sheep" insert "and twopence
for every ten head of large stock."

- 15 At the end of the subsection insert "Provided
that on the removal by the owner or purchaser
of any sheep or large stock sold or bona fide
offered for sale at a recognised sale-yard a
renewed permit shall not be necessary."

- 20 Subsection three: After the word "sheep"
wherever occurring insert "or large stock."

- (xxiii) Section one hundred and six, subsection one: Sec. 106.
Omit "horses or cattle" where first occurring
and insert "large stock" in lieu thereof; omit
25 "horses or cattle" where secondly occurring
and insert "or large stock" in lieu thereof.

- At the end of the subsection add:—"It
shall be deemed to be a compliance with the
provisions of this section, or section one
30 hundred and five of this Act, or section one
hundred and eighty-four of the Stock Act,
1901, if the drover is supplied with, and pro-
duces when called upon, a travelling statement
issued under this section, or a permit issued
35 under section one hundred and five."

Subsection two: Omit "and", insert "or" in
lieu thereof.

- (xxiv) Section one hundred and seven, subsection one: Sec. 107.

- 40 At the end of the subsection add:—"Provided
that where there is a travelling stock or camp-
ing reserve leading to the place of destination
mentioned

Pastures Protection (Amendment).

mentioned in the permit or travelling statement, travelling stock shall be taken by such reserve where practicable."

5 Subsection two: Omit "horses or cattle" and insert "large stock" in lieu thereof.

Subsections three, four, and five: After "sheep" wherever occurring insert "or large stock."

10 (xxv) Section one hundred and eight: After the words "such intention by" insert "sending the same by post, telegram, or telephone, or by." Sec. 108.

Omit "horses or cattle" and insert "large stock" in lieu thereof.

15 (xxvi) Section one hundred and ten, subsection one: After "travelling stock" where first occurring insert "or working large stock belonging to teamsters, carriers, or travellers." Sec. 110.

20 Subsection three: At the end of the subsection insert "and the owner shall be liable to a penalty on the first conviction not exceeding twenty pounds, and on any subsequent conviction not exceeding fifty pounds."

(xxvii) Section one hundred and thirty, subsection five: Omit "not exceeding twelve months" and insert "he may determine" in lieu thereof. Sec. 130.

25 (xxviii) Section one hundred and thirty-two is repealed and the following section inserted in lieu thereof:— Sec. 132.

30 132. (1) Only one fire-brand, one paint or tar "owner's brand," and one owner's ear-mark shall be allotted to each sheepowner for each run held by him, provided that if two or more such runs adjoin they shall be deemed one run. Brands allotted to each owner.

35 (2) Sheepowners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.

40 (3) The proprietor of any brand or ear-mark referred to in subsection one of this section may transfer such brand or ear-mark only

Pastures Protection (Amendment).

only to a subsequent owner or occupier on his own behalf of the run to which such brand or ear-mark has been allotted.

5 The proprietor of any distinctive mark referred to in subsection two which has been duly recorded as hereinafter provided, may transfer such distinctive mark to any person.

10 (4) To give effect to any such transfer the proprietor shall join with the person to whom he transfers in a memorandum of transfer, in the prescribed form, and shall deliver or transmit such memorandum, together with the fee prescribed by Schedule Three hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to the transferee a certificate of the transfer.

15 (5) If such proprietor disposes of or abandons any run owned or occupied by him, and does not make such transfer, the inspector for the district shall cancel the allotment of such brand, ear-mark, or distinctive mark, and notify the Chief Inspector of such cancellation.

20 The brand, ear-mark, and distinctive mark shall on such cancellation become available for reallocation.

25 (6) If such proprietor dies without having made such transfer, the property in such brand, ear-mark, and distinctive mark shall vest in his legal personal representatives for a period of six months after such death. Before the said period elapses such representatives shall, in writing, notify the inspector for the district whether or not they desire to retain the brands and marks, and if they do so desire on whose behalf the retention is to be made. They shall, 30 if they notify that they desire the brands and marks to be retained, forward to the inspector with such notification the prescribed particulars, together with the fee for recording and publishing such brands and marks, according to the scale given in the Third Schedule hereto.

Any

Pastures Protection (Amendment).

Any brand or mark for the recording of which they do not so remit the scheduled fee shall be available for reallotment.

(xxix) Section one hundred and thirty-seven is re- Sec. 137.
pealed.

5

(xxx) Section one hundred and forty, subsection (1) Sec. 140.
(d) : Omit "without his authority."

The following new subsection is added after subsection two :—

10

(3) Any person having in his possession sheep with such misbranding, defacing, altering, cutting, or marking, who fails within the time specified in the preceding section to give notice thereof to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

15

(xxxi) Section one hundred and forty-one, paragraph Sec. 141.
(g) : After "protection" insert "improvement."

20

(xxxii) Section one hundred and seventy-seven: At Sec. 177.
the end of the section add :—

"If either House of Parliament within fifteen sitting days after such regulations have been laid before it, passes a resolution disallowing any regulation, such regulation shall thereupon cease to have effect."

25

Validation.

5. All payments made before the passing of this Act Validation of
by any pastures protection board to any patriotic fund certain
30 in connection with the present war are hereby validated. payments.

Subscription price, Five Dollars per Annum in Advance. Single Copies, Fifteen Cents.

Entered as Second-Class Matter, May 2, 1912, under Post Office No. 383, at Chicago, Ill., under special agreement of Post Office and General Delivery. Accepted for mailing at special rate of postage provided for in Act of October 3, 1917, authorized on July 16, 1918.

Postage paid at Chicago, Ill., and at additional mailing offices. Postmaster: Send address changes in this journal to THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 535 North Dearborn Street, Chicago 10, Ill.

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Subscription orders, notices of change of address, and all correspondence should be sent to THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 535 North Dearborn Street, Chicago 10, Ill.

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 November, 1918.*

New South Wales.



ANNO NONO

GEORGI V REGIS.

Act No. , 1918.

An Act to make further provision for the protection of pastures; to provide for the control of certain travelling stock and camping reserves; to make further provision with regard to boundary fences; to provide for the imposition and collection of a rate on travelling stock; to establish a reserves improvement fund; to validate certain payments made by pastures protection boards; to amend the Pastures Protection Act, 1912, the Crown Lands Acts, and certain other Acts; and for purposes consequent thereon or incidental thereto.

Pastures Protection (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Pastures Protection (Amendment) Act, 1918," shall be read with the Pastures Protection Act, 1912, hereinafter referred to as the Principal Act, and shall come into force on a date to be proclaimed by the Governor in the Gazette.

2. The following short headings and new sections are inserted next after section twenty-six of the Principal Act :—

Travelling stock reserves and camping reserves.

15 **26A.** (1) The Minister for Lands may from time to time, by notification published in the Gazette, place under the control of the board therein specified, for a period of five years or such extended period as he may approve, any travelling stock reserve, or
20 camping reserve, or part thereof, except any such reserve or part thereof within a State forest or in the Western Division. Such board shall thereupon have the general management, maintenance, and control of any reserves or parts thereof so
25 notified :

Provided that where any such reserve or part thereof is held under a lease other than an annual lease or occupation license under the Crown Lands Acts, the management thereof shall not be placed under the board until the lease or the part thereof relating to such reserve is terminated in pursuance of any provision of the Crown Lands Acts.

30 (2) The board shall take proper measures for the protection of such reserves or parts thereof from trespass and from rabbits and noxious animals, and for the improvement of such reserves by clearing scrub, noxious weeds and plants, ringbarking, suckering, fencing, providing water, and for effecting such other improvements as may be deemed
35 advisable in the interest of travelling stock :
40

(3)

Pastures Protection (Amendment).

5 (3) Where the Minister for Lands considers that a board has not taken or is not taking proper measures for the protection or improvement of a travelling stock reserve or camping reserve he may in writing notify such board to that effect; and, if after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

10 (4) Where any such reserve or part thereof which has been placed under the control of the board is held under annual lease or occupation license, the Minister for Lands may, notwithstanding anything to the contrary in the Crown Lands Acts, cancel such lease or license, as to the part of the land which is to be retained as a reserve, upon giving 20 three months notice to the lessee or licensee, and upon the expiration of that period the lease or license or part thereof as the case may be shall be terminated.

25 26B. The Minister for Lands may withdraw from any such travelling stock or camping reserve any lands required as sites for towns or villages, or for any public purpose under the Crown Lands Acts. Upon such withdrawal being notified in the Gazette, the board shall be entitled to compensation for any 30 improvements effected by it on such lands, and such compensation shall not in any case exceed the cost of effecting such improvements. If the Minister and the board fail to agree in regard to the amount of compensation, such amount shall be determined 35 by the Local Land Board.

Withdrawal of lands from reserves and compensation therefor.

Reserves Improvement Fund.

40 26c. (1) The board shall impose and collect a rate as prescribed on all travelling stock driven or carried along or over travelling stock reserves or camping reserves or roads in the Eastern Division and Central Division as respectively set forth in the Crown Lands Acts. (2)

Rate on travelling stock.

Pastures Protection (Amendment).

(2) All moneys received in pursuance of Fund. this section shall form part of a fund to be called the "Reserves Improvement Fund" for the district.

5 Such fund shall, after deduction of the cost of collection of such moneys and the cost of necessary supervision, be used exclusively in improving the reserves handed over to the control of the board in pursuance of section 26A of this Act.

10 26D. A board may, subject to the approval of the Minister for Lands, grant permits to graze over any travelling stock reserve or camping reserve or part thereof for any periods not exceeding in each case three months, and any money derived from such permits shall be paid to the reserves improvement fund, and shall be used as provided in the preceding section.

15 3. The following new sections and short headings are inserted next after section fifty-two of the Principal Act:—

Fencing travelling stock and camping reserves.

52A. (1) Where a board considers it necessary for the proper protection or improvement of a travelling stock reserve or a camping reserve—

25 (a) that a stock-proof boundary fence should be erected, such board may, by notice in writing, require the owner of any adjoining land, within a period to be therein specified, to erect, and thereafter to maintain, such a fence between such land and the reserve.

30 If such owner fails to complete the erection of such a fence within such period, and thereafter to maintain such fence in a state of good repair, the board may, with the approval of the Minister for Lands, erect or complete and thereafter so maintain such fence, and may recover the cost thereof in all such cases from such owner ;

35 (b) that a fence on any boundary of a camping reserve should be made rabbit-proof, such board

Pastures Protection (Amendment).

board may, by notice in writing, require the owner of the land adjoining such boundary, within a period therein specified, to make such fence rabbit-proof.

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If any owner fails within the period so specified to comply with any such notice, the board may, with the approval of the Minister for Lands, do any work necessary to make the fence rabbit-proof. The owner and the board shall each pay half of the cost of making such fence rabbit-proof, as well as half of the cost of the maintenance and repair of such fence. If an owner and a board fail to agree in regard to such cost, the amount shall be determined by the local land board upon application by either party.

20

(2) The provisions of this section shall not apply to the holder of an annual lease, occupation license, or preferential occupation license, or of any lease from the Crown having less than five years to run at the date of the service of the notice.

Roads or watercourses.

25

52B. The intervention of a road or watercourse between two holdings shall not prevent holdings or lands being taken to be adjoining, or prevent a claim for contribution for erection, netting, or maintenance being brought in respect of a fence on either side of such road or watercourse—

Roads or watercourses intervening between holdings.

30

(a) if such fence has been used as a common boundary fence by the owners or occupiers of the holdings on either side thereof; or

35

(b) if in the opinion of the local land board such fence can be reasonably used as a common boundary fence by the owners or occupiers of the holdings on either side thereof.

Claims for maintenance of fencing.

52c. (1) In any case where a rabbit-proof fence is used as a boundary or part of a boundary between two holdings, and expense is incurred by the

Contribution towards cost of rabbit fences.

Pastures Protection (Amendment).

the owner or occupier of either of such holdings in the work of maintenance and repair of such fence, the owner or occupier who has incurred such expense may serve the prescribed notice of demand on the owner or occupier of the holding on the other side of such fence, and shall be entitled thereafter to recover from him a contribution towards the cost of such work.

The amount of such contribution shall be assessed by the local land board, and shall be one-half the reasonable cost of the work.

(2) If any boundary fence is not being maintained as an effective rabbit-proof fence, and such maintenance of the fence is necessary, the owner or occupier of the holding on either side of such fence may, for the purpose of the effective maintenance of such fence, by himself or his agents or servants, enter on the land of the adjoining owner or occupier.

(3) This section shall apply only to work effected on fences in respect of which fences no award has been made by a local land board for the original cost of making the same rabbit-proof, and nothing herein contained shall affect the rights to contribution for maintenance otherwise conferred by this Act.

General amendments of the Principal Act.

4. The following amendments are made in the Principal Act :—

- (i) Section four, definitions :—
- (a) In the definition of "brand" insert the word "horn" immediately before the words "or face."
 - (b) Definition of "Minister": Omit the definition.
 - (c) In the definition of "occupier" after "1900" insert "and the council of a municipality or shire."
 - (d) In the definition of "sheep" the word "ear" is inserted after the word "hoof."

Amendments
of Principal
Act.
Sec. 4.

(e)

Pastures Protection (Amendment).

- 5 (e) In the definition of "travelling sheep" or
"travelling stock," the words "by land or
water" are omitted and the words "by rail
or otherwise on land or by water" are
inserted in lieu thereof.
- (f) After the definition of "travelling sheep"
or "travelling stock" insert the following
new definition :—
10 "Travelling stock reserve," or "camping
reserve," means any travelling stock
route, reserve for travelling stock, or
camping reserve, notified or dedicated
as such either separately or otherwise
15 under the provisions of the Crown
Lands Acts.
- (ii) Section six : Omit subsections two and three Sec. 6.
and insert the following in lieu thereof :—
(2) The directors holding office at the com-
20 mencement of the Pastures Protection (Amend-
ment) Act, 1918, shall continue to hold office
until their successors are elected.
In the month of April, one thousand nine
hundred and nineteen, and thereafter every
25 three years, eight directors shall be elected for
each district, who shall hold office for a term
of three years, but shall be eligible for re-
election.
- (iii) Section ten : Omit "two directors or one Sec. 10.
director" and insert "four directors or two
30 directors" in lieu thereof. Omit "annually"
and insert "triennially" in lieu thereof.
- (iv) Section eleven : Omit the proviso. Sec. 11.
- (v) Section eighteen : At the end of subsection Sec. 18.
one insert the following new subsection :—
35 (1A) Where an owner or occupier has large
stock and sheep, but by reason of the numbers
is not liable to be assessed in respect thereof,
the board may reckon eight sheep as equal
to one head of large stock, and one head of
40 large stock as equal to eight sheep for the
purpose of making such owner or occupier
liable for assessment under this Act. (vi)

Pastures Protection (Amendment).

- (vi) Section nineteen: After the words "make any such return" insert "or supplying incorrect or misleading information in any such return." Sec. 19.
- (vii) Section twenty-three: At the end of the section add "Provided, that the Auditor-General may authorise a board to write off any such sum which he is satisfied is irrecoverable." Sec. 23.
- (viii) Section twenty-four:— Sec. 24.
- (a) Subsection one: After the word "rates" insert "except the rate provided for the improvement of travelling stock and camping reserves."
- (b) Subsection two is repealed, and the following subsection inserted in lieu thereof:— Sec. 24 (2) repealed, new subsection substituted.
- (2) Moneys forming part of such fund may be applied by the board of the district— Purposes to which funds may be applied.
- (a) to the payment of any expenses of, or incidental to, the administration of this Act by the board, or to the payment of any costs or expenses incurred in accordance with the provisions of this Act, and
- (b) to clearing scrub, noxious weeds and plants, ringbarking and suckering, fencing, providing water on and otherwise improving travelling stock and camping reserves, and
- (c) any other purpose approved by the Minister.
- (c) Subsection three: After the words "pastures protection fund" insert "and reserves improvement fund."
- (ix) Section twenty-five is repealed and the following is inserted in lieu thereof:— Repeal of s. 25, new section substituted.
25. Any board having in its possession any moneys vested in it under subsection four of section twenty-four of the Act No. 111, 1902, may, with the approval of the Minister, transfer such balance to the Pastures Protection Fund of the district. Certain balances to be transferred to Pastures Protection Fund.

(x)

Pastures Protection (Amendment).

- (x) Section twenty-seven, subsection two: After Sec. 27 (2).
"municipality" where firstly and secondly
occurring insert "or shire."

Omit "or held by such municipality" and
insert "held by or under the control of such
council" in lieu thereof.

- (xi) Section thirty-five: After "forfeited" insert Sec. 35.
"or surrendered."

- (xii) Section thirty-seven is amended by the addition Sec. 37.
of the following subsection:—

(3) Upon the cancellation of any such
notification with regard to a barrier fence
erected or made rabbit-proof by or at the
expense of the Crown, the owner of any land
deriving benefit from such fence shall pay to
the Minister for Lands the value of so much
of such fence as is situated within or is on the
boundary of his land.

The value of any portion of the fence
situated within such land shall be the value
thereof to the owner; and the value of any
portion on the boundaries of such land shall be
the value at the date of the cancellation of
such notification.

Any such value shall be that agreed upon
by the Minister for Lands and the aforesaid
owner. If such value cannot be so agreed
upon, it shall be determined by the local land
board. Payment shall be made as directed
by such Minister or the local land board as the
case may be.

- (xiii) Section forty-one—

Sec. 41 (3).

- (a) Subsection two: By omitting the words
"except as provided in the next section";
and

- (b) Subsection three: At the end of the sub-
section add "or may cause the continuity
of the fence to be broken where it or they is
or are satisfied that it should be done in the
public interests, and that the effectiveness of
the fence will not thereby be endangered.

(xiv)

Pastures Protection (Amendment).

(xiv) Section forty-two is repealed.

Sec. 42. Repeal.

(xv) Section forty-six: After the words "the local land board may" insert "upon application in the prescribed manner and payment of the prescribed fee."

Sec. 46.

Before the word "dispensation" insert the words "permission or."

After the words "may be revoked by the" insert "local land."

(xvi) Section forty-eight: After the words "such notice has been given" insert "and the consent of the local land board has been obtained."

Sec. 48.

Omit the words "from the date of such notice" and insert "from the date of such consent" in lieu thereof.

Omit "such notice" and insert "such consent" in lieu thereof.

(xvii) Section forty-nine—

Sec. 49.

(a) Subsection three, paragraph (b): After the words "The local land board shall" insert "upon application in the prescribed manner and payment of the prescribed fee."

Omit the word "at" immediately after the word "contribution" where secondly occurring, and insert in substitution therefor the words "according to the benefit derived and to be derived from the fence, and in no case shall such contribution exceed."

(b) Subsection four: Omit "and no owner who uses as a boundary a fence which is outside the boundaries of his holding"; omit "or owner."

(c) The following new subsection is added at the end of the section:—

(7) Any notice of demand in respect of a fence erected or made rabbit-proof prior to the thirty-first day of December, one thousand nine hundred and eighteen, shall be served within twelve months after that date; and in respect of a fence erected or made rabbit-proof after the aforesaid date, the

Pastures Protection (Amendment).

the notice of demand shall be served within twelve months after the completion of the work for which contribution is claimed.

5 In every case a copy of such notice of demand shall be forwarded by the claimant to the chairman of the local land board within fourteen days after the date of the notice. And, with any application to assess the amount of contribution payable, a copy of
10 such notice of demand shall also be forwarded to the district surveyor for the land board district within which the land is situated or to the commissioners of the Western Land Board when the land is situated within the
15 Western Division.

(xviii) Section fifty-eight: At the end of the first Sec. 58. paragraph insert: "Provided such roads are not vested in, held by, or under the control of the council of a municipality or shire, in which
20 case the work of destroying the rabbits thereon shall be carried out, in accordance with the requirements of the board, by the council of the municipality or shire concerned."

25 Omit "fifty pounds" insert "one hundred pounds" in lieu thereof.

(xix) Section sixty-five: After the words "Every Sec. 65. board may" insert "and if the Minister so directs shall."

(xx) Section sixty-six: At the end of the section Sec. 66. insert the following:—"Provided that where the scalps of foxes are delivered to the secretary of the board or to any person duly authorised as aforesaid, the scalps, if attached to the skin, may be indelibly marked for identification
35 purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may subsequently be disposed of as the board may decide."

(xxi) Section one hundred and five: After the word Sec. 105. "sheep" where first occurring insert "and large stock."

Subsection

Pastures Protection (Amendment).

Subsection one : After the word " sheep " wherever occurring insert " or large stock."

Subsection two : After the word " sheep " where firstly, secondly, and thirdly occurring insert
5 " or large stock "; after the words " two pence per one hundred sheep " insert " and twopence for every ten head of large stock."

At the end of the subsection insert " Provided that on the removal by the owner or purchaser
10 of any sheep or large stock sold or bona fide offered for sale at a recognised sale-yard a renewed permit shall not be necessary.

Subsection three : After the word " sheep " wherever occurring insert " or large stock."

15 (xxii) Section one hundred and six, subsection one : Sec. 106.

Omit " horses or cattle " where first occurring and insert " large stock " in lieu thereof ; omit " horses or cattle " where secondly occurring and insert " or large stock " in lieu thereof.

20 At the end of the subsection add :—" It shall be deemed to be a compliance with the provisions of this section, or section one hundred and five of this Act, or section one hundred and eighty-four of the Stock Act,
25 1901, if the drover is supplied with, and produces when called upon, a travelling statement issued under this section, or a permit issued under section one hundred and five."

Subsection two : Omit " and ", insert " or " in lieu thereof.

30 (xxiii) Section one hundred and seven, subsection one : Sec. 107.

At the end of the subsection add :—" Provided that where there is a travelling stock or camping reserve leading to the place of destination
35 mentioned in the permit or travelling statement, travelling stock shall be taken by such reserve where practicable."

Subsection two : Omit " horses or cattle " and insert " large stock " in lieu thereof.

40 Subsections three, four, and five : After " sheep " wherever occurring insert " or large stock."

(xxiv)

Pastures Protection (Amendment).

- (xxiv) Section one hundred and eight: After the words "such intention by" insert "sending the same by post, telegram, or telephone, or by." Omit "horses or cattle" and insert "large stock" in lieu thereof. Sec. 108.
- 5 (xxv) Section one hundred and ten, subsection one: After "travelling stock" where first occurring insert "or working large stock belonging to teamsters, carriers, or travellers." Sec. 110.
- 10 Subsection three: At the end of the subsection insert "and the owner shall be liable to a penalty not exceeding twenty pounds."
- (xxvi) Section one hundred and thirty, subsection five: Omit "not exceeding twelve months" and insert "he may determine" in lieu thereof. Sec. 130.
- 15 (xxvii) Section one hundred and thirty-two is repealed and the following section inserted in lieu thereof:— Sec. 132.
- 20 132. (1) Only one fire-brand, one paint or tar "owner's brand," and one owner's ear-mark shall be allotted to each sheepowner for each run held by him, provided that if two or more such runs adjoin they shall be deemed one run. Brands allotted to each owner.
- 25 (2) Sheepowners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.
- 30 (3) The proprietor of any brand or ear-mark referred to in subsection one of this section may transfer such brand or ear-mark only to a subsequent owner or occupier on his own behalf of the run to which such brand or ear-mark has been allotted.
- 35 The proprietor of any distinctive mark referred to in subsection two which has been duly recorded as hereinafter provided, may transfer such distinctive mark to any person.
- 40 (4) To give effect to any such transfer the proprietor shall join with the person to whom

Pastures Protection (Amendment).

whom he transfers in a memorandum of transfer, in the prescribed form, and shall deliver or transmit such memorandum, together with the fee prescribed by Schedule Three hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to the transferee a certificate of the transfer.

(5) If such proprietor disposes of or abandons any run owned or occupied by him, and does not make such transfer, the inspector for the district shall cancel the allotment of such brand, ear-mark, or distinctive mark, and notify the Chief Inspector of such cancellation.

The brand, ear-mark, and distinctive mark shall on such cancellation become available for reallocation.

(6) If such proprietor dies without having made such transfer, the property in such brand, ear-mark, and distinctive mark shall vest in his legal personal representatives for a period of six months after such death. Before the said period elapses such representatives shall, in writing, notify the inspector for the district whether or not they desire to retain the brands and marks, and if they do so desire on whose behalf the retention is to be made. They shall, if they notify that they desire the brands and marks to be retained, forward to the inspector with such notification the prescribed particulars, together with the fee for recording and publishing such brands and marks, according to the scale given in the Third Schedule hereto.

Any brand or mark for the recording of which they do not so remit the scheduled fee shall be available for reallocation.

(xxviii) Section one hundred and thirty-seven is repealed. Sec. 137.

(xxix) Section one hundred and forty, subsection (1) Sec. 140.
(d) : Omit "without his authority."

The

Pastures Protection (Amendment).

The following new subsection is added after subsection two:—

- 5 (3) Any person having in his possession sheep with such misbranding, defacing, altering, cutting, or marking, who fails within the time specified in the preceding section to give notice thereof to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.
- 10 (xxx) Section one hundred and forty-one, paragraph (g): After "protection" insert "improvement."
- Sec. 141.

Validation.

5. All payments made before the passing of this Act by any pastures protection board to any patriotic fund in connection with the present war are hereby validated.

Validation of certain payments.

The Board of Directors of the American Library Association
has approved the following resolution to be
presented to the Association at its annual meeting.

Resolved, That the American Library Association
do hereby endorse the following resolution.

Resolved, That the American Library Association
do hereby endorse the following resolution.
(1) That the American Library Association
do hereby endorse the following resolution.
(2) That the American Library Association
do hereby endorse the following resolution.

Resolved, That the American Library Association
do hereby endorse the following resolution.
(3) That the American Library Association
do hereby endorse the following resolution.
(4) That the American Library Association
do hereby endorse the following resolution.

Resolved, That the American Library Association
do hereby endorse the following resolution.
(5) That the American Library Association
do hereby endorse the following resolution.
(6) That the American Library Association
do hereby endorse the following resolution.

Resolved, That the American Library Association
do hereby endorse the following resolution.
(7) That the American Library Association
do hereby endorse the following resolution.
(8) That the American Library Association
do hereby endorse the following resolution.

Resolved, That the American Library Association
do hereby endorse the following resolution.
(9) That the American Library Association
do hereby endorse the following resolution.
(10) That the American Library Association
do hereby endorse the following resolution.

Resolved, That the American Library Association
do hereby endorse the following resolution.
(11) That the American Library Association
do hereby endorse the following resolution.
(12) That the American Library Association
do hereby endorse the following resolution.

Pastures Protection (Amendment) Bill.

SECTIONS OF PRINCIPAL ACT SHOWING AMENDMENTS, AND EXPLANATORY NOTES THEREON.

4. (1) In this Act, unless the context or subject-matter otherwise indicates or requires,—
“Brand” means a fire-brand on the nose, horn, or face in letters, figures, or characters not less than one inch in length, or a brand made with pitch, tar, paint, or pigment in letters, figures, or characters not less than three inches in length, on the ribs, back, shoulder, or rump of any sheep.

NOTE.—Fire-brands are sometimes imprinted on horns of sheep or cattle.

“Minister” means the Secretary for Lands.

NOTE.—This definition is inconvenient. The Act is partly administered by the Minister for Lands (as to reserves, wire netting, fencing, &c.) and partly by the Minister for Agriculture (as to stock, brands, &c.). The Interpretation Act, 1897, provides that wherever the expression “the Minister” is used the same shall, unless the contrary intention appears, be construed to mean the Minister of the Crown for the time being administering the Act or Part of the Act in which the expression is used. Hence a definition of the “Minister” in this Act is unnecessary. The administration of different Parts of the Act, except where otherwise expressly provided, will be vested in such Ministers as the Governor may decide.

“Occupier” means the person for the time being entitled to possession of a holding or land, and includes the resident manager of the occupier where the occupier does not reside on the holding or land in relation to which the word is used; and includes also the occupier or caretaker of a public watering place, as defined by the Public Watering Places Act, 1900, and the council of a municipality or shire.

NOTE.—To provide that in relation to any public road or any land under the control of a municipal or shire council, the council will be regarded as the occupier. See amendment to section 27.

“Sheep” includes rams, ewes, wethers, and lambs, and in Part IV also includes any carcass, skin, wool, horn, hoof, ear, or other portion of a sheep.

NOTE.—Part IV mentioned refers to diseases in sheep, and for the purpose of effectively carrying out the provisions of that Part (see section 84 particularly) it is necessary to insert the word “ear” as proposed.

“Travelling sheep” or “travelling stock” means any sheep or stock other than stock in actual work whilst being driven or carried ~~by land or water~~, by rail or otherwise on land or by water, or which have within one month next preceding been so driven or carried along or over any place whatsoever other than the run on which they are ordinarily depastured.

NOTE.—Difficulty has arisen in the control of stock which travel the whole or part of a journey by rail, especially in the matter of permits. The object of the amendment is to require all persons in charge of stock travelling by rail to be provided with a permit which they must produce to a police constable or stock inspector when called upon to do so, as they are required to do when travelling by road.

"Travelling stock reserve," or "camping reserve," means any travelling stock route, reserve for travelling stock, or camping reserve, notified or dedicated as such either separately or otherwise under the provisions of the Crown Lands Acts.

NOTE.—This definition is necessary in view of the provisions of clause 2 of the Bill, providing for the collection of a rate on travelling stock.

6. (1) There shall be a pastures protection board for each district which shall consist of eight directors, each of whom shall be ex officio inspectors under this Act.

(2) Of such directors, four in each district shall retire at the end of this current year of office, being those who would by law have retired if the Acts hereby consolidated had not been repealed, and the remaining four shall hold office for another year.

(2) The directors holding office at the commencement of the Pastures Protection (Amendment) Act, 1918, shall continue to hold office until their successors are elected.

In the month of April, one thousand nine hundred and nineteen, and thereafter every three years, eight directors shall be elected for each district, who shall hold office for a term of three years, but shall be eligible for re-election.

~~(3) At the next election and thereafter four directors for each district shall be elected annually in the month of May, who shall hold office for two years.~~

(4) At the first meeting of a board after an election of directors, or after the office of chairman becomes vacant, the board shall elect one of its members to be chairman. In the absence of the chairman from a meeting of a board the directors present shall elect one of their number to be chairman for the meeting.

(5) Four directors shall form a quorum.

NOTE.—To provide for the election of fresh boards under the new provisions of this Bill (see amendment to section 11) whereby each person enrolled is to have one vote only. To provide also for triennial elections of the whole board in lieu of the present arrangement whereby four members of a board retire each year. This arrangement will be more economical.

10. The Minister may divide any district into two or four divisions, in his discretion, and a separate roll shall be prepared, and ~~two directors or one director~~, four directors or two directors, as the case may be, shall ~~annually~~ triennially thereafter be returned for each division.

NOTE.—Consequential upon the amendment to section 6.

11. The election of directors of the board shall take place in the prescribed manner, and provision shall be made for voting by post. The cost of the election shall be paid out of the pastures protection fund. Every person whose name is on the roll hereinbefore referred to, and who has paid all rates due by him under this Act to the board, shall be entitled to a vote at such election, and be eligible for election as a director, and the necessary qualification to entitle a person to have his name on the roll shall be that such person has been assessed, or is liable to be assessed, for payment of rates under section eighteen hereof: Provided that any person who is assessed in respect of not less than two thousand nor more than five thousand sheep, or not less than two hundred nor more than five hundred head of large stock, shall be entitled to two votes, and any person who is assessed in respect of more than five thousand sheep or more than five hundred head of large stock shall be entitled to three votes.

NOTE.—This amendment effects the alteration of the voting power of persons entitled to vote at the election of Pastures Protection Boards. Under the existing law the owner of 10 head of large stock or 100 sheep is entitled to one vote; the owner of 2,000 to 5,000 sheep or 200 to 500 head of large stock to two votes; the owner of more than 5,000 sheep or 500 head of large stock to three votes. Under this amendment every person entitled to vote at an election will have one vote and one vote only.

Rates.

18. (1) Every board shall in each year make or cause to be made an estimate of the probable sum which will be required (in addition to fines, penalties, and other revenues) for the effective administration of this Act in its district; and the said sum shall be raised by a rate upon sheep and large stock within the district.

Subject to the provisions hereinafter contained, the amounts levied under the rate shall be determined by the board in respect of the holdings within its district, and the board shall assess and rate every owner or occupier who has ten head or more of large stock or one hundred sheep or more. Such assessment shall not exceed in the annual aggregate fourpence per head of large stock and two-thirds of a penny per head of sheep:

Provided that in the case of unstocked or partly stocked land, the board shall assess it according to its carrying capacity, to be determined by the board after taking evidence on oath in open court: Provided also that in the case of agricultural land, it shall be assessed at one sheep to three acres:

Provided also that only half rates shall be levied—

- (a) in respect of any holding or portion of a holding on the external boundaries of which there is a fence which, in the opinion of the board, is rabbit-proof;
- (b) in respect of any holding or portion of a holding within a group.

Any fence which, in the opinion of the board, is sufficiently approximate to any boundary shall be deemed to be on such boundary for the purposes of this section.

(1A) Where an owner or occupier has large stock and sheep, but by reason of the numbers is not liable to be assessed in respect thereof, the board may reckon eight sheep as equal to one head of large stock, and one head of large stock as equal to eight sheep for the purpose of making such owner or occupier liable for assessment under this Act.

NOTE.—To make owners who may not have 10 head of large stock or 100 sheep liable to be rated, if they have in large stock and sheep combined what is considered the equivalent of 10 head of large stock or 100 sheep. For instance, in the settled districts a number of men have 80 or 90 sheep and 5 or 6 horses. Under this amendment they will be liable to be rated, and will be able to vote for the election of Pastures Protection Boards.

19. Every owner or occupier liable to be rated under this Act, and every owner of any large stock or sheep, shall, on or before the tenth day of January in each year, deliver personally or send by post by registered letter to the board for the district, in the prescribed form, a return of his land and of his large stock or sheep in such district, and of any of his large stock or sheep travelling in any other district, on the thirty-first day of December next preceding. Any such owner or occupier failing to make any such return or supplying incorrect or misleading information in any such return shall be liable to a penalty not exceeding twenty pounds.

NOTE.—Considerable inconvenience has been caused by the great carelessness displayed by some owners in the preparation of their returns.

23. Any sum due as a rate in respect of any holding shall be, and until the payment thereof shall remain, a charge upon the lands constituting the holding: Provided that the Auditor-General may authorise a board to write off any such sum which he is satisfied is irrecoverable.

NOTE.—The amounts are almost all small amounts, and so far as can be ascertained most of them are probably errors made in rating. The Boards seem to have made every effort to trace the supposed owners and also the land, but have failed. These amounts have to be carried forward from year to year. Upon representations made the Minister agreed that the Auditor-General should be authorised to say whether the amounts should be written off or not.

24. (1) All subsidies, fines, penalties, rates, except the rate provided for the improvement of travelling stock and camping reserves, and other moneys received by a board under this Act shall form part of a fund to be called the pastures protection fund of the district.

(2) Moneys forming part of such fund may be applied by the board of the district to the payment of any expenses of, or incidental to, the administration of this Act by the board, or of any costs or expenses incurred in accordance with the provisions of this Act, and not otherwise.

- (2) Moneys forming part of such fund may be applied by the board of the district—
- (a) to the payment of any expenses of, or incidental to, the administration of this Act by the board, or to the payment of any costs or expenses incurred in accordance with the provisions of this Act, and
 - (b) to clearing scrub, noxious weeds and plants, ringbarking and suckering, fencing, providing water on and otherwise improving travelling stock and camping reserves, and
 - (c) any other purpose approved by the Minister.

(3) The Governor may cause the accounts in connection with the pastures protection fund and reserves improvement fund of any district to be audited, and the expenses of the audit shall, if the Governor so requires, be paid out of such fund.

NOTES.

(1) The rate provided for the improvement of reserves will be paid into a "Reserves Improvement Fund." See clause 2 (section 26c) of Bill.

(2) This will enable Pastures Protection Boards to apply part of their general rate to improving reserves for travelling stock where the moneys to the credit of that fund are in credit, and thus lighten the rate which is to be specially imposed for that purpose.

(3) All accounts of Pastures Protection Boards are audited by the Auditor-General.

25. Every board is relieved from liability to make payments to the sheep account in the Treasury under section twenty-five of the Act No. 111, 1902, hereby repealed, in respect of moneys received for rates before the thirtieth day of November, one thousand nine hundred and six, but in lieu of such payments shall expend within five years of such date, in the destruction of rabbits on public lands within its district, or in the erection of rabbit-proof fencing on the boundaries of such lands, or partly in one such way and partly in another, or in such other way as the Minister may approve of, an amount equal to the moneys which were vested in the board by subsection four of section twenty-four of the Act No. 111, 1902, after deducting any liabilities of the board outstanding at the date of such vesting.

In case of any dispute as to the amount of the moneys to be so expended, the matter shall be determined by the Auditor-General.

Each board shall furnish to the Minister, in the month of January in each year, details of its expenditure under this section.

25. Any board having in its possession any moneys vested in it under subsection four of section twenty-four of the Act No. 111, 1902, may, with the approval of the Minister, transfer such balance to the Pastures Protection Fund of the district.

NOTE.—Section 25, Act 111, 1902, required Pastures Protection Boards to pay to the Treasury 20 per cent. of all moneys received as rates in liquidation of debit balances of the Sheep Account under the Diseases in Sheep Act, 1866. They were relieved from this payment by the Act No. 20 of 1903 (section 25), provided they expended an equivalent sum in improvements on public lands. It has been found that the money could not be judiciously expended on that work. There were not sufficient funds to continue the work with the hope of deriving any permanent benefit. The balances still remaining are lying idle. The reserves will now be improved from the proceeds of the droving rate which is being imposed by this Bill.

PART III.

DESTRUCTION OF RABBITS AND NOXIOUS ANIMALS.

DIVISION 1.—*Application and Interpretation.*

27. (1) The Governor, by proclamation in the Gazette, may declare any pastures protection district to be rabbit infested, and may revoke or vary any such proclamation.

Except where otherwise in this Part expressly provided, and except so far as it relates to the destruction of noxious animals, this Part shall apply only to the districts so declared to be rabbit infested.

(2) In applying Divisions four, five, and six of this Part to any municipality or shire, the council of the municipality or shire shall be deemed to be the occupier of all land vested in or held by such municipality, held by or under the control of such council, and, in respect of commons, the trustees thereof shall be deemed to be the occupiers.

NOTE.—To extend the provision to shire councils and to make both municipal and shire councils the body responsible for clearing rabbits and noxious animals from roads which are held by or under the control of the council. This amendment is rendered necessary by a decision of the Supreme Court in *Self v. McClure*, to the effect that a council was not liable to destroy rabbits and noxious animals on roads. The amendment is in conformity with an agreement arrived at by the Department of Agriculture and the Local Government Department. See also amendment to section 58.

35. Where the owner of a holding owes money to a board for wire-netting or other materials, and such holding is forfeited or surrendered to the Crown, the property of such owner in such netting and materials, and any right which such owner may have to recover contribution in respect of the same, shall pass to and vest in the board.

NOTE.—So that in cases of surrender of lands, Pastures Protection Boards will not lose any right which they might have to wire-netting or other materials supplied by them to landowners.

DIVISION 3.—*Barrier fences.*

37. (1) A board may—

- (a) Erect a rabbit-proof fence, or make rabbit-proof any existing fence, on any land, whether public or private, within or without the district, or across any road or travelling stock route, making gates in such fence for the passage of the public and their stock; and
- (b) co-operate with the board of any other district in any such work.

(2) Any fence, whether erected or made rabbit-proof by a board or boards, or by the Crown, or by any person before or after the commencement of this Act, may be declared by the Governor by notification to be a "barrier fence," and shall be deemed to be a barrier fence within the meaning and for the purposes of this Act so long as such notification remains in force: Provided that any such notification may be cancelled or amended by the Governor.

(3) Upon the cancellation of any such notification with regard to a barrier fence erected or made rabbit-proof by or at the expense of the Crown, the owner of any land deriving benefit from such fence shall pay to the Minister for Lands the value of so much of such fence as is situated within or is on the boundary of his land.

The value of any portion of the fence situated within such land shall be the value thereof to the owner; and the value of any portion on the boundaries of such land shall be the value at the date of the cancellation of such notification.

Any such value shall be that agreed upon by the Minister for Lands and the aforesaid owner. If such value cannot be so agreed upon, it shall be determined by the local land board. Payment shall be made as directed by such Minister or the local land board as the case may be.

NOTE.—(3) Although a fence may no longer be necessary as a "barrier" fence parts of it may be useful to individual owners, and where it is the Crown will require payment for it.

41. (1) It shall be the duty of a board or boards erecting a barrier fence, or converting a fence into a barrier fence, to maintain it in an effective manner and keep it in good repair.

(2) Where, except as provided in the next section, before or after the commencement of this Act, and at the expense or principally at the expense of the Crown, a barrier fence has been erected, or a fence has been converted into a barrier fence which is wholly or in part within or on the boundaries of a district, the board of such district shall maintain in an effective manner so much of the fence as is within or on the said boundaries and keep it in good repair:

Provided that with reference to so much of the fence as is on the common boundary of two districts, the boards of such districts may agree which board shall maintain and repair the fence, and failing such agreement, the board named by the Minister shall maintain and repair the fence and may recover from the other board half the expense so incurred.

(3) Provided also that a board or boards may cease to maintain and repair a barrier fence which it or they considers or consider to be unnecessary.

NOTE.—Consequential amendment only.

42. Where before or after the commencement of this Act, and at the expense of the Crown, a barrier fence has been erected, or a fence has been converted into a barrier fence, which is wholly or in part on the boundary of any lands vested in the Railway Commissioners, the Commissioners shall maintain in an effective manner so much of the fence as is on such boundary and keep it in good repair, but the costs of such maintenance and repair shall be paid out of the Consolidated Revenue Fund, and the said Commissioners shall permit any person authorised by the Minister or a board to enter upon any land vested in the Commissioners for the purpose of rabbit destruction.

NOTE.—The barrier fence to which this section applied has been cancelled, viz., Corowa to Bourke via Harden and Blayney, and the provision is no longer required.

46. Where any lands are divided or bounded by a road or travelling stock reserve or route or public lands, the local land board may upon application in the prescribed manner and payment of the prescribed fee grant to the occupiers or owners of such lands, or any of such owners or occupiers, permission to carry a rabbit-proof fence across such road, reserve, route, or public lands: Provided that rabbit-proof gates shall be erected at places where the fence crosses such road or route, unless the local land board dispenses with the erection of the same.

Any permission or dispensation granted under this section may be granted for a limited time and subject to conditions, and may be revoked by the local land board upon reference by the Minister or application by any person interested.

NOTE.—There are inter-party disputes, and it is only proper that before the board should act one party should apply and pay a fee. The Local Land Board, not the Pastures Protection Board, is to deal with these matters.

48. The occupier of a holding consisting wholly or in part of Crown lands held under occupation license or annual lease, may give notice in the prescribed form to the chairman of the local land board that he intends to make such holding rabbit-proof by erecting a rabbit-proof fence, or converting a fence into a rabbit-proof fence; and where such notice has been given and the consent of the local land board has been obtained and such holding has been made rabbit-proof in accordance with the terms thereof, such holding shall be deemed to have been made rabbit-proof by a rabbit-proof fence as from the date of such notice, from the date of such consent, so far as regards the payment under this Part for improvements in connection with any lands withdrawn from occupation license or annual lease by becoming the subject of any purchase or lease from the Crown after the date of such notice: Provided that the rabbit-proof fence shall be completed within one year from the date of such notice such consent or within such further time as such board on application may allow.

The provisions of this section shall apply in cases where the proposed fence is a ring fence intended to enclose a group of holdings, in which case the notice may be given by any occupier of a holding proposed to be included in the group.

NOTE.—So that before a holder of an annual lease or occupation licenses erects a rabbit-proof fence, he will need to obtain the consent of the Local Land Board.

49. (3) The following provisions as to contributions shall apply:—

- (a) Any fence which, in the opinion of the local land board, is sufficiently approximate to any boundary shall be deemed to be on such boundary for the purposes of this section.
- (b) The local land board shall upon application in the prescribed manner and payment of the prescribed fee determine the amount of the contribution payable, and, subject to the provisions of this section, shall assess the amount of such contribution at according to the benefit derived

and to be derived from the fence, and in no case shall such contributions exceed half the value of the fence, or half the value of the work of making the fence rabbit-proof, as the case may be; and such value shall be the value at the date when the aforesaid notice of demand was given.

(4) No holder of an occupation license or preferential occupation license, or of any lease from the Crown having less than five years to run at the date of completion of a rabbit-proof fence on the boundary of an adjoining holding, ~~and no owner who uses as a boundary a fence which is outside the boundaries of his holding~~, shall be liable for payment of a contribution under this or the next succeeding section, but in lieu thereof such holder ~~or owner~~ shall be liable to pay an annual rental in respect of such fence from the date when a claim in writing is made in that behalf by the person entitled thereto. The amount of such annual rental, and the dates for payment thereof, shall, on application, be determined by the local land board. Such amount shall be assessed at an amount not exceeding six per centum upon half the value of the fence, or half the value of the work of making the fence rabbit-proof, as the case may be, together with such further amount towards the average cost of the maintenance and repair of the fence as may be agreed upon between the parties, or, failing such agreement, as may be determined by the local land board.

(5) Nothing in the Crown Lands Acts, the Western Lands Acts, or the Dividing Fences Act, shall relieve any person from liability to make any payment under this Act.

(6) Any claim for contribution in respect of a rabbit-proof fence erected or any fence made rabbit-proof before the thirtieth day of November, one thousand nine hundred and six, shall be determined under the provisions of section forty-two of the Act No. 111, 1902, hereby repealed, reproduced for such purpose in the Fourth Schedule to this Act.

(7) Any notice of demand in respect of a fence erected or made rabbit-proof prior to the thirty-first day of December, one thousand nine hundred and eighteen, shall be served within twelve months after that date; and in respect of a fence erected or made rabbit-proof after the aforesaid date, the notice of demand shall be served within twelve months after the completion of the work for which contribution is claimed.

In every case a copy of such notice of demand shall be forwarded by the claimant to the chairman of the local land board within fourteen days after the date of the notice. And, with any application to assess the amount of contribution payable, a copy of such notice of demand shall also be forwarded to the district surveyor for the land board district within which the land is situated or to the commissioners of the Western Land Board when the land is situated within the Western Division.

NOTES.

(1) To limit the claim for contribution to cases where benefit is derived or to be derived by an adjoining holder.

(2) To limit the time in which claims may be made.

DIVISION 5.—*Destruction of rabbits and noxious animals by owners and occupiers.*

58. It shall be the duty of the owner or occupier respectively of any land from time to time to suppress and destroy, by all lawful means, at his own cost, and in accordance with the requirements of the board as specified under the provisions of section sixty-one of this Act all rabbits and noxious animals which may from time to time be upon such land, or upon any roads bounding or intersecting the same, or any part thereof: **Provided** such roads are not vested in, held by, or under the control of the council of a municipality or shire, in which case the work of destroying the rabbits thereon shall be carried out, in accordance with the requirements of the board, by the council of the municipality or shire concerned.

Any such owner or occupier who fails to fully and continuously perform such duty as aforesaid shall be liable to a penalty on the first conviction of not more than ten pounds, and on the second conviction of not more than twenty-five pounds, and on the third or any subsequent conviction of not more than ~~five pounds~~ **one hundred pounds**.

NOTES.

(1) To make shire and municipal councils solely responsible for the destruction of rabbits on roads held by or under the control of the council.

(2) Cases have come under notice where owners will not make any attempt to destroy rabbits, and an increase in the penalty is found necessary.

Bonus for scalps.

65. Every board may and if the Minister so directs shall out of the pastures protection fund pay such sums by way of bonus for the scalps of noxious animals, at such rate as the board may from time to time determine, and the rates so determined by the board shall be published in the Gazette and in one or more newspapers circulating in the district.

NOTE.—To give the Minister power to direct boards to pay a bonus for scalps.

66. When the scalps of any noxious animals killed within a district are delivered to the secretary of the board thereof, or to any person duly authorised by such board to receive the same, a certificate in the prescribed form shall be granted by the secretary or authorised person to the person delivering such scalps, and all such scalps shall be forthwith destroyed by fire in the presence of the persons granting such certificate, who shall deliver to the secretary a certificate in writing to that effect. The amount specified in any such certificate shall be payable on presentation to the treasurer or other person authorised by the board.

Provided that where the scalps of foxes are delivered to the secretary of the board or to any person duly authorised as aforesaid, the scalps, if attached to the skin, may be indelibly marked for identification purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may subsequently be disposed of as the board may decide.

NOTE.—Fox skins have a commercial value, and this provision will enable boards to mark the skins so as not to interfere with such value.

105. The following provisions with respect to travelling sheep and large stock shall apply and be in force in such districts as the Governor may at any time declare by notice in the Gazette:—

- (1) Every owner intending to travel sheep or large stock from any run shall, before leaving such run, forward to the inspector of the district a statement in writing of the number, description, brands, and marks of the said sheep or large stock and of their intended route and destination, and shall obtain from the inspector a permit in the prescribed form to travel the said sheep or large stock as hereinafter provided to their destination by the route specified in such permit. Provided that such permit shall not be necessary in any case where sheep or large stock are being removed from one run to another belonging to the same owner, such runs being not more than forty miles apart.

Every owner introducing such sheep or large stock from any of the adjoining States shall in like manner obtain a permit to travel as aforesaid from the inspector for the district into which such sheep or large stock first pass on crossing the border.

- (2) If at any time within four months from the date of the arrival of any sheep or large stock at a destination to which they have travelled under a permit previously granted as aforesaid it is intended to remove any of the said sheep or large stock from such destination to any other, their owner shall obtain from the inspector for the district in which such sheep or large stock then are a renewed permit for every second or subsequent removal, for which the owner shall pay to the said inspector a travelling charge at the rate of twopence per one hundred sheep and twopence for every ten head of large stock per mile for the distance between the two destinations:

Provided that on the removal by the owner or purchaser of any sheep or large stock sold, or bona fide offered for sale at a recognised saleyard, a renewed permit shall not be necessary.

- (3) If any travelling sheep or large stock are brought back to the run from which they started to travel, or to any run in the same district, the owner of such sheep or large stock shall pay to the inspector for such district the travelling charges fixed by the next preceding subsection for the whole distance such sheep or large stock have travelled from the time they started as aforesaid until they were brought back to either of such runs:

Provided that this subsection shall not apply to fat sheep or large stock sent bona fide to and returning unsold from market.

- (4) All moneys received by inspectors for travelling charges or otherwise under this section, or for penalties, shall be paid by them to the pastures protection fund of the district in which such moneys were received, but such charges may in any case be refunded by the board at its discretion.

NOTE.—To make travelling large stock subject to the same conditions as travelling sheep.

DIVISION 4.—*Travelling stock.*

106. (1) Every drover in charge of any travelling sheep, and every drover in charge of any travelling ~~horses or cattle~~ **large stock**, shall be provided at the time of his departure with a "travelling statement" in the prescribed form, signed by the owner of such sheep, ~~horses, or cattle~~ **or large stock** in the presence of a subscribing witness. It shall be deemed to be a compliance with the provisions of this section, or section one hundred and five of this Act, or section one hundred and eighty-four of the Stock Act, 1901, if the drover is supplied with, and produces when called upon, a travelling statement issued under this section, or a permit issued under section one hundred and five.

(2) Every drover shall produce such statement, ~~and~~ **or** a permit as hereinbefore provided, upon demand, to any inspector, police constable, or justice, or to the occupier of any run through which or along the boundary-road of which such travelling stock may be proceeding.

NOTE.—To obviate the necessity for drovers to carry two documents where one will suffice.

107. (1) All travelling stock shall be taken by the drover thereof by any direct road ordinarily used for the purpose of travelling stock to the place of destination mentioned in the permit or travelling statement, as the case may be, for such stock: **Provided that where there is a travelling stock or camping reserve leading to the place of destination mentioned in the permit or travelling statement, travelling stock shall be taken by such reserve where practicable.**

(2) Unless bona fide prevented by rain or a flood, or other unavoidable cause, such stock, if sheep, shall be moved six miles, and if ~~horses or cattle~~ **large stock** ten miles, at least, in one and the same direction during every successive period of twenty-four hours from six o'clock in the morning of one day to six o'clock in the morning of the following day.

(3) If any travelling stock are sold on the roads or if from any sufficient cause the route mentioned in any such travelling statement or permit cannot be followed, the drover may, with the approval of the inspector, change such route or destination; such approval shall be endorsed upon the travelling statement. If, in the opinion of the inspector, any travelling sheep **or large stock** in respect of which the route or destination has been so changed are travelling in search of grass or of a purchaser, the inspector shall demand, and the owner of such sheep **or large stock** shall pay, travelling charges for the same from the point where the change of route begins to the destination.

(4) Any travelling sheep **or large stock** may (with the sanction of an inspector) be kept for any period not exceeding forty-eight hours on any reserve for travelling stock, for the purpose of branding such sheep **or large stock**, or for carrying out any other necessary provision of this or any other Act.

(5) Any travelling charges imposed may be paid under protest to the inspector, and the drover of the sheep **or large stock** or their owner may, in the prescribed manner, appeal against such charges to the board of the district in which the charges are imposed. The Minister may, on the recommendation of a board, remit any travelling charges.

NOTE.—To meet the Supreme Court decision in *Hogan v. Brazier* (S.R. xvii), and to require drovers to use travelling stock routes where practicable, instead of reserved roads through private properties.

108. Whenever a drover intends to take his travelling stock along any road which intersects or forms the boundary of any run containing not less than two hundred acres, and not separated from such road by a sufficient fence, he shall give the occupier of such run not less than twelve nor more than forty-eight hours' notice of such intention, **sending the same by post, telegram, or telephone, or by leaving the same at the homestead or head station of such run:**

Provided that such notice shall not be necessary within thirty miles of the sea-coast, nor in the case of ~~horses or cattle~~ **large stock** bona fide used for saddle or draught, nor in the case of fat cattle travelling in drafts, not exceeding two hundred in each draft, to a specified market for sale, nor in the case of sheep while being carried in a conveyance, nor while travelling in the coast scab district.

NOTE.—To facilitate the giving of notice of the intention to travel stock through private properties.

110. (1) No person shall drive, take, or depasture any stock, other than bona fide travelling stock, or working large stock belonging to teamsters, carriers, or travellers, upon any Crown lands reserved for travelling stock.

(2) No person shall drive, take, or depasture any stock, other than stock in transit to the railway, upon reserves set apart for the accommodation of the railway stock traffic.

(3) Any stock driven, taken, or depastured contrary to this Part or any regulation made hereunder, or any stock found upon a reserve for travelling stock—such stock not being bona fide travelling stock nor stock belonging to the occupier of the run on which such reserve is situated—may be impounded by any inspector or justice, or other person authorised by the Minister in that behalf, and may thereupon be dealt with as in the case of stock impounded for trespass upon lands in the lawful possession of any occupier, and the owner shall be liable to a penalty not exceeding twenty pounds.

NOTES.

(1) It is considered necessary that teamsters, carriers, and travellers should have a legal right to drive or depasture their working stock on reserves.

(2) To provide a penalty for trespassing on reserves.

130. (1) Every owner intending to remove any sheep inland from the coast scab district shall give the nearest inspector three clear days' notice of such intention.

(2) Before removing such sheep such owner shall dress them in the same manner as is hereinbefore provided with respect to imported sheep, and shall obtain such inspector's certificate and sanction for the removal in the prescribed form.

(3) Any person failing to comply with or aiding or concerned in the breach of any provision of this section shall be liable to a penalty not exceeding one hundred pounds.

(4) Provided that sheep which have been treated as imported sheep if removed inland within twenty-eight days after the date of their clean certificate shall not be subject to the provisions of this section.

(5) The Governor may, by proclamation in the Gazette, suspend all or any of the provisions of this section for any period ~~not exceeding twelve months~~ he may determine.

NOTE.—As the disease known as "coast scab" has, it is believed, been eradicated, it is proposed to suspend the provisions of this section indefinitely, but to retain the section so that in the remote possibility of the disease recurring, the Governor may bring the provisions of the section into operation.

132. Only one firebrand and one paint or tar "owner's brand" and one owner's ear-mark shall be allotted to each sheepowner for every run held by him, and if two or more runs adjoin they shall be deemed one run. But sheepowners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.

NOTE.—*Vide* new section.

132. (1) Only one fire-brand, one paint or tar "owner's brand," and one owner's ear-mark shall be allotted to each sheepowner for each run held by him, provided that if two or more such runs adjoin they shall be deemed one run.

(2) Sheepowners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.

(3) The proprietor of any brand or ear-mark referred to in subsection one of this section may transfer such brand or ear-mark only to a subsequent owner or occupier on his own behalf of the run to which such brand or ear-mark has been allotted.

The proprietor of any distinctive mark referred to in subsection two which has been duly recorded as hereinafter provided, may transfer such distinctive mark to any person.

(4) To give effect to any such transfer the proprietor shall join with the person to whom he transfers in a memorandum of transfer, in the prescribed form, and shall deliver or transmit such memorandum, together with the fee prescribed by Schedule Three hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to the transferee a certificate of the transfer.

(5) If such proprietor disposes of or abandons any run owned or occupied by him, and does not make such transfer, the inspector for the district shall cancel the allotment of such brand, ear-mark, or distinctive mark, and notify the Chief Inspector of such cancellation.

The brand, ear-mark, and distinctive mark shall on such cancellation become available for reallocation.

(6) If such proprietor dies without having made such transfer, the property in such brand, ear-mark, and distinctive mark shall vest in his legal personal representatives for a period of six months after such death. Before the said period elapses such representatives shall, in writing, notify the inspector for the district whether or not they desire to retain the brands and marks, and if they do so desire on whose behalf the retention is to be made. They shall, if they notify that they desire the brands and marks to be retained, forward to the inspector with such notification the prescribed particulars, together with the fee for recording and publishing such brands and marks, according to the scale given in the Third Schedule hereto.

Any brand or mark for the recording of which they do not so remit the scheduled fee shall be available for reallocation.

NOTE.—These provisions have been recommended by the Chief Inspector of Stock, have the endorsement of the Pastures Protection Board Council of Advice, and are considered to be necessary.

137. If the proprietor of any such recorded brand or mark desires to transfer the rights thereof to any other person he shall join with such person in a memorandum of transfer, in the prescribed form, and shall deliver or transmit the same, together with the fee for recording the same mentioned in the Third Schedule hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to such person a certificate of such transfer.

NOTE.—*Vide* new section 132.

140. (1) Every person who—

- (a) wilfully or negligently brands or marks with his own recorded brand or mark any sheep of which he is not the owner, or wilfully or negligently permits any such sheep to be branded or marked with his recorded brand or mark; or
- (b) wilfully destroys, defaces, or alters any brand or ear or other mark on sheep, or permits or is privy to the destruction, defacement, or alteration thereof; or
- (c) cuts off more than one-fourth of the ear of any sheep; or
- (d) uses on any sheep the brand or mark of any other person without his authority; or
- (e) uses any unrecorded brand or mark on any sheep; or
- (f) in any other way offends against any other provision of this Part connected with the branding or marking of sheep,

shall be liable to a penalty not exceeding one hundred pounds.

(2) The fact of any such sheep being on the run of such person for two months without his having given notice to the rightful owner of such sheep, or to the officer in charge of the nearest police station, or to the nearest inspector, of such misbranding, defacing, altering, cutting, or marking, or the fact that any sheep bearing any such brand or mark as aforesaid had been claimed or dealt with by any person as his property, shall be evidence of such person having committed a breach of this section.

(3) Any person having in his possession sheep with such misbranding, defacing, altering, cutting, or marking, who fails within the time specified in the preceding section to give notice thereof to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

NOTE.—(1) To prevent the use by one sheep-owner of another owner's brand and (2) as a precaution against sheep-stealing.

DIVISION 9.—*Regulations*

141. The Governor may make any regulations not being inconsistent with the provisions of this Part for carrying out the same in respect of any of the following matters or things, namely :—

- (a) the powers and duties of directors and of inspectors ;
- (b) the placing of land and sheep in quarantine, and releasing the same therefrom ;
- (c) the destruction of infected straw and fodder ;
- (d) the detaining and keeping travelling sheep supposed to be infected, and while being dressed or cleansed, and their destruction where necessary ;
- (e) the keeping, dressing, and cleansing of imported sheep ;
- (f) the keeping and depasturing within the coast district of sheep brought to market for sale ;
- (g) the protection, **improvement**, and management of reserves for travelling stock ; and
- (h) all other matters of detail necessary for carrying this Part into effect.

NOTE.—Consequential amendment.

No. , 1918.

A BILL

To make further provision for the protection of pastures; to provide for the control of certain travelling stock and camping reserves; to make further provision with regard to boundary fences; to provide for the imposition and collection of a rate on travelling stock; to establish a reserves improvement fund; to validate certain payments made by pastures protection boards; to amend the Pastures Protection Act, 1912, the Crown Lands Acts, and certain other Acts; and for purposes consequent thereon or incidental thereto.

[MR. GRAHAME;—20 *November*, 1918.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Pastures Protection (Amendment) Act, 1918," shall be read with the Pastures Protection Act, 1912, hereinafter referred to as the Principal Act, and shall come into force on a date to be proclaimed by the Governor in the Gazette.

New short headings and sections.

2. The following short headings and new sections are inserted next after section twenty-six of the Principal Act :—

Travelling stock reserves and camping reserves.

Control of travelling stock reserves and camping reserves.

26A. (1) The Minister for Lands may from time to time, by notification published in the Gazette, place under the control of the board therein specified, for a period of five years or such extended period as he may approve, any travelling stock reserve, or camping reserve, or part thereof, except any such reserve or part thereof within a State forest or in the Western Division. Such board shall thereupon have the general management, maintenance, and control of any reserves or parts thereof so notified :

Provided that where any such reserve or part thereof is held under a lease other than an annual lease or occupation license under the Crown Lands Acts, the management thereof shall not be placed under the board until the lease or the part thereof relating to such reserve is terminated in pursuance of any provision of the Crown Lands Acts.

(2) The board shall take proper measures for the protection of such reserves or parts thereof from trespass and from rabbits and noxious animals, and for the improvement of such reserves by clearing scrub, noxious weeds and plants, ringbarking, suckering, fencing, providing water, and for effecting such other improvements as may be deemed advisable in the interest of travelling stock :

(3)

5 (3) Where the Minister for Lands considers that a board has not taken or is not taking proper measures for the protection or improvement of a travelling stock reserve or camping reserve he may in writing notify such board to that effect; and, if after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

10 (4) Where any such reserve or part thereof which has been placed under the control of the board is held under annual lease or occupation license, the Minister for Lands may, notwithstanding anything to the contrary in the Crown Lands Acts, cancel such lease or license, as to the part of the land which is to be retained as a reserve, upon giving three months notice to the lessee or licensee, and upon the expiration of that period the lease or license or part thereof as the case may be shall be terminated.

25 26B. The Minister for Lands may withdraw from any such travelling stock or camping reserve any lands required as sites for towns or villages, or for any public purpose under the Crown Lands Acts. Upon such withdrawal being notified in the Gazette, the board shall be entitled to compensation for any improvements effected by it on such lands, and such compensation shall not in any case exceed the cost of effecting such improvements. If the Minister and the board fail to agree in regard to the amount of compensation, such amount shall be determined by the Local Land Board.

Withdrawal of lands from reserves and compensation therefor.

Reserves Improvement Fund.

40 26c. (1) The board shall impose and collect a rate as prescribed on all travelling stock driven or carried along or over travelling stock reserves or camping reserves or roads in the Eastern Division and Central Division as respectively set forth in the Crown Lands Acts.

Rate on travelling stock.

(2)

Fund.

(2) All moneys received in pursuance of this section shall form part of a fund to be called the "Reserves Improvement Fund" for the district.

Such fund shall, after deduction of the cost of collection of such moneys and the cost of necessary supervision, be used exclusively in improving the reserves handed over to the control of the board in pursuance of section 26A of this Act. 5

Grazing permits.

26D. A board may, subject to the approval of the Minister for Lands, grant permits to graze over any travelling stock reserve or camping reserve or part thereof for any periods not exceeding in each case three months, and any money derived from such permits shall be paid to the reserves improvement fund, and shall be used as provided in the preceding section. 10 15

New short headings and sections.

3. The following new sections and short headings are inserted next after section fifty-two of the Principal Act :— 20

Fencing travelling stock and camping reserves.

Fencing reserves.

52A. (1) Where a board considers it necessary for the proper protection or improvement of a travelling stock reserve or a camping reserve—

Stock-proof fence.

(a) that a stock-proof boundary fence should be erected, such board may, by notice in writing, require the owner of any adjoining land, within a period to be therein specified, to erect, and thereafter to maintain, such a fence between such land and the reserve. 25 30

If such owner fails to complete the erection of such a fence within such period, and thereafter to maintain such fence in a state of good repair, the board may, with the approval of the Minister for Lands, erect or complete and thereafter so maintain such fence, and may recover the cost thereof in all such cases from such owner ; 35

Rabbit-proof fence.

(b) that a fence on any boundary of a camping reserve should be made rabbit-proof, such board 40

board may, by notice in writing, require the owner of the land adjoining such boundary, within a period therein specified, to make such fence rabbit-proof.

5 If any owner fails within the period so specified to comply with any such notice, the board may, with the approval of the Minister for Lands, do any work necessary to make the fence rabbit-proof. The owner
10 and the board shall each pay half of the cost of making such fence rabbit-proof, as well as half of the cost of the maintenance and repair of such fence. If an owner and a
15 board fail to agree in regard to such cost, the amount shall be determined by the local land board upon application by either party.

(2) The provisions of this section shall not apply to the holder of an annual lease, occupation
20 license, or preferential occupation license, or of any lease from the Crown having less than five years to run at the date of the service of the notice.

Roads or watercourses.

52B. The intervention of a road or watercourse
25 between two holdings shall not prevent holdings or lands being taken to be adjoining, or prevent a claim for contribution for erection, netting, or maintenance being brought in respect of a fence on either side of such road or watercourse—

- 30 (a) if such fence has been used as a common boundary fence by the owners or occupiers of the holdings on either side thereof; or
(b) if in the opinion of the local land board such
35 fence can be reasonably used as a common boundary fence by the owners or occupiers of the holdings on either side thereof.

Claims for maintenance of fencing.

52c. (1) In any case where a rabbit-proof fence
is used as a boundary or part of a boundary
between two holdings, and expense is incurred by
the Contribution towards cost of rabbit fences.

the owner or occupier of either of such holdings in the work of maintenance and repair of such fence, the owner or occupier who has incurred such expense may serve the prescribed notice of demand on the owner or occupier of the holding on the other side of such fence, and shall be entitled thereafter to recover from him a contribution towards the cost of such work. 5

The amount of such contribution shall be assessed by the local land board, and shall be one-half the reasonable cost of the work. 10

(2) If any boundary fence is not being maintained as an effective rabbit-proof fence, and such maintenance of the fence is necessary, the owner or occupier of the holding on either side of such fence may, for the purpose of the effective maintenance of such fence, by himself or his agents or servants, enter on the land of the adjoining owner or occupier. 15

(3) This section shall apply only to work effected on fences in respect of which fences no award has been made by a local land board for the original cost of making the same rabbit-proof, and nothing herein contained shall affect the rights to contribution for maintenance otherwise conferred by this Act. 20 25

General amendments of the Principal Act.

Amendments
of Principal
Act.
Sec. 4.

4. The following amendments are made in the Principal Act :—

- (i) Section four, definitions :— 30
 - (a) In the definition of "brand" insert the word "horn" immediately before the words "or face." 35
 - (b) Definition of "Minister": Omit the definition. 35
 - (c) In the definition of "occupier" after "1900" insert "and the council of a municipality or shire." 40
 - (d) In the definition of "sheep" the word "ear" is inserted after the word "hoof." 40
 - (e) 40

(e) In the definition of "travelling sheep" or "travelling stock," the words "by land or water" are omitted and the words "by rail or otherwise on land or by water" are inserted in lieu thereof.

(f) After the definition of "travelling sheep" or "travelling stock" insert the following new definition:—

"Travelling stock reserve," or "camping reserve," means any travelling stock route, reserve for travelling stock, or camping reserve, notified or dedicated as such either separately or otherwise under the provisions of the Crown Lands Acts.

(ii) Section six: Omit subsections two and three and insert the following in lieu thereof:—

(2) The directors holding office at the commencement of the Pastures Protection (Amendment) Act, 1918, shall continue to hold office until their successors are elected.

In the month of April, one thousand nine hundred and nineteen, and thereafter every three years, eight directors shall be elected for each district, who shall hold office for a term of three years, but, shall be eligible for re-election.

(iii) Section ten: Omit "two directors or one director" and insert "four directors or two directors" in lieu thereof. Omit "annually" and insert "triennially" in lieu thereof.

(iv) Section eleven: Omit the proviso. Sec. 11.

(v) Section eighteen: At the end of subsection one insert the following new subsection:— Sec. 18.

(1A) Where an owner or occupier has large stock and sheep, but by reason of the numbers is not liable to be assessed in respect thereof, the board may reckon eight sheep as equal to one head of large stock; and one head of large stock as equal to eight sheep for the purpose of making such owner or occupier liable for assessment under this Act. (vi)

- Sec. 19. (vi) Section nineteen : After the words "make any such return" insert "or supplying incorrect or misleading information in any such return."
- Sec. 23. (vii) Section twenty-three : At the end of the section add "Provided, that the Auditor-General may 5 authorise a board to write off any such sum which he is satisfied is irrecoverable."
- Sec. 24. (viii) Section twenty-four :—
- (a) Subsection one : After the word "rates" insert "except the rate provided for the 10 improvement of travelling stock and camping reserves."
- (b) Subsection two is repealed, and the following subsection inserted in lieu thereof :—
- (2) Moneys forming part of such fund may 15 be applied by the board of the district—
- (a) to the payment of any expenses of, or incidental to, the administration of this Act by the board, or to the payment of any costs or expenses incurred in accor- 20 dance with the provisions of this Act, and
- (b) to clearing scrub, noxious weeds and plants, ringbarking and suckering, fencing, providing water on and other- 25 wise improving travelling stock and camping reserves, and
- (c) any other purpose approved by the Minister.
- (c) Subsection three : After the words "pastures 30 protection fund" insert "and reserves improvement fund."
- (ix) Section twenty-five is repealed and the following is inserted in lieu thereof :—
25. Any board having in its possession any 35 moneys vested in it under subsection four of section twenty-four of the Act No. 111, 1902, may, with the approval of the Minister, transfer such balance to the Pastures Protection Fund of the district. 40

Sec. 24(2)
repealed, new
subsection
substituted.
Purposes to
which funds
may be
applied.

Repeal of s. 25,
new section
substituted.

Certain
balances to be
transferred to
Pastures Pro-
tection Fund.

- (x) Section twenty-seven, subsection two: After Sec. 27 (2).
“municipality” where firstly and secondly
occurring insert “or shire.”

5 Omit “or held by such municipality” and
insert “held by or under the control of such
council” in lieu thereof.

- (xi) Section thirty-five: After “forfeited” insert Sec. 35.
“or surrendered.”

- 10 (xii) Section thirty-seven is amended by the addition Sec. 37.
of the following subsection:—

15 (3) Upon the cancellation of any such
notification with regard to a barrier fence
erected or made rabbit-proof by or at the
expense of the Crown, the owner of any land
deriving benefit from such fence shall pay to
the Minister for Lands the value of so much
of such fence as is situated within or is on the
boundary of his land.

20 The value of any portion of the fence
situated within such land shall be the value
thereof to the owner; and the value of any
portion on the boundaries of such land shall be
the value at the date of the cancellation of
such notification.

25 Any such value shall be that agreed upon
by the Minister for Lands and the aforesaid
owner. If such value cannot be so agreed
upon, it shall be determined by the local land
board. Payment shall be made as directed
30 by such Minister or the local land board as the
case may be.

- (xiii) Section forty-one—

Sec. 41 (3).

35 (a) Subsection two: By omitting the words
“except as provided in the next section”;
and

40 (b) Subsection three: At the end of the sub-
section add “or may cause the continuity
of the fence to be broken where it or they is
or are satisfied that it should be done in the
public interests, and that the effectiveness of
the fence will not thereby be endangered.

(xiv)

Sec. 42. Repeal.

(xiv) Section forty-two is repealed.

Sec. 46.

(xv) Section forty-six: After the words "the local land board may" insert "upon application in the prescribed manner and payment of the prescribed fee." 5

Before the word "dispensation" insert the words "permission or."

After the words "may be revoked by the" insert "local land."

Sec. 48.

(xvi) Section forty-eight: After the words "such notice has been given" insert "and the consent of the local land board has been obtained."

Omit the words "from the date of such notice" and insert "from the date of such consent" in lieu thereof. 15

Omit "such notice" and insert "such consent" in lieu thereof.

Sec. 49.

(xvii) Section forty-nine—

(a) Subsection three, paragraph (b): After the words "The local land board shall" insert 20
"upon application in the prescribed manner and payment of the prescribed fee."

Omit the word "at" immediately after the word "contribution" where secondly occurring, and insert in substitution therefor 25
the words "according to the benefit derived and to be derived from the fence, and in no case shall such contribution exceed."

(b) Subsection four: Omit "and no owner who uses as a boundary a fence which is outside 30
the boundaries of his holding"; omit "or owner."

(c) The following new subsection is added at the end of the section:—

(7) Any notice of demand in respect of a 35
fence erected or made rabbit-proof prior to the thirty-first day of December, one thousand nine hundred and eighteen, shall be served within twelve months after that date; and in respect of a fence erected or 40
made rabbit-proof after the aforesaid date,
the

the notice of demand shall be served within twelve months after the completion of the work for which contribution is claimed.

5 In every case a copy of such notice of demand shall be forwarded by the claimant to the chairman of the local land board within fourteen days after the date of the notice. And, with any application to assess the
10 amount of contribution payable, a copy of such notice of demand shall also be forwarded to the district surveyor for the land board district within which the land is situated or to the commissioners of the Western Land Board when the land is situated within the
15 Western Division.

(xviii) Section fifty-eight: At the end of the first Sec. 58. paragraph insert: "Provided such roads are not vested in, held by, or under the control of the council of a municipality or shire, in which
20 case the work of destroying the rabbits thereon shall be carried out, in accordance with the requirements of the board, by the council of the municipality or shire concerned."

Omit "fifty pounds" insert "one hundred pounds" in lieu thereof.

25 (xix) Section sixty-five: After the words "Every Sec. 65. board may" insert "and if the Minister so directs shall."

(xx) Section sixty-six: At the end of the section Sec. 66. insert the following:—"Provided that where the scalps of foxes are delivered to the secretary of the board or to any person duly authorised as aforesaid, the scalps, if attached to the skin, may be indelibly marked for identification
30 purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may subsequently be disposed of as the board may decide."

35 (xxi) Section one hundred and five: After the word Sec. 105. "sheep" where first occurring insert "and large stock."

Subsection

Subsection one: After the word "sheep" wherever occurring insert "or large stock."

Subsection two: After the word "sheep" where firstly, secondly, and thirdly occurring insert "or large stock"; after the words "two pence 5 per one hundred sheep" insert "and twopence for every ten head of large stock."

At the end of the subsection insert "Provided that on the removal by the owner or purchaser of any sheep or large stock sold or bona fide 10 offered for sale at a recognised sale-yard a renewed permit shall not be necessary."

Subsection three: After the word "sheep" wherever occurring insert "or large stock."

Sec. 106.

(xxii) Section one hundred and six, subsection one: 15 Omit "horses or cattle" where first occurring and insert "large stock" in lieu thereof; omit "horses or cattle" where secondly occurring and insert "or large stock" in lieu thereof.

At the end of the subsection add:—"It 20 shall be deemed to be a compliance with the provisions of this, section, or section one hundred and five of this Act, or section one hundred and eighty-four of the Stock Act, 1901, if the drover is supplied with, and pro- 25 duces when called upon, a travelling statement issued under this section, or a permit issued under section one hundred and five."

Subsection two: Omit "and", insert "or" in lieu thereof. 30

Sec. 107.

(xxiii) Section one hundred and seven, subsection one: At the end of the subsection add:—"Provided that where there is a travelling stock or camping reserve leading to the place of destination mentioned in the permit or travelling state- 35 ment, travelling stock shall be taken by such reserve where practicable."

Subsection two: Omit "horses or cattle" and insert "large stock" in lieu thereof.

Subsections three, four, and five: After "sheep" 40 wherever occurring insert "or large stock."

(xxiv)

- (xxiv) Section one hundred and eight: Omit "horses or cattle" and insert "large stock" in lieu thereof. Sec. 108.
- (xxv) Section one hundred and ten, subsection one: Sec. 110.
 5 After "travelling stock" where first occurring insert "or working large stock belonging to teamsters, carriers, or travellers."
- Subsection three: At the end of the subsection insert "and the owner shall be liable to a penalty not exceeding *twenty* pounds.
- 10 (xxvi) Section one hundred and thirty, subsection five: Sec. 130.
 Omit "not exceeding twelve months" and insert "he may determine" in lieu thereof.
- (xxvii) Section one hundred and thirty-two is repealed Sec. 132.
 15 and the following section inserted in lieu thereof:—
132. (1) Only one fire-brand, one paint or tar "owner's brand," and one owner's ear-mark shall be allotted to each sheepowner for each run held by him, provided that if two or more such runs adjoin they shall be deemed one run. Brands allotted to each owner.
- 20 (2) Sheepowners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.
- 25 (3) The proprietor of any brand or ear-mark referred to in subsection one of this section may transfer such brand or ear-mark only to a subsequent owner or occupier on his own behalf of the run to which such brand or ear-mark has been allotted.
- 30 The proprietor of any distinctive mark referred to in subsection two which has been duly recorded as hereinafter provided, may transfer such distinctive mark to any person.
- 35 (4) To give effect to any such transfer the proprietor shall join with the person to whom he transfers in a memorandum of transfer, in the prescribed form, and shall deliver or transmit such memorandum, together with the fee
- 40

fee prescribed by Schedule Three hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to the transferee a certificate of the transfer.

(5) If such proprietor disposes of or 5
abandons any run owned or occupied by him, and does not make such transfer, the inspector for the district shall cancel the allotment of such brand, ear-mark, or distinctive mark, and notify the Chief Inspector of such cancellation. 10
The brand, ear-mark, and distinctive mark shall on such cancellation become available for reallocation.

(6) If such proprietor dies without having made such transfer, the property in 15
such brand, ear-mark, and distinctive mark shall vest in his legal personal representatives for a period of six months after such death. Before the said period elapses such representatives shall, in writing, notify the inspector for the district 20
whether or not they desire to retain the brands and marks, and if they do so desire on whose behalf the retention is to be made. They shall, if they notify that they desire the brands and marks to be retained, forward to the inspector 25
with such notification the prescribed particulars, together with the fee for recording and publishing such brands and marks, according to the scale given in the Third Schedule hereto.

Any brand or mark for the recording of 30
which they do not so remit the scheduled fee shall be available for reallocation.

Sec. 137. (xxviii) Section one hundred and thirty-seven is repealed.

Sec. 140. (xxix) Section one hundred and forty, subsection (1) 35
(d) : Omit "without his authority."

The following new subsection is added after subsection two :—

(3) Any person having in his possession sheep with such misbranding, defacing, altering, 40
cutting, or marking, who fails within the time specified

5 specified in the preceding section to give notice thereof to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding *one hundred* pounds.

(xxx) Section one hundred and forty-one, paragraph Sec. 141.
(g): After "protection" insert "improvement."

Validation.

5. All payments made before the passing of this Act ^{Validation of}
10 by any pastures protection board to any patriotic fund ^{certain}
in connection with the present war are hereby validated. ^{payments.}

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 December, 1918.*

New South Wales.



ANNO NONO

GEORGII V REGIS.

Act No. 49, 1918.

An Act to make further provision for the protection of pastures; to provide for the control of certain travelling stock and camping reserves; to make further provision with regard to boundary fences; to provide for the imposition and collection of a rate on travelling stock; to establish a reserves improvement fund; to validate certain payments made by pastures protection boards; to amend the Pastures Protection Act, 1912, the Crown Lands Acts, and certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 21st December, 1918.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

DANIEL LEVY,
Chairman of Committees of the Legislative Assembly.

Pastures Protection (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Pastures Protection (Amendment) Act, 1918," shall be read with the Pastures Protection Act, 1912, hereinafter referred to as the Principal Act, and shall come into force on a date to be proclaimed by the Governor in the Gazette.

New short headings and sections.

2. The following short headings and new sections are inserted next after section twenty-six of the Principal Act :—

Travelling stock reserves and camping reserves.

Control of travelling stock reserves and camping reserves.

26A. (1) The Minister for Lands may from time to time, by notification published in the Gazette, place under the control of the board therein specified, for a period of five years or such extended period as he may approve, any travelling stock reserve, or camping reserve, or part thereof, except any such reserve or part thereof within a State forest or in the Western Division. Such board shall thereupon have the general management, maintenance, and control of any reserves or parts thereof so notified :

Provided that where any such reserve or part thereof is held under a lease other than an annual lease or occupation license under the Crown Lands Acts, the management thereof shall not be placed under the board until the lease or the part thereof relating to such reserve is terminated in pursuance of any provision of the Crown Lands Acts.

(2) The board shall take proper measures for the protection of such reserves or parts thereof from trespass and from rabbits and noxious animals, and for the improvement of such reserves by clearing scrub, noxious weeds and plants, ringbarking, suckering, fencing, providing water, and for effecting such other improvements as may be deemed advisable in the interest of travelling stock :

(3)

Pastures Protection (Amendment).

(3) Where the Minister for Lands considers that a board has not taken or is not taking proper measures for the protection or improvement of a travelling stock reserve or camping reserve he may in writing notify such board to that effect; and, if after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

(4) Where any such reserve or part thereof which has been placed under the control of the board is held under annual lease or occupation license, the Minister for Lands may, notwithstanding anything to the contrary in the Crown Lands Acts, cancel such lease or license, as to the part of the land which is to be retained as a reserve, upon giving three months notice to the lessee or licensee, and upon the expiration of that period the lease or license or part thereof as the case may be shall be terminated.

26b. The Minister for Lands may withdraw from any such travelling stock or camping reserve any lands required as sites for towns or villages, or for any public purpose under the Crown Lands Acts. Upon such withdrawal being notified in the Gazette, the board shall be entitled to compensation for any improvements effected by it on such lands, and such compensation shall not in any case exceed the cost of effecting such improvements. If the Minister and the board fail to agree in regard to the amount of compensation, such amount shall be determined by the Local Land Board.

Withdrawal
of lands from
reserves and
compensation
therefor.

Reserves Improvement Fund.

26c. (1) The board shall impose and collect a rate as prescribed on all travelling stock driven along or over travelling stock reserves or camping reserves or roads in the Eastern Division and Central Division as respectively set forth in the Crown Lands Acts.

Rate on
travelling
stock.

Pastures Protection (Amendment).

Fund.

(2) All moneys received in pursuance of this section shall form part of a fund to be called the "Reserves Improvement Fund" for the district.

Such fund shall, after deduction of the cost of collection of such moneys and the cost of necessary supervision, be used exclusively in improving the reserves handed over to the control of the board in pursuance of section 26A of this Act.

Grazing permits.

26D. A board may, subject to the approval of the Minister for Lands, grant permits to graze over any travelling stock reserve or camping reserve or part thereof for any periods not exceeding in each case twelve months, and any money derived from such permits shall be paid to the reserves improvement fund, and shall be used as provided in the preceding section.

New short headings and sections.

3. The following new sections and short headings are inserted next after section fifty-two of the Principal Act:—

Fencing travelling stock and camping reserves.

Fencing reserves.

52A. (1) Where a board considers it necessary for the proper protection or improvement of a travelling stock reserve or a camping reserve—

Stock-proof fence.

(a) that a stock-proof boundary fence should be erected, such board may, by notice in writing, require the owner of any adjoining land, within a period to be therein specified, to erect, and thereafter to maintain, such a fence between such land and the reserve.

If such owner fails to complete the erection of such a fence within such period, and thereafter to maintain such fence in a state of good repair, the board may, with the approval of the Minister for Lands, erect or complete and thereafter so maintain such fence, and may recover the cost thereof in all such cases from such owner;

Rabbit-proof fence.

(b) that a fence on any boundary of a camping reserve should be made rabbit-proof, such board

Pastures Protection (Amendment).

board may, by notice in writing, require the owner of the land adjoining such boundary, within a period therein specified, to make such fence rabbit-proof.

If any owner fails within the period so specified to comply with any such notice, the board may, with the approval of the Minister for Lands, do any work necessary to make the fence rabbit-proof. The owner and the board shall each pay half of the cost of making such fence rabbit-proof, as well as half of the cost of the maintenance and repair of such fence. If an owner and a board fail to agree in regard to such cost, the amount shall be determined by the local land board upon application by either party.

(2) The provisions of this section shall not apply to the holder of an annual lease, occupation license, or preferential occupation license, or of any lease from the Crown having less than five years to run at the date of the service of the notice.

Roads or watercourses.

52B. The intervention of a road or watercourse between two holdings shall not prevent holdings or lands being taken to be adjoining, or prevent a claim for contribution for erection, netting, or maintenance being brought in respect of a fence on either side of such road or watercourse—

- (a) if such fence has been used as a common boundary fence by the owners or occupiers of the holdings on either side thereof; or
- (b) if in the opinion of the local land board such fence can be reasonably used as a common boundary fence by the owners or occupiers of the holdings on either side thereof.

Claims for maintenance of fencing.

52c. (1) In any case where a rabbit-proof fence is used as a boundary or part of a boundary between two holdings, and expense is incurred by the

Roads or watercourses intervening between holdings.

Contribution towards cost of rabbit fences.

Pastures Protection (Amendment).

the owner or occupier of either of such holdings in the work of maintenance and repair of such fence, the owner or occupier who has incurred such expense may serve the prescribed notice of demand on the owner or occupier of the holding on the other side of such fence, and shall be entitled thereafter to recover from him a contribution towards the cost of such work.

The amount of such contribution shall be assessed by the local land board, and shall be one-half the reasonable cost of the work.

(2) If any boundary fence is not being maintained as an effective rabbit-proof fence, and such maintenance of the fence is necessary, the owner or occupier of the holding on either side of such fence may, for the purpose of the effective maintenance of such fence, by himself or his agents or servants, enter on the land of the adjoining owner or occupier.

(3) This section shall apply only to work effected on fences in respect of which fences no award has been made by a local land board for the original cost of making the same rabbit-proof, and nothing herein contained shall affect the rights to contribution for maintenance otherwise conferred by this Act.

General amendments of the Principal Act.

Amendments
of Principal
Act.
Sec. 4.

4. The following amendments are made in the Principal Act :—

(i) Section four, definitions :—

(a) In the definition of "brand" insert the word "horn" immediately before the words "or face."

(b) Definition of "Minister": Omit the definition.

(c) In the definition of "occupier" after "1900" insert "and the council of a municipality or shire."

(d) In the definition of "sheep" the word "ear" is inserted after the word "hoof."

(e)

Pastures Protection (Amendment).

(e) In the definition of "travelling sheep" or "travelling stock," the words "by land or water" are omitted and the words "by rail or otherwise on land or by water" are inserted in lieu thereof.

(f) After the definition of "travelling sheep" or "travelling stock" insert the following new definition:—

"Travelling stock reserve," or "camping reserve," means any travelling stock route, reserve for travelling stock, or camping reserve, notified or dedicated as such either separately or otherwise under the provisions of the Crown Lands Acts.

(ii) Section six: Omit subsections two and three Sec. 6. and insert the following in lieu thereof:—

(2) The directors holding office at the commencement of the Pastures Protection (Amendment) Act, 1918, shall continue to hold office until their successors are elected.

In the month of April, one thousand nine hundred and nineteen, and thereafter every three years, eight directors shall be elected for each district, who shall hold office for a term of three years, but shall be eligible for re-election.

(iii) Section ten: Omit "two directors or one Sec. 10. director" and insert "four directors or two directors" in lieu thereof. Omit "annually" and insert "triennially" in lieu thereof.

(iv) Section eleven: Omit the proviso. Sec. 11.

(v) The following new section is inserted after New s. 17A. section seventeen:—

17A. A board shall, with the written consent of the Minister for Lands, have power to appear and be represented by counsel, solicitor, or agent before a local land board in any matter before such local land board relating to the proposed curtailment of a travelling stock or camping reserve, or to an application for the conversion of any lease of land within or partly within any such reserve. Board may be represented by counsel, &c., before local land board.

(vi)

Pastures Protection (Amendment).

- Sec. 18. (vi) Section eighteen: At the end of subsection one insert the following new subsection:—
 (1A) Where an owner or occupier has large stock and sheep, but by reason of the numbers is not liable to be assessed in respect thereof, the board may reckon eight sheep as equal to one head of large stock, and one head of large stock as equal to eight sheep for the purpose of making such owner or occupier liable for assessment under this Act.
- Sec. 19. (vii) Section nineteen: After the words "make any such return" insert "or supplying incorrect or misleading information in any such return."
- Sec. 23. (viii) Section twenty-three: At the end of the section add "Provided, that the Auditor-General may authorise a board to write off any such sum which he is satisfied is irrecoverable."
- Sec. 24. (ix) Section twenty-four:—
 (a) Subsection one: After the word "rates" insert "except the rate provided for the improvement of travelling stock and camping reserves."
 (b) Subsection two is repealed, and the following subsection inserted in lieu thereof:—
 (2) Moneys forming part of such fund may be applied by the board of the district—
 (a) to the payment of any expenses of, or incidental to, the administration of this Act by the board, or to the payment of any costs or expenses incurred in accordance with the provisions of this Act, and
 (b) to clearing scrub, noxious weeds and plants, ringbarking and suckering, fencing, providing water on and otherwise improving travelling stock and camping reserves, and
 (c) any other purpose approved by the Minister.
 (c) Subsection three: After the words "pastures protection fund" insert "and reserves improvement fund." (x)

Sec. 24(2)
 repealed, new
 subsection
 substituted.
 Purposes to
 which funds
 may be
 applied.

Pastures Protection (Amendment).

- (x) Section twenty-five is repealed and the following is inserted in lieu thereof:—

Repeal of s. 25,
new section
substituted.

25. Any board having in its possession any moneys vested in it under subsection four of section twenty-four of the Act No. 111, 1902, may, with the approval of the Minister, transfer such balance to the Pastures Protection Fund of the district.

Certain
balances to be
transferred to
Pastures Pro-
tection Fund.

- (xi) Section twenty-seven, subsection two: After "municipality" where firstly and secondly occurring insert "or shire."

Sec. 27 (2).

Omit "or held by such municipality" and insert "held by or under the control of such council" in lieu thereof.

- (xii) Section thirty-five: After "forfeited" insert "or surrendered."

Sec. 35.

- (xiii) Section thirty-seven is amended by the addition of the following subsection:—

Sec. 37.

(3) Upon the cancellation of any such notification with regard to a barrier fence erected or made rabbit-proof by or at the expense of the Crown, the owner of any land deriving benefit from such fence shall pay to the Minister for Lands the value of so much of such fence as is situated within or is on the boundary of his land.

The value of any portion of the fence situated within such land shall be the value thereof to the owner; and the value of any portion on the boundaries of such land shall be the value at the date of the cancellation of such notification.

Any such value shall be that agreed upon by the Minister for Lands and the aforesaid owner. If such value cannot be so agreed upon, it shall be determined by the local land board. Payment shall be made as directed by such Minister or the local land board as the case may be.

- (xiv) Section forty-one—

Sec. 41 (3).

- (a) Subsection two: By omitting the words "except as provided in the next section"; and

(b)

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- (b) Subsection three: At the end of the subsection add "or may cause the continuity of the fence to be broken where it or they is or are satisfied that it should be done in the public interests, and that the effectiveness of the fence will not thereby be endangered."
- Sec. 42. Repeal. (xv) Section forty-two is repealed.
- Sec. 46. (xvi) Section forty-six: After the words "the local land board may" insert "upon application in the prescribed manner and payment of the prescribed fee."
- Before the word "dispensation" insert the words "permission or."
- After the words "may be revoked by the" insert "local land."
- Sec. 48. (xvii) Section forty-eight: After the words "such notice has been given" insert "and the consent of the local land board has been obtained."
- Omit the words "from the date of such notice" and insert "from the date of such consent" in lieu thereof.
- Omit "such notice" and insert "such consent" in lieu thereof.
- Sec. 49. (xviii) Section forty-nine—
- (a) Subsection three, paragraph (b): After the words "The local land board shall" insert "upon application in the prescribed manner and payment of the prescribed fee."
- Omit the word "at" immediately after the word "contribution" where secondly occurring, and insert in substitution therefor the words "according to the benefit derived and to be derived from the fence, and in no case shall such contribution exceed."
- (b) Subsection four: Omit "and no owner who uses as a boundary a fence which is outside the boundaries of his holding"; omit "or owner."
- (c) The following new subsection is added at the end of the section:—

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(7) Any notice of demand in respect of a fence erected or made rabbit-proof prior to the thirty-first day of December, one thousand nine hundred and eighteen, shall be served within twelve months after that date; and in respect of a fence erected or made rabbit-proof after the aforesaid date, the notice of demand shall be served within twelve months after the completion of the work for which contribution is claimed.

In every case a copy of such notice of demand shall be forwarded by the claimant to the chairman of the local land board within fourteen days after the date of the notice. And, with any application to assess the amount of contribution payable, a copy of such notice of demand shall also be forwarded to the district surveyor for the land board district within which the land is situated or to the commissioners of the Western Land Board when the land is situated within the Western Division.

- (xix) Section fifty-eight: At the end of the first paragraph insert: "Provided such roads are not vested in, held by, or under the control of the council of a municipality or shire, in which case the work of destroying the rabbits thereon shall be carried out, in accordance with the requirements of the board, by the council of the municipality or shire concerned." Sec. 58.

Omit "fifty pounds" insert "one hundred pounds" in lieu thereof.

- (xx) Section sixty-five: After the words "Every board may" insert "and if the Minister so directs shall." Sec. 65.

- (xxi) Section sixty-six: At the end of the section insert the following:—"Provided that where the scalps of foxes are delivered to the secretary of the board or to any person duly authorised as aforesaid, the scalps, if attached to the skin, may be indelibly marked for identification purposes" Sec. 66.

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- purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may subsequently be disposed of as the board may decide."
- Sec. 105. (xxii) Section one hundred and five: After the word "sheep" where first occurring insert "and large stock."
- Subsection one: After the word "sheep" wherever occurring insert "or large stock."
- Subsection two: After the word "sheep" where firstly, secondly, and thirdly occurring insert "or large stock"; after the words "two pence per one hundred sheep" insert "and twopence for every ten head of large stock."
- At the end of the subsection insert "Provided that on the removal by the owner or purchaser of any sheep or large stock sold or bona fide offered for sale at a recognised sale-yard a renewed permit shall not be necessary."
- Subsection three: After the word "sheep" wherever occurring insert "or large stock."
- Sec. 106. (xxiii) Section one hundred and six, subsection one: Omit "horses or cattle" where first occurring and insert "large stock" in lieu thereof; omit "horses or cattle" where secondly occurring and insert "or large stock" in lieu thereof.
- At the end of the subsection add:—"It shall be deemed to be a compliance with the provisions of this section, or section one hundred and five of this Act, or section one hundred and eighty-four of the Stock Act, 1901, if the drover is supplied with, and produces when called upon, a travelling statement issued under this section, or a permit issued under section one hundred and five."
- Subsection two: Omit "and", insert "or" in lieu thereof.
- Sec. 107. (xxiv) Section one hundred and seven, subsection one: At the end of the subsection add:—"Provided that where there is a travelling stock or camping reserve leading to the place of destination mentioned

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mentioned in the permit or travelling statement, travelling stock shall be taken by such reserve where practicable."

Subsection two: Omit "horses or cattle" and insert "large stock" in lieu thereof.

Subsections three, four, and five: After "sheep" wherever occurring insert "or large stock."

(xxv) Section one hundred and eight: After the words "such intention by" insert "sending the same by post, telegram, or telephone, or by." Sec. 108.

Omit "horses or cattle" and insert "large stock" in lieu thereof.

(xxvi) Section one hundred and ten, subsection one: After "travelling stock" where first occurring insert "or working large stock belonging to teamsters, carriers, or travellers." Sec. 110.

Subsection three: At the end of the subsection insert "and the owner shall be liable to a penalty on the first conviction not exceeding twenty pounds, and on any subsequent conviction not exceeding fifty pounds."

(xxvii) Section one hundred and thirty, subsection five: Omit "not exceeding twelve months" and insert "he may determine" in lieu thereof. Sec. 130.

(xxviii) Section one hundred and thirty-two is repealed and the following section inserted in lieu thereof:— Sec. 132.

132. (1) Only one fire-brand, one paint or tar "owner's brand," and one owner's ear-mark shall be allotted to each sheepowner for each run held by him, provided that if two or more such runs adjoin they shall be deemed one run. Brands allotted to each owner.

(2) Sheepowners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.

(3) The proprietor of any brand or ear-mark referred to in subsection one of this section may transfer such brand or ear-mark only

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only to a subsequent owner or occupier on his own behalf of the run to which such brand or ear-mark has been allotted.

The proprietor of any distinctive mark referred to in subsection two which has been duly recorded as hereinafter provided, may transfer such distinctive mark to any person.

(4) To give effect to any such transfer the proprietor shall join with the person to whom he transfers in a memorandum of transfer, in the prescribed form, and shall deliver or transmit such memorandum, together with the fee prescribed by Schedule Three hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to the transferee a certificate of the transfer.

(5) If such proprietor disposes of or abandons any run owned or occupied by him, and does not make such transfer, the inspector for the district shall cancel the allotment of such brand, ear-mark, or distinctive mark, and notify the Chief Inspector of such cancellation.

The brand, ear-mark, and distinctive mark shall on such cancellation become available for reallocation.

(6) If such proprietor dies without having made such transfer, the property in such brand, ear-mark, and distinctive mark shall vest in his legal personal representatives for a period of six months after such death. Before the said period elapses such representatives shall, in writing, notify the inspector for the district whether or not they desire to retain the brands and marks, and if they do so desire on whose behalf the retention is to be made. They shall, if they notify that they desire the brands and marks to be retained, forward to the inspector with such notification the prescribed particulars, together with the fee for recording and publishing such brands and marks, according to the scale given in the Third Schedule hereto.

Any

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Any brand or mark for the recording of which they do not so remit the scheduled fee shall be available for reallocation.

(xxix) Section one hundred and thirty-seven is repealed. Sec. 137.

(xxx) Section one hundred and forty, subsection (1) Sec. 140.
(d) : Omit "without his authority."

The following new subsection is added after subsection two :—

(3) Any person having in his possession sheep with such misbranding, defacing, altering, cutting, or marking, who fails within the time specified in the preceding section to give notice thereof to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

(xxxi) Section one hundred and forty-one, paragraph Sec. 141.
(g) : After "protection" insert "improvement."

(xxxii) Section one hundred and seventy-seven : At Sec. 177.
the end of the section add :—

"If either House of Parliament within fifteen sitting days after such regulations have been laid before it, passes a resolution disallowing any regulation, such regulation shall thereupon cease to have effect."

Validation.

5. All payments made before the passing of this Act by any pastures protection board to any patriotic fund in connection with the present war are hereby validated. Validation of certain payments.

In the name and on behalf of His Majesty I assent to this Act.

W. E. DAVIDSON,
Governor.

Government House,
Sydney, 21st December, 1918.

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