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WILD DOG DESTRUCTION ACT, 1921-1957.

*Printed in accordance with the provisions of the
Amendments Incorporation Act, 1906.*

[Certified 6th July, 1961.]

New South Wales.



ANNO DUODECIMO

GEORGI V REGIS.

Act No. 17, 1921⁽¹⁾, as amended by Act No. 12, 1934⁽²⁾; Act No. 19, 1937⁽³⁾; Act No. 35, 1937⁽⁴⁾; Act No. 35, 1950⁽⁵⁾; and Act No. 40, 1957⁽⁶⁾.

The Act No. 17, 1921, is also amended or otherwise affected in certain respects which cannot be dealt with under section 2 of the Amendments Incorporation Act, 1906, by Act No. 33, 1932, s. 34G; Act No. 66, 1932; Act No. 12, 1934; Act No. 35, 1934, Part VI; Act No. 45, 1958, s. 5; and Act No. 4, 1959.

An Act to make better provision for the destruction of wild dogs in the Western Division; to provide for the imposition of a rate upon the owners and occupiers of land in the Western Division; to amend certain Acts; and for purposes connected therewith.

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BE

(1) **Wild Dog Destruction Act, 1921, No. 17.** Assented to, 17th December, 1921. Date of commencement, 1st January, 1922, sec. 1 and Government Gazette No. 188 of 23rd December, 1921, p. 7323.

(2) **Western Lands (Amendment) Act, 1934, No. 12.** Assented to, 23rd August, 1934. Date of commencement, 24th August, 1934, sec. 2 and Government Gazette No. 160 of 24th August, 1934, p. 3160.

(3) **Western Lands (Amendment) Act, 1937, No. 19.** Assented to, 8th December, 1937.

(4) **Statute Law Revision Act, 1937, No. 35.** Assented to, 23rd December, 1937.

(5) **Wild Dog Destruction (Amendment) Act, 1950, No. 35.** Assented to, 14th November, 1950.

(6) **Wild Dog Destruction (Amendment) Act, 1957, No. 40.** Assented to, 22nd November, 1957. Date of commencement (except sec. 2), 9th December, 1957, sec. 1 (3) (a) and Government Gazette No. 160 of 6th December, 1957, p. 3905. Date of commencement of sec. 2, for certain purposes, 22nd November, 1957; for all purposes, 9th December, 1957. See Act No. 40, 1957, sec. 1 (3) (b), and Government Gazette No. 160 of 6th December, 1957, p. 3905.

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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 and commencement.

1. This Act may be cited as the "Wild Dog Destruction Act, 1921,"* and shall come into force on a date to be notified by the Governor in the Gazette.

Application of Act.

2. This Act shall apply to the Western Division only.

Definitions.

3. Unless the context otherwise requires—

Amended, Act No. 35, 1950, s. 2 (c) (ii); Act No. 40, 1957, s. 3 (a) (i).

"Authorised person" means a person authorised by the Commissioner or the board.

New definition added, *Ibid.*

"Board" means the Wild Dog Destruction Board constituted under this Act.

New definition added, Act No. 35, 1950, s. 2 (c) (i).

"Commissioner" means the Western Lands Commissioner appointed under the Western Lands Act of 1901, as amended by subsequent Acts.

Repealed, *Ibid.*

"Commissioners" * * * * *

"Dog-proof fence" means a fence which is sufficient for the exclusion of wild dogs.

"Minister" means Secretary for Lands.

"Occupier" means person entitled for the time being to possession of land, and includes the resident manager where the occupier does not reside on the land.

"Owner" includes—

- (a) the holder, or the holder subject to mortgage, of any lease or license, or promise of any lease or license, from the Crown; and

(b)

* By Act No. 40, 1957, s. 1 (2), the Wild Dog Destruction Act, 1921, as amended by subsequent Acts and by Act No. 40, 1957, may be cited as the Wild Dog Destruction Act, 1921-1957.

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- (b) a person to whom the Crown has contracted to grant the fee-simple of land under the Crown Lands Acts; and
- (c) persons for the time being in the authorised charge or possession of land.

“Prescribed” means prescribed by this Act, or by regulation made thereunder.

“Queensland Border Fence” means the fence known by that name and erected on or near the northern border of New South Wales and extending from or near the western border of New South Wales at its junction with the said northern border for approximately two hundred and seventeen miles easterly to a point approximately ten miles east of Hungerford.

New definition added, Act No. 40, 1957, s. 3 (a) (ii).

“Scalp” means a portion of the skin of the head of a wild dog to which both ears are attached, and a strip down the back with the tail, or such other portion of the skin as may be determined by the board and notified in the Gazette.

Amended, Act No. 35, 1950, s. 2 (c) (ii); Act No. 40, 1957, s. 3 (a) (iii).

“South Australian Border Fence” means the fence known by that name and erected on or near the western border of New South Wales and extending from or near the northern border of New South Wales at its junction with the said western border for approximately one hundred and sixty miles southerly.

New definition added, Ibid. s. 3 (a) (iv).

“Western Division” means Western Division as defined in the Second Schedule to the Crown Lands Consolidation Act, 1913.

“Wild dog” includes any dingo or native dog, or any dog which has become wild, or any dog which apparently has no owner and is not under control.

3A. (1) There shall be constituted for the purposes of this Act a Wild Dog Destruction Board.

The Wild Dog Destruction Board.

(2) (a) The board shall be a body corporate under the name of “The Wild Dog Destruction Board” with perpetual succession and a common seal and shall be capable by that

New section added, Ibid. s. 2.

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that name of suing and being sued and, subject to this Act, of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(b) All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence shall take judicial notice of the seal of the board affixed to any document and shall, until the contrary is proved, presume that such seal was properly affixed thereto.

(3) The board shall consist of five members.

(4) The Commissioner shall be a member and the chairman of the board. During such time as the Commissioner is prevented by absence, illness or otherwise from acting in the office of chairman of the board an Assistant Western Lands Commissioner to be nominated by the Commissioner shall act as chairman of the board and while so acting such Assistant Western Lands Commissioner shall be deemed to be a member of the board and shall have the powers, authorities, duties and functions of the chairman.

(5) The remaining members (hereinafter referred to as "appointed members") shall be appointed by the Governor. Of the members so appointed—

- (a) one shall be appointed on the nomination of the Pastures Protection Board for the Pastures Protection District of Broken Hill;
- (b) one shall be appointed on the nomination of the Pastures Protection Board for the Pastures Protection District of Milparinka;
- (c) one shall be appointed on the nomination of the Pastures Protection Board for the Pastures Protection District of Wanaaring;
- (d) one shall be appointed on the nomination of the Pastoralists' Association of West Darling.

(6) No person shall be nominated or appointed as a member of the board unless he is ordinarily resident in the Western Division and is ordinarily engaged in pastoral pursuits on land within that Division.

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(7) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member of the board, and any such member shall not, in his capacity as such member, be subject to the provisions of any such Act during his term of office.

(8) If any of the pastures protection boards specified in subsection five of this section is dissolved or the association so specified ceases to exist or any body which has in accordance with the provisions of this subsection been substituted for any such board or association ceases to exist the Minister may, by notice published in the Gazette, declare that some other body specified in the notice (being a body which, in the opinion of the Minister, has similar objects or represents similar interests to those of or represented by the board, association or body for which it is being substituted) shall be substituted for such board, association or body, and thereupon the said subsection five shall, until a further notice in respect of such board, association or body is so published under the provisions of this subsection, be deemed to be amended by deleting therefrom the name of such board, association or body and by inserting in lieu thereof the name of the body so substituted.

(9) An appointed member shall, subject to this Act, hold office for three years and shall, if otherwise qualified, be eligible for reappointment.

(10) A person who is of or above the age of sixty-five years shall not be appointed as a member of the board.

(11) Meetings of the board shall be held at such times and at such places as are from time to time determined by the chairman but a meeting of the board shall be held not less than once in every three months.

(12) A quorum of the board shall consist of the chairman of the board or the Assistant Western Lands Commissioner authorised by subsection four of this section to act as chairman and two other members of the board.

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(13) The chairman of the board or in his absence the Assistant Western Lands Commissioner authorised by subsection four of this section to act as chairman shall preside at all meetings of the board and, in the event of an equality of votes, shall have a casting vote as well as a deliberative vote.

(14) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that, at the time such act or proceeding was done, taken or commenced, there was a vacancy in the office of any appointed member.

(15) The appointed members shall be entitled to receive such fees and travelling or other expenses as the Minister may from time to time determine.

Power of the Minister in default of nomination.
New section added, Act No. 40, 1957, s. 2.

3B. Where any pastures protection board or association or body entitled to make a nomination under section 3A of this Act does not forward such nomination so as to reach the Minister within the time limited by a notice forwarded to such board, association or body by the Minister and requiring it to make such nomination the Minister may make such nomination which shall, for the purposes of this Act, be deemed to have been made by such board, association or body, as the case may be.

Extraordinary vacancy.
New section added, *Ibid.*

3C. (1) An appointed member shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) absents himself from three consecutive meetings of the board, of which reasonable notice has been given to him either personally or in the ordinary course of post, except on leave granted by the board;
- (d) is convicted of a felony;
- (e) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts;

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- (f) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (g) ceases to hold office pursuant to subsection two of this section.

An appointed member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years.

(2) The Governor may—

- (a) upon a request to do so being made to him by any board, association or body on whose nomination any member was appointed to the board, or by any body which has in accordance with the provisions of subsection eight of section 3A of this Act been substituted for any such board, association or body, remove that member from office;
- (b) for any other cause which appears to him to be sufficient remove any member, other than the chairman, from office.

3D. Where a casual vacancy occurs in the office of a member appointed by the Governor, the Governor may appoint a person to the vacant office. The person so appointed shall be appointed on the nomination of the pastures protection board, association or body on whose nomination the member whose office has become vacant was appointed, or where any body has in accordance with the provisions of subsection eight of section 3A of this Act been substituted for any such board, association or body, on the nomination of the body so substituted, and shall, subject to this Act, hold office for the residue of his predecessor's term of office.

Casual
vacancy.
New section
added,
Act No. 40,
1957, s. 2.

3E. (1) Where the board has failed or neglected to make or levy rates as required by this Act or otherwise to exercise or discharge its powers, authorities, duties and functions under this Act in any material respect, the Governor may, by proclamation published in the Gazette, remove all the members of the board from office as such members.

Removal of
board from
office and
appointment
of adminis-
trator.
New section
added,
Ibid.

(2)

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(2) Where the Governor has pursuant to subsection one of this section removed the members of the board from office, he may, by proclamation at the same or any subsequent time, appoint an administrator who shall have the powers, authorities, duties, functions and liabilities of the board and who shall be paid out of the Wild Dog Destruction Fund established by this Act such salary as the Governor may from time to time determine.

(3) At any time after the appointment of an administrator as aforesaid, the Governor may in accordance with and subject to the provisions of section 3A of this Act appoint the persons to be appointed as members of the board under subsection five of that section and thereupon—

- (a) the Commissioner shall resume his office as a member and the chairman of the board; and
- (b) the administrator shall cease to hold office as such.

3F. (1) The board may, with the approval of the Minister of the Department concerned, and on such terms as may be agreed upon, arrange—

- (a) for the carrying out by such Department or by an officer or employee of such Department of any administrative work required or authorised by or under this Act to be carried out by the board or for the compiling and keeping of any records (including the rate-book to be kept by the board under section thirteen of this Act) necessary for the purposes of the board; and
- (b) for the purposes of this Act to have access to and make use of any records or documents kept or held by any such Department.

In this subsection "Department" includes the office of the Commissioner.

(2) The board may delegate to any member or employee of the board any of its powers, authorities, duties and functions (other than the power conferred on the board
by

Use of
services of
officers and
employees
of the
Public
Service.
New section
added,
Act No. 40,
1957, s. 2.

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by this subsection) and any such member or employee may exercise and perform such of the board's powers, authorities, duties and functions as may have been so delegated to him.

Notwithstanding any such delegation the board may continue to exercise and perform any of the powers, authorities, duties and functions so delegated.

The board may at any time revoke any such delegation.

3G. On and from the commencement of the Wild Dog Destruction (Amendment) Act, 1957, the following provisions shall have effect : —

Rights,
liabilities
and property.
New section
added,
Act No. 40,
1957, s. 2.

- (a) All property (in this section referred to as transferred property) whether real or personal, which immediately before that commencement was held by the Commissioner for the purposes of this Act shall vest in and belong to the board for such purposes.
- (b) All moneys, liquidated and unliquidated claims which immediately before that commencement, were payable to or recoverable by the Commissioner under this Act shall be moneys, liquidated and unliquidated claims payable to or recoverable by the board.
- (c) All suits, actions and proceedings pending immediately before that commencement at the suit of the Commissioner in relation to any matters under this Act or the transferred property or any part thereof shall respectively be suits, actions and proceedings pending at the suit of the board.
- (d) All contracts, agreements and undertakings entered into for the purposes of this Act with the Commissioner and in force immediately before that commencement shall respectively be deemed to be contracts, agreements and undertakings entered into with the board.
- (e) The board may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the Commissioner might have done but for the Wild Dog Destruction (Amendment) Act, 1957.

(f)

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- (f) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the Commissioner solely in relation to any matter under this Act or the transferred property or any part thereof shall be debts due and moneys payable by and claims recoverable against the board.
- (g) (i) Every person who immediately before that commencement was an employee of the Commissioner employed under this Act shall upon that commencement become an employee of the board.
- (ii) The period of service with the Commissioner of any person who by virtue of this paragraph becomes an employee of the board shall be deemed to be service with the board for the purposes of the terms and conditions, relating to annual leave, sick leave or long service leave, of any staff agreement or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, or for the purposes of the Annual Holidays Act, 1944, or the Long Service Leave Act, 1955.
- (iii) Any such person shall not be entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

Owner or occupier to destroy wild dogs.

4. It shall be the duty of the owner or occupier of any land, at all times, at his own cost, to destroy all wild dogs upon such land.

Power of entry upon land.

Amended,
Act No. 35,
1950, s. 2
(d);
Act No. 40,
1957, s. 3
(b).

5. The board, or the Commissioner, or any other member of the board, or any authorised person may enter upon any land at any time, and remain upon such land, and take all such steps as are necessary for the purpose of ascertaining whether the requirements of this Act are being carried out.

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6. Where the board has reason to believe that there are wild dogs upon any land it may, by notice in writing, require the owner or occupier of such land to do such acts and take such steps as are specified in the notice within the time specified therein for the more effective destruction of wild dogs upon such land.

Notice to owner or occupier.
Amended, Act No. 35, 1950, s. 2 (e); Act No. 40, 1957, s. 3 (e).

7. Any owner or occupier who—

(a) does not forthwith after service upon him of the notice mentioned in the last preceding section, commence to comply therewith; or

(b) having so commenced, does not continue such compliance,

Failure to comply with notice.

shall be deemed to have failed to comply with such notice.

8. (1) If the board is satisfied that any owner or occupier who has been served with a notice under section six has failed to comply therewith, the board may, by written notice to such owner or occupier, require such owner or occupier to pay to the fund established by this Act such sum, not exceeding fifty pounds, as the board shall determine :

Payment to fund.
Amended, Act No. 35, 1950, s. 2 (f) (i) (ii); Act No. 40, 1957, s. 3 (d).

Provided that the board shall not so require or determine until the board has given the owner or occupier an opportunity of showing by writing or otherwise that he has complied with the notice.

Amended, Act No. 35, 1950, s. 2 (f) (ii) (iii); Act No. 40, 1957, s. 3 (d).

(2) The sum so determined and required to be paid shall constitute a debt due by such owner or occupier to the board, and may be recovered by the board from such owner or occupier in any court of competent jurisdiction.

Amended, Act No. 35, 1950, s. 2 (f) (iv); Act No. 40, 1957, s. 3 (d).

(3) The payment of such sum shall not exempt the owner or occupier from any other liability imposed by this Act.

9. Where the board is satisfied that an owner or occupier has failed to comply with a notice under section six an authorised person may—

Powers of authorised person.

(a) enter upon the land referred to in the notice with or without assistants, horses and vehicles;

Amended, Act No. 35, 1950, s. 2 (g); Act No. 40, 1957, s. 3 (e).

(b)

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- (b) use all such means and do all such acts as he considers necessary to ensure the destruction of wild dogs upon such land;
- (c) remain upon and shall have free right of access into and over such land for such period, and at such times as may be necessary for destroying wild dogs upon such land.

9A. The board may for the purpose of maintaining an efficient barrier against wild dogs enter or authorise any person to enter upon any land in the vicinity of the Queensland Border Fence or the South Australian Border Fence and erect thereon a dog-proof fence or convert any existing fence into a dog-proof fence and maintain or repair such fence.

10. No authorised person or person employed by the *or *the board shall be deemed a trespasser or be liable for any damage occasioned by him in the exercise of his authority or in the course of his employment, unless such damage is occasioned wilfully and without necessity.

11. Any expense certified by the board as having been incurred or paid by it or on its behalf upon or in relation to any land in the exercise of any of the powers conferred on the board by section nine of this Act shall be a debt due by the owner or occupier of the said land to the board and may be recovered by the board in any court of competent jurisdiction.

12. (1) The board shall in each year impose and collect a rate not exceeding one-quarter of a penny per acre per annum on all land in the Western Division, except land within a municipality, town, or village

(2) The rate imposed in respect of any land shall be payable by the owner or occupier of such land and until payment thereof shall remain a charge upon such land, and shall have priority over all mortgages or other charges thereon other than debts due to the Crown :

Provided that where the board certifies that it is unnecessary to continue to impose a rate, the Governor may by proclamation in the Gazette suspend the imposition and collection of such rate.

13.

Erection of dog-proof fences by board.

New section added,
Act No. 35,
1950, s. 2 (a).
Amended,
Act No. 40,
1957, s. 3 (f).

Authorised person not to be deemed a trespasser.

Amended,
Act No. 35,
1950, s. 2 (h);
Act No. 40,
1957, s. 3 (g).

Recovery of expenses incurred by the board.

Amended,
Act No. 35,
1950, s. 2 (i).

Substituted section,
Act No. 40,
1957, s. 3 (h).

Rate to be imposed.

Amended,
Act No. 35,
1950, s. 2
(b) (j) (i);
Act No. 40,
1957, s. 3 (i).

Amended,
Act No. 35,
1950, s. 2 (j)
(ii);
Act No. 40,
1957, s. 3 (i)
(i).

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13. Particulars of the rate payable by any person shall be entered in a rate-book, and all persons shall have access thereto at all reasonable times. Entries made in the rate-book shall, on the production of such book, be prima facie evidence of the amount of any rate to which such entry relates, and of the person liable for payment of such rate.

Entries in
rate-book.
Amended,
Act No. 19,
1937, s. 3 (1).*

A rate-book may be constituted by a series of cards in a form approved by the Auditor-General.

14. The prescribed notice of the amount of any rate shall be given to the person liable to pay the same, and such amount shall be paid to such person or bank as may be specified in such notice and on or before the date therein stated: Provided that the amount due by any person may be payable by instalments, if the board so directs.

Notice of
rate.
Amended,
Act No. 35,
1950, s. 2 (k);
Act No. 40,
1957, s. 3 (j).

15. Where any owner or occupier, or group of owners or occupiers, satisfies the board that he or they have enclosed his or their land with a dog-proof fence, the rate imposed under this Act in respect of the land so enclosed shall be reduced by one-half during the period that such fence is maintained and repaired to the satisfaction of the board by such owner or occupier or group of owners or occupiers.

Land
enclosed by
dog-proof
fence.
Amended,
Act No. 35,
1950, s. 2 (l);
Act No. 40,
1957, s. 3 (k).

16. Whenever by this Act any sum is expressed to be charged upon any land, any person thereafter becoming the owner of such land shall be deemed to have notice of such charge, and shall be liable to pay the sum so charged, or so much thereof as may for the time being be unpaid, as if he were the person originally liable; but nothing in this section shall operate to discharge the liability of any person previously liable therefor: Provided always that such charge shall be entered in the rate-book as against such land at the date of transfer, and it shall be the duty of the board when and so often as any land becomes chargeable with any sum under this Act, to have an entry of the same made as aforesaid.

Effect of
charge upon
land.

Amended,
Act No. 35,
1950, s. 2 (m);
Act No. 40,
1957, s. 3 (l).

17.

* As on and from 1st January, 1922. See Act No. 19, 1937, sec. 3 (2).

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Powers of mortgagee and trustee.

17. It shall be lawful for any person in whom any land is vested as mortgagee to add to his mortgage debt any sums expended by or recovered from him towards the erection or maintenance or repair of a dog-proof fence upon, near, or for the benefit of such land; and it shall be lawful for any person in whom any land is vested as a trustee to raise the sums required or recovered for any such purpose by mortgage of such land in the same way as if a power to mortgage for all or any of such purposes had been contained in the instrument creating or declaring the trust.

Payment of subsidy.
Amended,
Act No. 40,
1957, s. 3 (m).

18. For any year in which rates have been collected there shall be paid from the Consolidated Revenue to the fund to be established under this Act a sum equal to twenty-five per centum of the amount of the rates collected during such year.

This section shall not apply in respect of any rates collected after the year one thousand nine hundred and fifty-seven.

Wild Dog
Destruction
Fund.
Amended,
Act No. 35,
1950, s. 2 (n);
Act No. 40,
1957, s. 3
(n) (i).

19. (1) The Colonial Treasurer shall cause a special deposit account to be opened in the Treasury to which shall be paid all moneys received from all sources under this Act. Such fund shall be called the "Wild Dog Destruction Fund."

New subsection
added,
Ibid. s. 3
(n) (ii).

(2) The fund shall be under the control of the board and shall be operated upon in the manner prescribed.

New subsection
added,
Ibid.

(3) The said fund shall be made available to the board for the purposes for which the said fund may be used.

New subsection
added,
Ibid.

(4) The board shall upon a request to do so being made by any person duly authorised in writing by the Auditor-General or by the Minister produce or cause to be produced for inspection to that person all books, accounts, agreements, vouchers, letters or other documents, kept or held by it and relating to any matter under this Act.

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20. Such fund, after deduction of the cost of collection of such moneys and of necessary supervision and administration, shall be used by the board for—

Purposes for which fund may be used.

Amended, Act No. 12, 1934, s. 13 (b); Act No. 40, 1957, s. 3 (o).

- (a) the erection, conversion, maintenance or repair of the Queensland Border Fence, the South Australian Border Fence and any fence which the board may erect, convert, maintain or repair under section 9A of this Act and any purpose connected therewith; and
- (b) the payment of fees and travelling or other expenses, which the appointed members of the board are entitled to receive under subsection fifteen of section 3A of this Act, and remuneration and allowances to employees of the board and allowances for scalps; and
- (c) any other purpose approved by the Minister.

21. The board may determine the rate of payment for scalps, and may determine one rate for the whole of the Western Division or different rates for different portions of that division, and may alter or cancel any rate so determined. Notice of any rate so determined, or of any alteration or cancellation of a rate, shall be published in the Gazette and in such other manner as the board may consider expedient.

Payment for scalps.

Amended, Act No. 35, 1950, s. 2 (o); Act No. 40, 1957, s. 3 (p).

22. For the purposes of this Act the description of any land shall be sufficient if it allows no reasonable doubt as to what land is referred to.

Description of land.

23. Any notice given under or for the purpose of this Act, or any regulation thereunder, may be served by registered letter, directed to the person to whom the notice is addressed at the last known place of abode or business of such person in this State.

Service of notice.

24. The board may employ persons to carry out the provisions of this Act and pay them such remuneration and allowances as it may from time to time determine.

Board may employ persons.

Amended, Act No. 12, 1934, s. 13 (a); Act No. 35, 1950, s. 2 (p); Act No. 40, 1957, s. 3 (q).

25.

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False statement with respect to scalps.

25. Any person who obtains or endeavours to obtain payment for scalps knowing that the same have already been paid for, or wilfully makes any false statement with respect to any scalps, shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding two months.

Possession of dingo.
Amended, Act No. 35, 1950, s. 2 (q); Act No. 40, 1957, s. 3 (r).

26. Any person who, without the written authority of the board, has in his possession any dingo or half-bred dingo, shall be liable to a penalty not exceeding fifty pounds.

Offences.

27. Any person who—

- (a) carries, drives, or passes any wild dog into the Western Division; or
- (b) obtains payment for scalps of wild dogs not destroyed in the Western Division; or
- (c) leaves open any gate in a dog-proof fence; or
- (d) without lawful authority (the proof of which shall be on the person claiming to have the same), destroys, injures, tears up, depresses, cuts or removes any portion of a dog-proof fence or gate, or fence or gate apparently intended to protect any land from wild dogs, or excavates under, or in any way tampers with any portion of such fence or gate, so as to thereby endanger its effectiveness as a dog-proof fence or gate; or
- (e) attempts to do any such act as is hereinbefore mentioned, or procures the same to be done,

shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

Destruction of traps.
Amended, *Ibid.* s. 3 (s).

28. Any person who without lawful authority (the proof of which shall be on the person claiming to have the same), wilfully destroys, injures, removes, or interferes with any trap, snare, poison or thing which is used or required for the destruction of wild dogs, and which is lawfully placed upon any land for such purpose, shall be liable to a penalty not exceeding fifty pounds.

29.

Wild Dog Destruction.

29. (1) Any person who falsely represents himself to be, or personates an authorised person, shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding six months.

Personation or obstruction of authorised person.

(2) Any person who hinders or obstructs the Commissioner, or the board, or any member of the board, or any authorised person in the discharge of any duty or the doing of any work imposed or authorised by this Act or necessary thereunder, or who causes the Commissioner or the board, or any member of the board, or any authorised person to be so hindered or obstructed, shall be liable to a penalty not exceeding one hundred pounds.

Amended, Act No. 35, 1950, s. 2 (r).
Substituted subsection, Act No. 40, 1957, s. 3 (i).

30. Proceedings for the recovery of any penalty or the punishment of any offence under this Act or any regulation made thereunder may be taken before any stipendiary magistrate or any two justices in petty session.

Recovery of penalties.
Amended, Ibid. s. 3 (u).

31. (1) The Governor may make regulations as to all matters necessary or convenient for giving effect to the objects and provisions of this Act.

Regulations.

(2) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall therefrom cease to have effect.

Amended, Act No. 35, 1937, s. 3 and Second Schedule.

*Wild Dog Destruction.***INDEX.**

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By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1961

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, 8 December, 1921.*

New South Wales.



ANNO DUODECIMO

GEORGI V REGIS.

Act No. 17, 1921.

An Act to make better provision for the destruction of wild dogs in the Western Division; to provide for the imposition of a rate upon the owners and occupiers of land in the Western Division; to amend certain Acts; and for purposes connected therewith. [Assented to, 17th December, 1921.]

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 "Wild Dog Destruction Act, 1921," and shall come into force on a date to be notified by the Governor in the Gazette.

Short title
and com-
mencement.

2.

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

R. J. STUART-ROBERTSON,
Chairman of Committees of the Legislative Assembly.

Wild Dog Destruction.

Application
of Act.
Definitions.

2. This Act shall apply to the Western Division only.

3. Unless the context otherwise requires—

“Authorised person” means a person authorised by the Commissioners.

“Commissioners” means Commissioners of the Western Land Board of New South Wales as constituted under the Western Lands Act of 1901.

“Dog-proof fence” means a fence which is sufficient for the exclusion of wild dogs.

“Minister” means Secretary for Lands.

“Occupier” means person entitled for the time being to possession of land, and includes the resident manager where the occupier does not reside on the land.

“Owner” includes—

(a) the holder, or the holder subject to mortgage, of any lease or license, or promise of any lease or license, from the Crown; and

(b) a person to whom the Crown has contracted to grant the fee-simple of land under the Crown Lands Acts; and

(c) persons for the time being in the authorised charge or possession of land.

“Prescribed” means prescribed by this Act, or by regulation made thereunder.

“Scalp” means a portion of the skin of the head of a wild dog to which both ears are attached, and a strip down the back with the tail, or such other portion of the skin as may be determined by the Commissioners and notified in the Gazette.

“Western Division” means Western Division as defined in the Second Schedule to the Crown Lands Consolidation Act, 1913.

“Wild dog” includes any dingo or native dog, or any dog which has become wild, or any dog which apparently has no owner and is not under control.

Owner or
occupier to
destroy wild
dogs.

4. It shall be the duty of the owner or occupier of any land, at all times, at his own cost, to destroy all wild dogs upon such land.

5.

Wild Dog Destruction.

5. The Commissioners, or any of them, or any authorised person may enter upon any land at any time, and remain upon such land, and take all such steps as are necessary for the purpose of ascertaining whether the requirements of this Act are being carried out.

Power of entry upon land.

6. Where the Commissioners have reason to believe that there are wild dogs upon any land they may, by notice in writing, require the owner or occupier of such land to do such acts and take such steps as are specified in the notice within the time specified therein for the more effective destruction of wild dogs upon such land.

Notice to owner or occupier.

7. Any owner or occupier who—

- (a) does not forthwith after service upon him of the notice mentioned in the last preceding section, commence to comply therewith; or
- (b) having so commenced, does not continue such compliance,

Failure to comply with notice.

shall be deemed to have failed to comply with such notice.

8. (1) If the Commissioners are satisfied that any owner or occupier who has been served with a notice under section six has failed to comply therewith, they may, by written notice to such owner or occupier, require such owner or occupier to pay to the fund established by this Act such sum, not exceeding fifty pounds, as they shall determine:

Payment to fund.

Provided that they shall not so require or determine until they have given the owner or occupier an opportunity of showing by writing or otherwise that he has complied with the notice.

(2) The sum so determined and required to be paid shall constitute a debt due by such owner or occupier to the Commissioners, and may be recovered by the Commissioners from such owner or occupier in any court of competent jurisdiction.

(3) The payment of such sum shall not exempt the owner or occupier from any other liability imposed by this Act.

9. Where the Commissioners are satisfied that an owner or occupier has failed to comply with a notice under section six an authorised person may—

Powers of authorised person.

- (a) enter upon the land referred to in the notice with or without assistants, horses and vehicles;
- (b)

Wild Dog Destruction.

- (b) use all such means and do all such acts as he considers necessary to ensure the destruction of wild dogs upon such land ;
- (c) remain upon and shall have free right of access into and over such land for such period, and at such times as may be necessary for destroying wild dogs upon such land.

Authorised
person not to
be deemed a
trespasser.

10. No authorised person or person employed by the Commissioners shall be deemed a trespasser or be liable for any damage occasioned by him in the exercise of his authority or in the course of his employment, unless such damage is occasioned wilfully and without necessity.

Recovery of
expenses
incurred by
Commis-
sioners.

11. Any expense certified by the Commissioners as having been incurred or paid by them or on their behalf upon or in relation to any land in the exercise of any of the powers conferred by section nine shall be a debt due by the owner or occupier of the said land to the Commissioners, and may be recovered by the Commissioners in any court of competent jurisdiction.

Rate to be
imposed.

12. (1) The Commissioners shall in each year impose and collect a rate not exceeding one twenty-fifth of a penny per acre per annum on all land in the Western Division, except land within a municipality, town, or village.

(2) The rate imposed in respect of any land shall be payable by the owner or occupier of such land and until payment thereof shall remain a charge upon such land, and shall have priority over all mortgages or other charges thereon other than debts due to the Crown :

Provided that where the Commissioners certify that it is unnecessary to continue to impose a rate, the Governor may by proclamation in the Gazette suspend the imposition and collection of such rate.

Entries in
rate-book.

13. Particulars of the rate payable by any person shall be entered in a rate-book, and all persons shall have access thereto at all reasonable times. Entries made in the rate-book shall, on the production of such book, be prima facie evidence of the amount of any rate to which such entry relates, and of the person liable for payment of such rate.

14.

Wild Dog Destruction.

14. The prescribed notice of the amount of any rate shall be given to the person liable to pay the same, and such amount shall be paid to such person or bank as may be specified in such notice and on or before the date therein stated: Provided that the amount due by any person may be payable by instalments, if the Commissioners so direct.

Notice of
rate.

15. Where any owner or occupier, or group of owners or occupiers, satisfies the Commissioners that he or they have enclosed his or their land with a dog-proof fence, the rate imposed under this Act in respect of the land so enclosed shall be reduced by one-half during the period that such fence is maintained and repaired to the satisfaction of the Commissioners by such owner or occupier or group of owners or occupiers.

Land
enclosed by
dog-proof
fence.

16. Whenever by this Act any sum is expressed to be charged upon any land, any person thereafter becoming the owner of such land shall be deemed to have notice of such charge, and shall be liable to pay the sum so charged, or so much thereof as may for the time being be unpaid, as if he were the person originally liable; but nothing in this section shall operate to discharge the liability of any person previously liable therefor: Provided always that such charge shall be entered in the rate-book as against such land at the date of transfer, and it shall be the duty of the Commissioners when and so often as any land becomes chargeable with any sum under this Act, to have an entry of the same made as aforesaid.

Effect of
charge upon
land.

17. It shall be lawful for any person in whom any land is vested as mortgagee to add to his mortgage debt any sums expended by or recovered from him towards the erection or maintenance or repair of a dog-proof fence upon, near, or for the benefit of such land; and it shall be lawful for any person in whom any land is vested as a trustee to raise the sums required or recovered for any such purpose by mortgage of such land in the same way as if a power to mortgage for all or any of such purposes had been contained in the instrument creating or declaring the trust.

Powers of
mortgagee
and trustee.

18. For any year in which rates have been collected there shall be paid from the Consolidated Revenue

Payment of
subsidy.

Wild Dog Destruction.

Revenue to the fund to be established under this Act a sum equal to twenty-five per centum of the amount of the rates collected during such year.

Wild Dog
Destruction
Fund.

19. The Colonial Treasurer shall cause a special deposit account to be opened in the Treasury to which shall be paid all moneys received from all sources under this Act. Such fund shall be called the "Wild Dog Destruction Fund," and shall be administered by the Commissioners.

Purposes for
which fund
may be used.

20. Such fund, after deduction of the cost of collection of such moneys and of necessary supervision and administration, shall be used for—

- (a) the maintenance in proper state of repair of that part of the fence known as the "Queensland Border Fence" from Hungerford to the South Australian border; and
- (b) the payment of wages, and allowances for scalps; and
- (c) any other purpose approved by the Minister.

Payment for
scalps.

21. The Commissioners may determine the rate of payment for scalps, and may determine one rate for the whole of the Western Division or different rates for different portions of that division, and may alter or cancel any rate so determined. Notice of any rate so determined, or of any alteration or cancellation of a rate, shall be published in the Gazette and in such other manner as the Commissioners may consider expedient.

Description
of land.

22. For the purposes of this Act the description of any land shall be sufficient if it allows no reasonable doubt as to what land is referred to.

Service of
notice.

23. Any notice given under or for the purpose of this Act, or any regulation thereunder, may be served by registered letter, directed to the person to whom the notice is addressed at the last known place of abode or business of such person in this State.

Commissioners
may employ
persons.

24. The Commissioners may employ persons to carry out the provisions of this Act and pay them such wages and allowances as they think proper.

False
statement
with respect
to scalps.

25. Any person who obtains or endeavours to obtain payment for scalps knowing that the same have already been paid for, or wilfully makes any false statement
with

Wild Dog Destruction.

with respect to any scalps, shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding two months.

26. Any person who, without the written authority of the Commissioners, has in his possession any dingo or half-bred dingo, shall be liable to a penalty not exceeding twenty pounds.

Possession
of dingo.

27. Any person who—

Offences.

- (a) carries, drives, or passes any wild dog into the Western Division; or
- (b) obtains payment for scalps of wild dogs not destroyed in the Western Division; or
- (c) leaves open any gate in a dog-proof fence; or
- (d) without lawful authority, (the proof of which shall be on the person claiming to have the same), destroys, injures, tears up, depresses, cuts or removes any portion of a dog-proof fence or gate, or fence or gate apparently intended to protect any land from wild dogs, or excavates under, or in any way tampers with any portion of such fence or gate, so as to thereby endanger its effectiveness as a dog-proof fence or gate; or
- (e) attempts to do any such act as is hereinbefore mentioned, or procures the same to be done,

shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

28. Any person who without lawful authority (the proof of which shall be on the person claiming to have the same), wilfully destroys, injures, removes, or interferes with any trap, snare, poison or thing which is used or required for the destruction of wild dogs, and which is lawfully placed upon any land for such purpose, shall be liable to a penalty not exceeding twenty pounds.

Destruction
of traps.

29. (1) Any person who falsely represents himself to be, or personates an authorised person, shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding six months.

Personation
or obstruction
of authorised
person.

(2) Any person who hinders or obstructs the Commissioners, or any of them, or any authorised person in the discharge of any duty or the doing of any work imposed

Wild Dog Destruction.

imposed or authorised by this Act or necessary thereunder, or causes them or him to be so hindered or obstructed, shall be liable to a penalty not exceeding fifty pounds.

Recovery of penalties.

30. Proceedings for the recovery of any penalty or the punishment of any offence under this Act or any regulation made thereunder may be taken before any stipendiary or police magistrate or any two justices in petty session.

Regulations.

31. (1) The Governor may make regulations as to all matters necessary or convenient for giving effect to the objects and provisions of this Act.

(2) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall therefrom cease to have effect.

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

Government House,

Sydney, 17th December, 1921.

W. E. DAVIDSON,

Governor.

WILD DOG DESTRUCTION BILL.

SCHEDULE of Amendments referred to in Message of 30th November, 1921.

Page 3, clause 8. *After* subclause (1) *insert* new proviso.

Page 8, clause 30. *Omit* clause 30.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 309

LECTURE 10

10/10/10

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, 15 November, 1921.

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

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

Legislative Council Chamber,
Sydney, 30th November, 1921.

New South Wales.



ANNO DUODECIMO

GEORGI V REGIS.

Act No. , 1921.

An Act to make better provision for the destruction of wild dogs in the Western Division; to provide for the imposition of a rate upon the owners and occupiers of land in the Western Division; to amend certain Acts; and for purposes connected therewith.

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 5 the same, as follows:—

1. This Act may be cited as the "Wild Dog Destruction Act, 1921," and shall come into force on a date to be notified by the Governor in the Gazette. Short title and commencement.

30867

335—

2.

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

Wild Dog Destruction.

2. This Act shall apply to the Western Division only.
3. Unless the context otherwise requires—
- “Authorised person” means a person authorised by the Commissioners.
- 5 “Commissioners” means Commissioners of the Western Land Board of New South Wales as constituted under the Western Lands Act of 1901.
- “Dog-proof fence” means a fence which is sufficient for the exclusion of wild dogs.
- 10 “Minister” means Secretary for Lands.
- “Occupier” means person entitled for the time being to possession of land, and includes the resident manager where the occupier does not reside on the land.
- 15 “Owner” includes—
- (a) the holder, or the holder subject to mortgage, of any lease or license, or promise of any lease or license, from the Crown; and
- 20 (b) a person to whom the Crown has contracted to grant the fee-simple of land under the Crown Lands Acts; and
- (c) persons for the time being in the authorised charge or possession of land.
- 25 “Prescribed” means prescribed by this Act, or by regulation made thereunder.
- “Scalp” means a portion of the skin of the head of a wild dog to which both ears are attached, and a strip down the back with the tail, or such other portion of the skin as may be determined by the Commissioners and notified in the Gazette.
- 30 “Western Division” means Western Division as defined in the Second Schedule to the Crown Lands Consolidation Act, 1913.
- 35 “Wild dog” includes any dingo or native dog, or any dog which has become wild, or any dog which apparently has no owner and is not under control.
- 40 4. It shall be the duty of the owner or occupier of any land, at all times, at his own cost, to destroy all wild dogs upon such land.

Application
of Act.
Definitions.

Owner or
occupier to
destroy wild
dogs.

5.

Wild Dog Destruction.

5 **5.** The Commissioners, or any of them, or any authorised person may enter upon any land at any time, and remain upon such land, and take all such steps as are necessary for the purpose of ascertaining whether the requirements of this Act are being carried out.

Power of
entry upon
land.

10 **6.** Where the Commissioners have reason to believe that there are wild dogs upon any land they may, by notice in writing, require the owner or occupier of such land to do such acts and take such steps as are specified in the notice within the time specified therein for the more effective destruction of wild dogs upon such land.

Notice to
owner or
occupier.

15 **7.** Any owner or occupier who—
(a) does not forthwith after service upon him of the notice mentioned in the last preceding section, commence to comply therewith; or
(b) having so commenced, does not continue such compliance,

Failure to
comply with
notice.

shall be deemed to have failed to comply with such notice.

20 **8.** (1) If the Commissioners are satisfied that any owner or occupier who has been served with a notice under section six has failed to comply therewith, they may, by written notice to such owner or occupier, require such owner or occupier to pay to the fund established by this Act such sum, not exceeding fifty pounds, as they shall determine:

Payment to
fund.

25 **Provided that they shall not so require or determine until they have given the owner or occupier an opportunity of showing by writing or otherwise that he has complied with the notice.**

30 (2) The sum so determined and required to be paid shall constitute a debt due by such owner or occupier to the Commissioners, and may be recovered by the Commissioners from such owner or occupier in any court of competent jurisdiction.

35 (3) The payment of such sum shall not exempt the owner or occupier from any other liability imposed by this Act.

40 **9.** Where the Commissioners are satisfied that an owner or occupier has failed to comply with a notice under section six an authorised person may—

Powers of
authorised
person.

(a) enter upon the land referred to in the notice with or without assistants, horses and vehicles;

(b)

Wild Dog Destruction.

(b) use all such means and do all such acts as he considers necessary to ensure the destruction of wild dogs upon such land ;

5 (c) remain upon and shall have free right of access into and over such land for such period, and at such times as may be necessary for destroying wild dogs upon such land.

10. No authorised person or person employed by the Commissioners shall be deemed a trespasser or be liable ^{Authorised person not to be deemed a trespasser.} for any damage occasioned by him in the exercise of his authority or in the course of his employment, unless such damage is occasioned wilfully and without necessity.

11. Any expense certified by the Commissioners as ^{Recovery of expenses incurred by Commissioners.} having been incurred or paid by them or on their behalf upon or in relation to any land in the exercise of any of the powers conferred by section nine shall be a debt due by the owner or occupier of the said land to the Commissioners, and may be recovered by the Com-
20 missioners in any court of competent jurisdiction.

12. (1) The Commissioners shall in each year ^{Rate to be imposed.} impose and collect a rate not exceeding one twenty-fifth of a penny per acre per annum on all land in the Western Division, except land within a municipality,
25 town, or village.

(2) The rate imposed in respect of any land shall be payable by the owner or occupier of such land and until payment thereof shall remain a charge upon such land, and shall have priority over all mortgages or
30 other charges thereon other than debts due to the Crown :

Provided that where the Commissioners certify that it is unnecessary to continue to impose a rate, the Governor may by proclamation in the Gazette suspend the imposition and collection of such rate.

13. Particulars of the rate payable by any person ^{Entries in rate-book.} shall be entered in a rate-book, and all persons shall have access thereto at all reasonable times. Entries made in the rate-book shall, on the production of such book, be prima facie evidence of the amount of any
40 rate to which such entry relates, and of the person liable for payment of such rate.

14.

Wild Dog Destruction.

14. The prescribed notice of the amount of any rate shall be given to the person liable to pay the same, and such amount shall be paid to such person or bank as may be specified in such notice and on or before the date therein stated: Provided that the amount due by any person may be payable by instalments, if the Commissioners so direct.

Notice of
rate.

15. Where any owner or occupier, or group of owners or occupiers, satisfies the Commissioners that he or they have enclosed his or their land with a dog-proof fence, the rate imposed under this Act in respect of the land so enclosed shall be reduced by one-half during the period that such fence is maintained and repaired to the satisfaction of the Commissioners by such owner or occupier or group of owners or occupiers.

Land
enclosed by
dog-proof
fence.

16. Whenever by this Act any sum is expressed to be charged upon any land, any person thereafter becoming the owner of such land shall be deemed to have notice of such charge, and shall be liable to pay the sum so charged, or so much thereof as may for the time being be unpaid, as if he were the person originally liable; but nothing in this section shall operate to discharge the liability of any person previously liable therefor: Provided always that such charge shall be entered in the rate-book as against such land at the date of transfer, and it shall be the duty of the Commissioners when and so often as any land becomes chargeable with any sum under this Act, to have an entry of the same made as aforesaid.

Effect of
charge upon
land.

17. It shall be lawful for any person in whom any land is vested as mortgagee to add to his mortgage debt any sums expended by or recovered from him towards the erection or maintenance or repair of a dog-proof fence upon, near, or for the benefit of such land; and it shall be lawful for any person in whom any land is vested as a trustee to raise the sums required or recovered for any such purpose by mortgage of such land in the same way as if a power to mortgage for all or any of such purposes had been contained in the instrument creating or declaring the trust.

Powers of
mortgagee
and trustee.

18. For any year in which rates have been collected there shall be paid from the Consolidated Revenue

Payment of
subsidy.

Wild Dog Destruction.

Revenue to the fund to be established under this Act a sum equal to twenty-five per centum of the amount of the rates collected during such year.

- 19.** The Colonial Treasurer shall cause a special deposit account to be opened in the Treasury to which shall be paid all moneys received from all sources under this Act. Such fund shall be called the "Wild Dog Destruction Fund," and shall be administered by the Commissioners. Wild Dog Destruction Fund.
- 20.** Such fund, after deduction of the cost of collection of such moneys and of necessary supervision and administration, shall be used for— Purposes for which fund may be used.
- (a) the maintenance in proper state of repair of that part of the fence known as the "Queensland Border Fence" from Hungerford to the South Australian border; and
- (b) the payment of wages, and allowances for scalps; and
- (c) any other purpose approved by the Minister.
- 21.** The Commissioners may determine the rate of payment for scalps, and may determine one rate for the whole of the Western Division or different rates for different portions of that division, and may alter or cancel any rate so determined. Notice of any rate so determined, or of any alteration or cancellation of a rate, shall be published in the Gazette and in such other manner as the Commissioners may consider expedient. Payment for scalps.
- 22.** For the purposes of this Act the description of any land shall be sufficient if it allows no reasonable doubt as to what land is referred to. Description of land.
- 23.** Any notice given under or for the purpose of this Act, or any regulation thereunder, may be served by registered letter, directed to the person to whom the notice is addressed at the last known place of abode or business of such person in this State. Service of notice.
- 24.** The Commissioners may employ persons to carry out the provisions of this Act and pay them such wages and allowances as they think proper. Commissioners may employ persons.
- 25.** Any person who obtains or endeavours to obtain payment for scalps knowing that the same have already been paid for, or wilfully makes any false statement with respect to scalps, False statement with respect to scalps.
- with

Wild Dog Destruction.

with respect to any scalps, shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding two months.

26. Any person who, without the written authority of the Commissioners, has in his possession any dingo or half-bred dingo, shall be liable to a penalty not exceeding twenty pounds.

Possession
of dingo.

27. Any person who—

Offences.

- 10 (a) carries, drives, or passes any wild dog into the Western Division; or
- (b) obtains payment for scalps of wild dogs not destroyed in the Western Division; or
- (c) leaves open any gate in a dog-proof fence; or
- 15 (d) without lawful authority, (the proof of which shall be on the person claiming to have the same), destroys, injures, tears up, depresses, cuts or removes any portion of a dog-proof fence or gate, or fence or gate apparently intended to protect any land from wild dogs, or excavates
- 20 under, or in any way tampers with any portion of such fence or gate, so as to thereby endanger its effectiveness as a dog-proof fence or gate; or
- (e) attempts to do any such act as is hereinbefore mentioned, or procures the same to be done,
- 25 shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

28. Any person who without lawful authority (the proof of which shall be on the person claiming to have the same), wilfully destroys, injures, removes, or interferes with any trap, snare, poison or thing which is used or required for the destruction of wild dogs, and which is lawfully placed upon any land for such purpose, shall be liable to a penalty not exceeding twenty pounds.

Destruction
of traps.

35 **29.** (1) Any person who falsely represents himself to be, or personates an authorised person, shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding six months.

Personation
or obstruction
of authorised
person.

40 (2) Any person who hinders or obstructs the Commissioners, or any of them, or any authorised person in the discharge of any duty or the doing of any work imposed

Wild Dog Destruction.

imposed or authorised by this Act or necessary thereunder, or causes them or him to be so hindered or obstructed, shall be liable to a penalty not exceeding fifty pounds.

- 5 **30.** Where an owner or occupier is charged with failure to destroy wild dogs or to comply with a notice from the Commissioners, the averments contained in the information shall be deemed to be proved in the absence of proof to the contrary. Averments in information to be deemed to be proved.
- 10 ~~31.~~ **30.** Proceedings for the recovery of any penalty or the punishment of any offence under this Act or any regulation made thereunder may be taken before any stipendiary or police magistrate or any two justices in petty session. Recovery of penalties.
- 15 ~~32.~~ **31.** (1) The Governor may make regulations as to all matters necessary or convenient for giving effect to the objects and provisions of this Act. Regulations.
- (2) Such regulations shall—
- 20 (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- 25 (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has
- 30 been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall therefrom cease to have effect.

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, 15 November, 1921.*

New South Wales.



ANNO DUODECIMO

GEORGI V REGIS.

Act No. , 1921.

An Act to make better provision for the destruction of wild dogs in the Western Division; to provide for the imposition of a rate upon the owners and occupiers of land in the Western Division; to amend certain Acts; and for purposes connected therewith.

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 "Wild Dog Destruction Act, 1921," and shall come into force on a date to be notified by the Governor in the Gazette.

Short title
and com-
mencement.

Wild Dog Destruction.

2. This Act shall apply to the Western Division only. Application of Act.
3. Unless the context otherwise requires— Definitions
- “Authorised person” means a person authorised by the Commissioners.
- 5 “Commissioners” means Commissioners of the Western Land Board of New South Wales as constituted under the Western Lands Act of 1901.
- 10 “Dog-proof fence” means a fence which is sufficient for the exclusion of wild dogs.
- “Minister” means Secretary for Lands.
- “Occupier” means person entitled for the time being to possession of land, and includes the resident manager where the occupier does not
- 15 reside on the land.
- “Owner” includes—
- (a) the holder, or the holder subject to mortgage, of any lease or license, or promise of any lease or license, from the Crown; and
- 20 (b) a person to whom the Crown has contracted to grant the fee-simple of land under the Crown Lands Acts; and
- (c) persons for the time being in the authorised charge or possession of land.
- 25 “Prescribed” means prescribed by this Act, or by regulation made thereunder.
- “Scalp” means a portion of the skin of the head of a wild dog to which both ears are attached, and a strip down the back with the tail, or such
- 30 other portion of the skin as may be determined by the Commissioners and notified in the Gazette.
- “Western Division” means Western Division as defined in the Second Schedule to the Crown Lands Consolidation Act, 1913.
- 35 “Wild dog” includes any dingo or native dog, or any dog which has become wild, or any dog which apparently has no owner and is not under control.
- 40 4. It shall be the duty of the owner or occupier of any land, at all times, at his own cost, to destroy all wild dogs upon such land. Owner or occupier to destroy wild dogs.

Wild Dog Destruction.

5 **5.** The Commissioners, or any of them, or any authorised person may enter upon any land at any time, and remain upon such land, and take all such steps as are necessary for the purpose of ascertaining whether the requirements of this Act are being carried out.

Power of entry upon land.

10 **6.** Where the Commissioners have reason to believe that there are wild dogs upon any land they may, by notice in writing, require the owner or occupier of such land to do such acts and take such steps as are specified in the notice within the time specified therein for the more effective destruction of wild dogs upon such land.

Notice to owner or occupier.

7. Any owner or occupier who—

- 15 (a) does not forthwith after service upon him of the notice mentioned in the last preceding section, commence to comply therewith; or
(b) having so commenced, does not continue such compliance,

Failure to comply with notice.

shall be deemed to have failed to comply with such notice.

20 **8.** (1) If the Commissioners are satisfied that any owner or occupier who has been served with a notice under section six has failed to comply therewith, they may, by written notice to such owner or occupier, require such owner or occupier to pay to the fund established
25 by this Act such sum, not exceeding fifty pounds, as they shall determine.

Payment to fund.

30 (2) The sum so determined and required to be paid shall constitute a debt due by such owner or occupier to the Commissioners, and may be recovered by the Commissioners from such owner or occupier in any court of competent jurisdiction.

(3) The payment of such sum shall not exempt the owner or occupier from any other liability imposed by this Act.

35 **9.** Where the Commissioners are satisfied that an owner or occupier has failed to comply with a notice under section six an authorised person may—

Powers of authorised person.

- 40 (a) enter upon the land referred to in the notice with or without assistants, horses and vehicles;
(b) use all such means and do all such acts as he considers necessary to ensure the destruction of wild dogs upon such land; (c)

Wild Dog Destruction.

(c) remain upon and shall have free right of access into and over such land for such period, and at such times as may be necessary for destroying wild dogs upon such land.

5 **10.** No authorised person or person employed by the Commissioners shall be deemed a trespasser or be liable for any damage occasioned by him in the exercise of his authority or in the course of his employment, unless such damage is occasioned wilfully and without
10 necessity.

11. Any expense certified by the Commissioners as having been incurred or paid by them or on their behalf upon or in relation to any land in the exercise of any of the powers conferred by section nine shall be a debt due
15 by the owner or occupier of the said land to the Commissioners, and may be recovered by the Commissioners in any court of competent jurisdiction.

12. (1) The Commissioners shall in each year impose and collect a rate not exceeding one twenty-
20 fifth of a penny per acre per annum on all land in the Western Division, except land within a municipality, town, or village.

(2) The rate imposed in respect of any land shall be payable by the owner or occupier of such land
25 and until payment thereof shall remain a charge upon such land, and shall have priority over all mortgages or other charges thereon other than debts due to the Crown :

Provided that where the Commissioners certify that it is unnecessary to continue to impose a rate, the
30 Governor may by proclamation in the Gazette suspend the imposition and collection of such rate.

13. Particulars of the rate payable by any person shall be entered in a rate-book, and all persons shall have access thereto at all reasonable times. Entries
35 made in the rate-book shall, on the production of such book, be prima facie evidence of the amount of any rate to which such entry relates, and of the person liable for payment of such rate.

14. The prescribed notice of the amount of any rate shall be given to the person liable to pay the same, and such amount shall be paid to such person or bank
40 as

Authorised person not to be deemed a trespasser.

Recovery of expenses incurred by Commissioners.

Rate to be imposed.

Entries in rate-book.

Notice of rate.

as

Wild Dog Destruction.

as may be specified in such notice and on or before the date therein stated: Provided that the amount due by any person may be payable by instalments, if the Commissioners so direct.

5 **15.** Where any owner or occupier, or group of owners or occupiers, satisfies the Commissioners that he or they have enclosed his or their land with a dog-proof fence, the rate imposed under this Act in respect of the land so enclosed shall be reduced by one-half during the
10 period that such fence is maintained and repaired to the satisfaction of the Commissioners by such owner or occupier or group of owners or occupiers.

Land enclosed by dog-proof fence.

16. Whenever by this Act any sum is expressed to be charged upon any land, any person thereafter becoming
15 the owner of such land shall be deemed to have notice of such charge, and shall be liable to pay the sum so charged, or so much thereof as may for the time being be unpaid, as if he were the person originally liable; but nothing in this section shall operate to discharge the liability of
20 any person previously liable therefor: Provided always that such charge shall be entered in the rate-book as against such land at the date of transfer, and it shall be the duty of the Commissioners when and so often as any land becomes chargeable with any sum under this Act,
25 to have an entry of the same made as aforesaid.

Effect of charge upon land.

17. It shall be lawful for any person in whom any land is vested as mortgagee to add to his mortgage debt any sums expended by or recovered from him towards the erection or maintenance or repair of a dog-proof
30 fence upon, near, or for the benefit of such land; and it shall be lawful for any person in whom any land is vested as a trustee to raise the sums required or recovered for any such purpose by mortgage of such land in the same way as if a power to mortgage for all
35 or any of such purposes had been contained in the instrument creating or declaring the trust.

Powers of mortgagee and trustee.

18. For any year in which rates have been collected there shall be paid from the Consolidated
Revenue to the fund to be established under this Act
40 a sum equal to twenty-five per centum of the amount of the rates collected during such year.

Payment of subsidy.

19.

Wild Dog Destruction.

19. The Colonial Treasurer shall cause a special deposit account to be opened in the Treasury to which shall be paid all moneys received from all sources under this Act. Such fund shall be called the "Wild Dog Destruction Fund," and shall be administered by the Commissioners.

Wild Dog
Destruction
Fund.

20. Such fund, after deduction of the cost of collection of such moneys and of necessary supervision and administration, shall be used for—

Purposes for
which fund
may be used.

- 10 (a) the maintenance in proper state of repair of that part of the fence known as the "Queensland Border Fence" from Hungerford to the South Australian border; and
- (b) the payment of wages, and allowances for scalps; and
- 15 (c) any other purpose approved by the Minister.

21. The Commissioners may determine the rate of payment for scalps, and may determine one rate for the whole of the Western Division or different rates for different portions of that division, and may alter or cancel any rate so determined. Notice of any rate so determined, or of any alteration or cancellation of a rate, shall be published in the Gazette and in such other manner as the Commissioners may consider expedient.

Payment for
scalps.

22. For the purposes of this Act the description of any land shall be sufficient if it allows no reasonable doubt as to what land is referred to.

Description
of land.

23. Any notice given under or for the purpose of this Act, or any regulation thereunder, may be served by registered letter, directed to the person to whom the notice is addressed at the last known place of abode or business of such person in this State.

Service of
notice.

24. The Commissioners may employ persons to carry out the provisions of this Act and pay them such wages and allowances as they think proper.

Commissioners
may employ
persons.

25. Any person who obtains or endeavours to obtain payment for scalps knowing that the same have already been paid for, or wilfully makes any false statement with respect to any scalps, shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding two months.

False
statement
with respect
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Wild Dog Destruction.

26. Any person who, without the written authority of the Commissioners, has in his possession any dingo or half-bred dingo, shall be liable to a penalty not exceeding twenty pounds.

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Offences.

(a) carries, drives, or passes any wild dog into the Western Division; or

(b) obtains payment for scalps of wild dogs not destroyed in the Western Division; or

10 (c) leaves open any gate in a dog-proof fence; or

(d) without lawful authority, (the proof of which shall be on the person claiming to have the same), destroys, injures, tears up, depresses, cuts or removes any portion of a dog-proof fence or gate, or fence or gate apparently intended to protect any land from wild dogs, or excavates under, or in any way tampers with any portion of such fence or gate, so as to thereby endanger its effectiveness as a dog-proof fence or gate; or

15

20 (e) attempts to do any such act as is hereinbefore mentioned, or procures the same to be done,

shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

25 **28.** Any person who without lawful authority (the proof of which shall be on the person claiming to have the same), wilfully destroys, injures, removes, or interferes with any trap, snare, poison or thing which is used or required for the destruction of wild dogs, and which is lawfully placed upon any land for such purpose, shall be liable to a penalty not exceeding twenty pounds.

Destruction
of traps.

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Personation
or obstruction
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person.

35 (2) Any person who hinders or obstructs the Commissioners, or any of them, or any authorised person in the discharge of any duty or the doing of any work imposed or authorised by this Act or necessary thereunder, or causes them or him to be so hindered or obstructed, shall be liable to a penalty not exceeding fifty pounds.

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Wild Dog Destruction.

30. Where an owner or occupier is charged with failure to destroy wild dogs or to comply with a notice from the Commissioners, the averments contained in the information shall be deemed to be proved in the absence of proof to the contrary. Averments in information to be deemed to be proved.

31. Proceedings for the recovery of any penalty or the punishment of any offence under this Act or any regulation made thereunder may be taken before any stipendiary or police magistrate or any two justices in petty session. Recovery of penalties.

32. (1) The Governor may make regulations as to all matters necessary or convenient for giving effect to the objects and provisions of this Act. Regulations.

(2) Such regulations shall—

- 15 (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- 20 (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has
- 25 been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall therefrom cease to have effect.