

No. , 1930.

A BILL

To provide for the protection of pastures; to provide for the constitution of pastures protection boards and dingo destruction boards; to amend the law relating to the branding and earmarking of sheep, travelling stock reserves, public watering-places, the destruction of noxious animals and certain other matters; to validate certain matters; to amend the Local Government Act, 1919, and certain other Acts; to repeal the Pastures Protection Act, 1912, and the Acts amending the same, and the Public Watering-places Act, 1900; and for purposes connected therewith.

[MR. THORBY;—6 *June*, 1930.]

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:—

5

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Pastures Protection Act, 1930."

(2) This Act shall commence and come into 10 operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division into
Parts.

2. This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—PASTURES PROTECTION DISTRICTS AND 15
BOARDS—*ss.* 5-24.

PART III.—RATES—*ss.* 25-40.⁹

PART IV.—TRAVELLING STOCK AND TRAVELLING
STOCK AND CAMPING RESERVES—*ss.* 41-67.

PART V.—PUBLIC WATERING-PLACES—*ss.* 68-78. 20

PART VI.—NOXIOUS ANIMALS—*ss.* 79-104.

PART VII.—RABBIT, MARSUPIAL, AND DOG-PROOF
FENCES—*ss.* 105-132.

PART VIII.—BRANDING AND EARMARKING
SHEEP—*ss.* 133-146. 25

PART IX.—MUSTERING—*ss.* 147, 148.

PART X.—GENERAL PROVISIONS—*ss.* 149-161.

Repeal.

3. (1) The Acts mentioned in the Schedule to this Act are to the extent therein expressed hereby repealed.
(2)

Pastures Protection.

(2) The repeal of any Act by this Act shall not ^{Saving.} operate to break the continuity of existence of a pastures protection district or of a board existing at the commencement of this Act, and—

- 5 (a) boards continued under this Act shall have ^{Continuity of boards and districts.} and enjoy as far as relates to any previous or pending transaction or matter, all rights, powers, protections, and property acquired by them, and be subject to all liabilities incurred
10 or indemnities given by them under the enactments repealed by this Act ;
- (b) all proclamations and notifications made, and ^{Proclamations, returns, &c.} all sanctions and notices given under the Acts repealed, the operation of which is not exhausted at the commencement of this Act,
15 shall be deemed to have been made and given under this Act so far as they apply and shall have and take effect accordingly ;
- (c) all electoral rolls prepared under the provisions ^{Rolls.} of the Acts so repealed and in force at the commencement of this Act shall be rolls of electors under this Act until fresh rolls of electors are compiled and are in force under
20 this Act ;
- 25 (d) all rates, charges, fees, and sums of money ^{Rates.} which under the Acts so repealed are at the commencement of this Act due and payable to or leviable by or for the board of any district shall be paid to and may be varied,
30 levied, and recovered by the board of the district and shall remain a charge on land until payment ;
- 35 (e) all regulations made under the Acts ^{so Regulations.} repealed and in force at the commencement of this Act shall continue in force so far as they may be applicable as though made under this Act until repealed or amended by regulations made under this Act ;

(f)

**Appoint-
ments.**

(f) all appointments of officers duly made under the Acts so repealed shall continue and be of the same force and effect as if made under this Act;

**Permits,
leases, and
licenses.**

(g) any permit to travel or to graze stock on a reserve or other place, and any license to keep live rabbits or hares issued under the Acts so repealed shall continue in force for the period for which it was granted, subject to the provisions of this Act; 5
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**Printed
forms.**

(h) printed notices, forms, books, and formal documents prescribed and customarily used under the provisions of the Acts so repealed may, so far as they are applicable, and until new forms are prescribed, be regarded as sufficient 15
under this Act;

**Public
watering-
places.**

(i) every public watering-place declared or established in accordance with the provisions of the Public Watering-places Act, 1900, or proclaimed in accordance with the provisions 20
of section four hundred and ninety-seven of the Local Government Act, 1919, and in existence at the commencement of this Act, shall be deemed to be a public watering-place declared under the provisions of this Act; 25

(j) every lease of a public watering-place granted under the Acts hereby repealed shall continue in force for the unexpired portion of the term thereof, and the lessee shall be subject to the same rights, obligations, and liabilities as if 30
the lease had been granted under the provisions of this Act;

(k) every caretaker of a public watering-place appointed by the Minister or a council under the Public Watering-places Act, 1900, or 35
section four hundred and ninety-seven of the Local Government Act, 1919, shall be deemed to be appointed by the controlling authority constituted by this Act.

The

The generality of this subsection shall not be affected by any saving in any other section of this Act, nor shall this section limit any saving in the Interpretation Act, 1897.

5 (3) Where in any form or document used after the commencement of this Act reference is made to the provisions of any enactment repealed by this Act the reference shall be deemed to be a reference to the corresponding provisions (if any) of this Act. Forms under repealed Acts.

10 (4) Where in any Act, ordinances, regulations, or by-laws reference is made to the provisions of any Act repealed by this Act such reference shall be deemed to be to the corresponding provisions (if any) of this Act. References to repealed Acts.

(5) The repeal of any Act by this Act shall not affect any liability of a board or other person to the Crown or the remedies for the enforcement thereof. For the purpose of recovery of the amount due, any such liability shall be deemed to have been incurred under this Act.

20 **4.** In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation. No. 35, 1912, s. 4

“Board” means the pastures protection board for any district constituted by this Act.

“Brand” means a fire or colour brand on any sheep.

25 “Carrier” means any person engaged in the transport of goods on any public road for fee or reward.

30 “Carrying capacity” means the number of stock which may be depastured upon a holding in an average season calculated over a period of five years.

“Cattle” means any bull, cow, ox, heifer, steer, or calf.

35 “Central Division” has the meaning given to the expression in the Crown Lands Acts.

“Colour brand” means any brand made by means of pitch, tar, paint, or any pigment.

“Crown lands” means crown lands as defined in the Crown Lands Consolidation Act, 1913.

“Crown

- “Crown Lands Acts” means the Crown Lands Consolidation Act, 1913, and all amending Acts, and the Closer Settlement Act, 1904, and all amending Acts.
- “District” means any pastures protection district constituted under this Act. 5
- “District Surveyor” means a district surveyor appointed under the provisions of section ten of the Crown Lands Consolidation Act, 1913.
- “Dog-proof,” see “Rabbit-proof.” 10
- “Earmark” means a mark placed on the ears of sheep by means of earplyers.
- “Eastern Division” has the meaning given to the expression in the Crown Lands Acts.
- “Fire brand” means any brand made by means of heat. 15
- “Holding” means any land or collection of adjacent lands constituting and worked as one property whether or not held under the same title or different titles or titles of different kinds and whether in the same pastures protection district or not. 20
- “Horse” means any horse, mare, gelding, colt, filly, foal, ass, or mule.
- “Inspector” means the inspector of stock for the district and any other person authorized by the Minister to act as an inspector. 25
- “Large stock” mean horses, cattle, and camels.
- “Local land board” means local land board as constituted and defined under the Crown Lands Acts, and in relation to the Western Division means the commissioners appointed under the Western Lands Acts. 30
- “Marsupial” includes any kangaroo, wallaroo, wallaby, or paddymelon. 35
- “Marsupial-proof,” see “Rabbit-proof.”
- “Native dog” includes any dingo or any dog whatever which has become wild.
- “Notification” means notification published in the Gazette. 40
- “Noxious

“Noxious animal” includes rabbits, hares, foxes, and native dogs, and any animal or bird to which the provisions of this Act are extended in pursuance of Part VI of this Act.

5 “Occupier” means—

(a) the person for the time being entitled to the possession of any land, and where the person so entitled does not reside on the land, includes his resident manager or other person in charge of the land ;

10 (b) and for the purposes of Part VI includes the Railway Commissioners for New South Wales, the Metropolitan Water, Sewerage, and Drainage Board, the Hunter District Water Supply and Sewerage Board, the Forestry Commissioners of New South Wales, and the Commissioners for Water Conservation and Irrigation, the Trustees of Commons and Public Reserves, and the occupier or caretaker of any reserve declared to be a public watering-place under the Public Watering-places Act, 1900, or this Act, and the council of any area under the Local Government Act, 1919.

20 “Owner” when used in reference to land means :—

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

35 (b) the holder, or the holder subject to mortgage, of any purchase, whether conditional or otherwise, from the Crown, or a homestead selection or homestead grant ;

40 (c) the person entitled at law to an estate of freehold in possession in any land granted by the Crown for other than public purposes ;

(d)

- (d) the person in whom is vested any land taken or appropriated under authority of any statute authorizing land to be taken or appropriated for the purpose of any private undertaking. 5
- “Permit officer” means any person appointed for the purpose of issuing permits to travel.
- “Prescribed” means prescribed by this Act or by the regulations.
- “Private holding” and “private land” mean respectively a holding and land not including or being public land. 10
- “Proprietor,” when used in reference to a brand, means the person in whose name the brand is for the time being registered. 15
- “Public land” means and includes land which is not the subject of any lease or license or promise of or agreement for any lease or license under the Crown Lands Acts or under any other Act authorizing the occupation or use of land vested in the Crown ; but which— 20
- (a) is vested in the Crown, and is not the subject of any contract for the sale or grant thereof ; or
- (b) is the subject of any dedication or permanent reservation for public uses or purposes, not being for a road (whether the land has or has not been granted or contracted to be granted for the said uses or purposes). 25 30
- “Public road” or “road” means any land proclaimed, dedicated, resumed, or otherwise provided as a public thoroughfare or way or any land defined, reserved, or left as a road in any subdivision of Crown lands, and for the purposes of Part IV includes, in addition to the above, any road which has been ordinarily used for three years at least by the public. 35

“ Public

- “Public watering-place” means any reserve declared to be a public watering-place under the Public Watering-places Act, 1900, or this Act.
- 5 “Rabbit-proof,” “marsupial-proof,” and “dog-proof,” as applied to fences, shall mean respectively fences or fencing of the kind prescribed under this Act.
- 10 “Registrar of Brands” means the Registrar of Brands appointed under the provisions of the Registration of Stock Brands Act, 1921.
- “Regulations” mean regulations for the time being in force under the provisions of this Act.
- 15 “Scalp” means the head or a portion of the skin of the head to which both ears are attached.
- “Sheep” includes rams, ewes, wethers, and lambs.
- “Stock” means cattle, horses, sheep, and camels.
- “Teamster” means the person for the time being in charge of any team of working large stock.
- 20 “Travelling stock” means stock driven or carried by rail or otherwise on land or by water while not being used by the owner for transport purposes.
- 25 “Travelling stock reserve” or “reserve” means any travelling stock route, camping place or reserve for a camping place, reserve for travelling stock, water reserve, reserve for access to or crossing of water, or reserve for the use of teamsters, notified, reserved, or dedicated for
- 30 any one or more of such purposes under the provisions of the Crown Lands Acts, the Western Lands Acts, or the Closer Settlement Acts, and any public watering-place declared in accordance with the provisions of the Public Watering-places Act, 1900, or this Act.
- 35 “Working large stock” means stock in use for purposes of transport.

“Western

“Western Division” has the meaning given to that expression in the Crown Lands Acts.

“Western Lands Acts” means the Western Lands Act of 1901, as amended by subsequent Acts.

PART II.

5

PASTURES PROTECTION DISTRICTS AND BOARDS.

Constitution
of pastures
protection
districts.
No. 35, 1912,
s. 5.

5. The Governor may by proclamation published in the Gazette constitute pastures protection districts and may at any time by like steps revoke or vary any proclamation.

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The Governor may in like manner revoke or vary any proclamation made under the provisions of the Acts repealed by this Act, and alter the boundaries of any district.

A district which is altered shall continue according to 15 new boundaries, and the board thereof shall continue without reconstitution.

Board.
Ibid. s. 6.

6. (1) There shall be a pastures protection board for each district which shall consist of eight directors.

(2) The directors and chairmen holding office at 20 the commencement of this Act shall be deemed to have been elected under this Act.

In the month of April, one thousand nine hundred and thirty-one, and thereafter every three years, eight directors shall be elected for each district, who shall 25 hold office for a term of three years or until their successors or the successors of any of them severally are elected or appointed, and shall be eligible for re-election.

(3) In the event of no proper election of a board or 30 member taking place the Minister may cause an election to be held on a date to be appointed by him, or he may appoint the necessary number of persons eligible to be elected, to constitute the board.

(4)

(4) The first meeting of a board shall be held within one month after the election of directors.

At such meeting and in the corresponding month of succeeding years the board shall elect one of its members to be chairman and another to be deputy-chairman.

A chairman or deputy-chairman shall hold office until his successor is elected.

Where the office of chairman or deputy-chairman becomes vacant in any other way than by effluxion of time a successor shall be elected to hold office for the remainder of the term.

In the absence of a chairman and deputy-chairman from a meeting of the board the directors present shall elect one of their number to be chairman for the meeting.

(5) Four directors shall form a quorum.

(6) On the occurrence of an extraordinary vacancy during the last six months of a board's term of office, the Minister may, on the application of the board, order that no election shall be held, but, notwithstanding the making of any such order, the Minister may subsequently on the like application order the holding of an election for the purpose of filling such vacancy, and an election shall be held accordingly on the date approved by the Minister.

(7) The Minister may determine the town at which a board shall have its headquarters.

(8) Boards shall meet at least once every month unless otherwise approved of by the Minister.

(9) A deputy-chairman may act in the office of chairman during such time as the chairman is prevented by absence, illness, or otherwise from performing any duty of his office.

While so acting the deputy-chairman shall have the powers, authorities, and duties of the chairman.

7. The Governor after such inquiry as he thinks proper, may by proclamation published in the Gazette for sufficient cause remove any director.

Vacancy in office.
No. 35, 1912,
s. 7.

Extra-ordinary vacancies.

8. (1) A member of a board may resign his office by writing under his hand addressed to the secretary of the board, and in that event or in the event of the death of any member, or if any member of the board is removed from office, or if he, without the permission of the board, fails to give his attendance at three consecutive meetings of the board, or becomes bankrupt, or is convicted of a felony or misdemeanour, or becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898, his seat shall become vacant. 5

(2) An election to fill an extraordinary vacancy shall be carried out and conducted as prescribed.

(3) A person elected to fill a vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer, but shall be eligible for re-election if otherwise qualified. 15

(4) Where no proper election takes place within two months of a position becoming vacant by reason of one of the abovementioned causes, the Governor may appoint a person eligible to be elected to fill the vacancy. 20

Travelling expenses.
No. 35, 1912,
s. 8.

9. The board may allow to any director travelling and hotel expenses as prescribed.

No fee or other payment shall be allowed or made to any director unless on the approval of the Minister or in accordance with the regulations. 25

Roll of electors.
Ibid. s. 9.

10. (1) On the proclamation of a new district the Minister shall, as soon as possible, prepare a roll or rolls showing the names of all persons entitled to vote at the election for directors, and thereafter the secretary of the board shall keep every such roll revised to date. 30

(2) Pending the election of a board for the new district, the Governor may authorize some person or persons to exercise within the new district such powers of the board or the chairman as may be necessary or convenient to be exercised prior to the election. 35

(3) Any expenses incurred under this section shall be paid or reimbursed out of the Pastures Protection Fund.

(4)

(4) The Governor may by proclamation published in the Gazette, dissolve any board whose district is wholly comprised in a new district or wholly distributed among other districts, and in like manner vest all 5 or any property of the board so dissolved in the board of the new district or in the boards of those districts between which the district of the dissolved board has been divided in such proportions as he thinks fit.

11. (1) The Minister shall by notification published in the Gazette, divide each district into four 10 divisions, and may in the like manner alter the boundaries of any such division. Division of districts. No. 35, 1912, s. 10.

Any such alteration shall not take effect for the purposes of an election to fill an extraordinary vacancy 15 occurring before the next ordinary election.

(2) The Minister may by notification published in the Gazette, on application by a board in the Western Division, exempt any district in the Western Division from being divided into divisions, or, if a 20 district in the Western Division has been so divided, may, on a like application, abolish such divisions.

(3) Where a district is divided into divisions, two directors shall be elected for each division.

(4) The board shall prepare separate divisional 25 rolls for each division and where a district is not divided into divisions a roll for the district as a whole.

The board shall place on such rolls the names of persons qualified for enrolment thereon in respect of land within the division or district.

30 The rolls shall be kept revised to date by the secretary of the board.

(5) Any person so qualified holding land partly within one division and partly within another shall be entitled to be enrolled for the division in which is situated 35 the greater part.

(6) Any person so qualified holding land in more than one division not being part of the same holding shall be entitled to be enrolled for each division.

(7) Where any district has been divided into 40 divisions no person shall be eligible for election for a division

division unless his name is on the roll for the division and unless he is otherwise qualified for election or to vote in accordance with the provisions of this Act.

Qualification
for—
(a) enrolment;

12. (1) Subject to this Act every occupier of ratable land within a division or district shall be entitled to be enrolled for such division or district. **5**

(b) voting ;

(2) Every person who at the date appointed in pursuance of the regulations for the closing of the roll for the division or district for which the election is to be held— **10**

- (a) is enrolled for the division or district ;
- (b) has made the return required by section thirty-nine of this Act, if any such is required to be made by him ; and
- (c) has paid all rates due and payable by him to the board, **15**

shall be qualified to vote at the election if he retains at the date of the election his qualification to be enrolled.

(c) election.

(3) Every person who at the date appointed for nominations for the election— **20**

- (a) is enrolled for the division or district for which the election is held ;
- (b) is resident in the district ;
- (c) has made the return required by section thirty-nine of this Act, if any such is required to be made by him ; and **25**
- (d) has paid all rates due and payable by him to the board,

shall be qualified for election as a director.

(4) Where ratable land is occupied jointly or in common by two or more persons, one of such persons shall be enrolled in respect of each ten head of large stock or one hundred sheep carried on the land or estimated by the board to be within the carrying capacity of the land. **35**

The individuals who shall be so enrolled shall in any such case be determined by a majority of such persons evidenced by an agreement signed by such majority and delivered to the secretary of the board or, failing such agreement, according to the alphabetical order of their surnames or, where the surnames are the same, of their other names. **40**

13. The election of directors of the board shall be conducted in the prescribed manner and the voting shall be by post. Election of directors. No. 35, 1912, s. 11.

14. Each board shall be a corporate body under the style or title directed by the Governor and notified by proclamation published in the Gazette, and under such style or title shall have perpetual succession and a common seal, and be capable in law of suing and being sued in its corporate name, and subject to this Act be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Incorporation. Ibid. s. 12.

The validity of any acts of a board shall not be affected by any informality or irregularity in its constitution, and the fact that all or any of the seats on the board are vacant shall not of itself operate to dissolve the corporation.

15. Every board—

- 20 (a) shall cause proper minute books to be kept of all its proceedings; Duties of boards. Ibid. s. 16.
- (b) shall cause true and regular accounts to be kept of all moneys received or paid by it under this Act, and shall give the owner or the occupier of any ratable land within the district access to such accounts at all reasonable hours;
- 25 (c) shall produce for inspection to any person duly authorised in writing by the Minister or the Auditor-General all its books, accounts, agreements, vouchers, letters, or other documents which may relate to any matter under this Act.
- 30

16. Every board shall, in January in each year, cause an account in the prescribed form to be prepared of its receipts and expenditure for the year preceding under distinct heads, with a statement of the balance. Yearly accounts to be published. Ibid. s. 17.

Such account shall be duly audited and certified.

A copy of such account shall be published not later than the month of March next following in one or more newspapers circulating in the district.

Copies

Copies of such account shall also be furnished to the Minister and the Auditor-General.

Board may be represented by counsel before local land board.
No. 35, 1912, s. 17A.
No. 49, 1918, s. 4.

17. A board shall 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. 5

Vesting of property, &c., on alteration of districts.

18. Where an alteration is made in the boundaries of a district or where a new district is created out of existing districts, the Governor may from time to time, by proclamation published in the Gazette, vest such of the property, rights, and choses in action of any board concerned in such board as he thinks proper, having regard to the alterations in the districts and whether the alteration in the districts is made under this Act or in pursuance of any provision of the Acts repealed by this Act, and may also in like manner direct that any liability or obligation of any board concerned shall be assumed by and enforceable against such board as he thinks proper. 10 15 20

Pastures Protection Fund.
No. 35, 1912, s. 24.

19. (1) All subsidies, fines, penalties, rates, and other moneys received by a board under this Act, except as otherwise in this Act provided, shall form part of a fund to be called the Pastures Protection Fund of the district. 25

Purposes to which fund may be applied.

(2) Moneys forming part of such fund may be applied by the board of the district to—

- (a) the payment of any expenses of or incidental to the election of the board, 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 30 35
- (b) any other purpose approved by the Minister or which may be prescribed.

Special fund.

(3) The Minister may grant permission to a board to open a special fund in the board's name other than those specified in this Act, and such fund shall only be used for the purpose for which it is opened. Where a board certifies to the Minister that such purpose has been 40 been

been fully accomplished, the Minister may allow any balance of such fund to be transferred to the Pastures Protection Fund of the board.

(4) The accounts of the board shall be audited 5 annually and not later than the twenty-eighth day of February in each year by an auditor or auditors in the manner prescribed.

(5) The Minister may cause the accounts of a board to be audited by the Auditor-General or some 10 other government official. The expenses of the audit to the extent required by the Minister shall be paid out of the Pastures Protection Fund.

20 **20.** The board in each district shall in each year pay to the Colonial Treasurer such proportion of its gross revenue not exceeding three per centum thereof as the Colonial Treasurer, by notification published in the Gazette, directs, to cover the cost of administering this Act. Board to contribute part of cost. No. 35, 1912, s. 26.

Payment shall be made at the time prescribed.

20 **21.** The Governor may appoint inspectors of stock. Inspectors. Ibid. s. 13. Any such inspector may be appointed for any one or more districts.

25 An inspector shall be under the control of the Minister and shall be paid such salary and allowances as may be determined in accordance with law or as he may from time to time determine.

30 Where an inspector is appointed for one district only the board shall pay his salary and allowances out of the Pastures Protection Fund, but, with the approval of the Minister, may pay a proportion of such salary and allowances from any other fund.

35 Where an inspector is appointed for two or more districts the boards of such districts shall pay his salary and allowances out of their said funds in such proportion as the Minister may decide.

An inspector shall for the purposes of the Workers' Compensation Act, 1926-1929, and the Family Endowment Act, 1927-1930, be deemed to be an employee of the board which pays his salary, and where he is paid 40 by the boards of two or more districts he shall be deemed the employee of such district as the Minister

directs, but the other district shall contribute in such amounts as the Minister directs towards the cost of the insurance and the contributions under the Family Endowment Act, 1927-1930.

Temporary
inspector.
No. 35, 1912,
s. 14.

22. In the case of the suspension, illness, or absence of an inspector, the Minister may appoint some qualified person to exercise the powers and to discharge the duties of such inspector during such suspension, illness, or absence, at such salary and allowances as the Minister may determine. 5

Such salary and allowances and any premiums or contributions in respect of such person shall be paid by the board or boards out of the fund or funds as in the case of the appointment of an inspector. 10

The board or boards may, with the consent of the Minister, discontinue the payment of the salary and allowances of an inspector suspended or absent from his duties. 15

Permit
officers.
Ibid. s. 14A.
No. 25, 1920,
s. 2.

23. The board may by notification published in the Gazette appoint permit officers in its district for the purpose of issuing permits for stock to travel, and may by like notification annul any such appointment. 20

Other
officers.
No. 35, 1912,
s. 15.

24. (1) The board may appoint a secretary and other officers and pay them out of the Pastures Protection Fund, and, with the approval of the Minister, may pay a proportion of their salaries from any other fund. 25

Every such appointment and the salaries to be paid shall be subject to the approval of the Minister.

Such secretary and other officers shall be under the control of the board and subject to dismissal at any time by the board or the Minister. 30

(2) When making any appointment of a secretary or any other officer the board shall, other things being equal, give preference to an applicant, if any, who is a returned soldier or sailor within the meaning of the Returned Soldiers and Sailors Employment Act, 1919. 35

PART III.

RATES.

25. (1) The board shall in each year make and levy ^{Board to} a rate on the occupiers of all ratable land in the district. ^{levy rate.}

5 (2) The rate shall be made by resolution of the board not later than the date prescribed in each year, and shall be levied by the service of a rate notice.

(3) Rate notices shall be issued within the prescribed time after the making of the rate.

10 Where the return of land and stock required by this Part has not been furnished within the prescribed time in respect of any land, the rate notice may be issued at any time.

15 26. If for any reason any rate is not made within ^{Irregularity.} or by the time prescribed under this Act, or if any irregularity in making or levying the rate affects, or may be considered to affect the validity of any rate, the Minister may extend the time for the making of the rate and may authorize the doing by the board of such ^{Irregularity.} 20 acts as may be necessary to cure the irregularity, and to validate the rate.

27. (1) Subject to the provisions of this Act, the rate ^{Liability to} shall be payable by the occupier of the land, and shall ^{pay rate.} become due and payable to the board at the expiration 25 of thirty-one days from the date on which the rate notice was served.

(2) Where any land is occupied jointly or in common by two or more persons, the rate may be levied upon any one or more of such persons, and the board 30 may recover the rate as against any person upon whom the rate is so levied.

Nothing in this subsection shall entitle the board to recover more than the full amount of the rate.

(3) Where the name of the occupier liable to 35 pay the rate is not known to the board, it shall be sufficient to rate such occupier by the designation of "occupier" without stating his name.

Liability
where an
estate or
interest is
transferred.

28. (1) Where an occupier ceases to occupy any land in respect of which a rate is payable, he shall nevertheless continue liable to the board for the rate to the same extent as if he had continued to be the occupier of the land, provided that the rate is levied 5
either—

- (a) before he ceases to occupy the land ; or
- (b) before the board has received from him the prescribed notice of his ceasing to occupy the land. 10

(2) If any occupier who ceases to occupy any land in respect of which a rate is payable pays to the board any rate in respect thereof which is levied after he has ceased to occupy the land and before the prescribed notice of his so ceasing has been received by the board, he may recover the amount from any person who thereafter becomes the occupier of the land. 15

(3) As between successive occupiers of ratable land every rate shall be considered as accruing from day to day and shall be apportionable in respect of time 20 accordingly.

Liability of
person
becoming
occupier.

29. (1) A person who becomes the occupier of any land, notwithstanding the fact that he becomes the occupier after the rate was levied, shall be liable to the board for the current rate and for all arrears of the rate 25
owing by any previous occupier in respect of the land.

(2) Such person may apply for a certificate under this section as to the amount (if any) due or payable to the board by the occupier of the land, for rates 30
or otherwise.

Application for the certificate shall be made in writing, and shall state the name and address of the applicant, and the particulars of the land in relation to the occupier of which the information is required.

(3) The production of the certificate shall for 35
all purposes be deemed conclusive proof in favour of an occupier that at the date thereof no rates, charges, or sums other than those stated in the certificate were due or payable to the board in respect of the land.

(4)

(4) For the purposes of this section rates, charges, or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired.

5 (5) If the occupier of any land pays to the board any rate in respect thereof which was levied before he became the occupier of the land, he may recover a proportion of the amount from the person who was liable to the board for the rate at the time the
10 rate was levied.

30. (1) Subject to the provisions of this Act, the rate shall be calculated in accordance with the number of stock on the land on the thirty-first day of December immediately preceding the year for which the rate is
15 made, including stock belonging to the occupier which on that date were travelling on a journey which began from the said land.

(2) If, in the opinion of the board, the number of stock referred to in subsection one of this section is
20 less than the carrying capacity of the land, the rate shall be calculated upon the carrying capacity of the land as determined by the board in the prescribed manner.

(3) Where land has during the calendar year
25 preceding the making of this rate been used solely or mainly for agricultural purposes, the carrying capacity shall be calculated upon the basis of one sheep to one acre of the land.

For the purposes of this subsection agricultural pur-
30 poses shall include fallowing, but shall not include the growing of crops for pasture.

(4) The rate shall not exceed sixpence per head in the case of large stock and one penny per head in the case of sheep.

35 **31.** (1) The occupier of land within a district— Ratable land.

(a) on which land there was on the thirty-first day of December preceding the year for which the rate is made one hundred sheep or ten large stock or more; or

(b)

(b) the carrying capacity of which land is one hundred sheep or ten large stock or more shall be ratable, and the land is referred to in this Act as ratable land.

(2) Where there was on the said date both large stock and sheep on any land but the number of large stock was less than ten and the number of sheep was less than one hundred, the board may, for the purpose of ascertaining whether the occupier of the land is ratable and of calculating the rate payable in respect of such land, reckon one head of large stock as equal to ten sheep and ten sheep as equal to one head of large stock. 5

Determina-
tion of
carrying
capacity.

32. For the purposes of this Act the carrying capacity shall be the average number of stock which, in the opinion of the board, could have been depastured on the land during the previous five years. 15

Appeal.

33. (1) When the occupier of any land is dissatisfied with the determination of the board as to the carrying capacity of any land other than land used for agricultural purposes, he may within twenty-eight days after service of the rate notice appeal in the prescribed manner against such determination to the local land board of the land board district in which the land or the greater part thereof is situate, or, if the land or the greater part thereof is within the Western Division, to the Western Land Board. 20 25

(2) On any such appeal the local land board or Western Land Board, as the case may be, may make such order for the payment of the costs of the appeal by the appellant or the board as seems just in all the circumstances of the case. 30

Any costs so ordered to be paid may be recovered as a debt in any court of competent jurisdiction.

(3) The decision of the local land board or of the Western Land Board, as the case may be, shall be final, and the rate shall be calculated in accordance with the carrying capacity as so determined. 35

(4) The rate shall be payable on the due date notwithstanding that an appeal has been lodged.

34.

34. (1) The board may, with the approval of the Minister, but not otherwise, remit or refund any rate or part of a rate paid or payable under this Part of this Act. Remission of rate.

5 (2) The Auditor-General may authorise a board to write off any amount owing to it whether for rates or otherwise if he is satisfied that such amount is irrecoverable.

35. (1) Every rate shall be entered in a rate-book which shall be kept in the prescribed form and manner. Rate-book

(2) The board may, in the prescribed manner, make or cause to be made such amendments and may supply or cause to be supplied such omissions in the entries in the rate-book as may be necessary.

15 (3) Except in the case of an amendment rendered necessary by an appeal, and except in the case of formal amendments, an amendment of the rate-book in respect of the occupier of any holding shall be deemed to be a determination by the board of the amount so payable under a rate by such occupier in respect of the holding.

20 (4) In any proceedings for the recovery of any rate—

- 25 (a) an entry in the rate-book, the entry being one of a series prescribed to be made, shall be evidence of the matters therein recorded; and
- (b) a copy of an entry in the rate-book, the entry being one of a series prescribed to be made, shall be evidence of the entry and of the matters therein recorded.
- 30

36. (1) In any proceedings for the recovery of any rate, objection to the validity of the rate shall not be allowed nor avail to prevent the recovery of the rate. Facilitation of recovery

35 (2) A jurisdiction otherwise competent shall not be ousted on the ground that the title to the land, or that any annual rent or other matter in which rights in future may be bound, or that any general right or duty, is in question, but the decision in the proceedings shall not be evidence in any other court or in any other

40 proceedings in relation to any such matter.

37.

Overdue
rates: extra
charge.

37. (1) Overdue rates shall be increased in accordance with this section.

(2) If the rates are unpaid at the expiration of one month from the date when the same became due and payable, the amount due shall be increased by a sum calculated at the rate of seven per centum per annum, and the increase shall be deemed to be part of the rates. 5

(3) The calculation under the last preceding subsection shall be made in respect only of as many complete months as have expired between the due date and the date of payment, excluding any remaining portion of a month. 10

(4) If in any case the percentage is less than threepence, the increase shall be threepence. 15

(5) This section shall apply as from the commencement of this Act to rates levied under the Acts hereby repealed.

(6) This section shall continue to apply to all unpaid rates notwithstanding that judgment may have been obtained in any court, including the district court. 20

Recovery
of rates.

38. (1) Proceedings for the recovery of a rate under this Act or under any Act repealed by this Act may be taken at any time within ten years from the date when the same became due and payable. 25

(2) All rates due and payable by the same person, whether in respect of his occupation of the same or of different land, may be recovered in one action or suit.

(3) Where the proceedings are taken in a district court or in a court of petty sessions, the proceedings may be taken in the court for the district in which any of the land occupied is situated, or in the court nearest to the office of the board, or to the residence of the defendant, as the board may decide, whether the rates are in respect of land occupied in the same or in different districts. 30 35

(4)

(4) Nothing in this section shall preclude the taking of separate proceedings, or the taking of proceedings in any district or court of petty sessions available under the provisions of the District Courts Act, 1912, or the Small Debts Recovery Act, 1912.

39. (1) Every occupier of land and every owner of stock shall, unless exempted by the regulations, furnish to the secretary of the board not later than the prescribed date in each year a return in or to the effect of the prescribed form of his land and stock as at the the thirty-first day of December in the year immediately preceding the making of the return.

Returns of land and stock.

(2) Any person who—
(a) being liable to furnish such a return fails to do so on or before the prescribed date; or
(b) furnishes a return containing any incorrect or misleading information,

shall be liable on summary conviction to a penalty not exceeding *twenty* pounds.

40. Where any holding is situate partly in two or more districts it shall be deemed for the purposes of this Part, of Part VI, and of Part VIII, to be wholly situate within the district in which the greater part lies.

Holdings in two or more districts.

If the parts are equal the part upon which the main residence is, shall for the purposes of the section be deemed the greater part.

PART IV.

TRAVELLING STOCK AND TRAVELLING STOCK
AND CAMPING RESERVES.

Control of
travelling
stock and
camping
reserves.

41. (1) Every travelling stock reserve, camping reserve, or part thereof under the control of a board at the commencement of this Act, shall remain under the control of the board until the reserve or part is withdrawn from such control in pursuance of the provisions of this Part. 5

No. 35, 1912,
s. 26A (1).

(2) The Minister for Lands may from time to time by notification published in the Gazette, place under the control of the board therein specified any travelling stock reserve, or camping reserve, or part thereof, except so far as any such reserve or part thereof is within a State forest or is within the Western Division. 15

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, it shall not be placed under the board until the lease is terminated in pursuance of such Acts. 20

(3) A board shall have the general management, maintenance, and control of any reserves or parts thereof which are under its control, and shall take proper measures to protect such reserves or parts thereof from trespass and to suppress and destroy noxious animals, and to improve such reserves by clearing scrub, noxious weeds and plants, ringbarking, felling, suckering, fencing, providing water and in such other manner as the interests of travelling stock may require. 25 30

Ringbarking, felling, or destruction of timber shall not be commenced without the concurrence of the Forestry Commission.

Timber felled shall not be used by a board except for the purpose of effecting improvements as aforesaid. 35

Nothing in this section or in the Forestry Act, 1916, shall render a board liable to pay royalty for timber felled or so used.

Nothing

Nothing in this Act shall prevent the Forestry Commission, with the concurrence of the board, issuing licenses to cut or remove timber under the provisions of the Forestry Act, 1916.

- 5 Such licenses shall contain such condition as the Commission think desirable, including a condition providing for the lopping and stacking of heads of trees and debris.
- (4) Where the Minister for Lands considers that
10 a board has not taken or is not taking proper measures to protect or improve a travelling stock reserve or camping reserve under its control or to suppress and destroy noxious animals thereon, he may in writing notify such board to that effect; and if, after a
15 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
20 cost thereof from such board in any court of competent jurisdiction.

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

- 42.** (1) Where any reserve or part thereof, which is under the control of a board, is not required in the interests of travelling stock, the Minister for Lands may with the consent of the board, withdraw such
35 reserve or part thereof from the control of the board.

Withdrawal
of lands from
reserves.
No. 35, 1912,
s. 26B.

- (2) 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.

(3)

(3) 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.

(4) Where the Minister and the board fail to agree in regard to the amount of compensation the amount shall be determined by the local land board.

(5) Any withdrawal under this section shall be effected by notification published in the Gazette.

Rate on
travelling
stock.

43. (1) The Governor may by the regulations impose a rate upon all travelling stock which travel on any journey for which under the provisions of this Act a permit or renewed permit is required.

(2) Such rate shall not exceed in respect of each ten miles of the journey, in the case of sheep, tenpence per hundred head, and in the case of large stock, one shilling per twenty-five head.

For the purposes of this section any number of sheep less than one hundred shall be regarded as one hundred, any number of large stock less than twenty-five shall be regarded as twenty-five, and any number of miles less than ten shall be regarded as ten.

(3) The rate shall be collected by the board or its authorised officer at the time of the issue of the permit or renewed permit and disposed of in the manner prescribed.

(4) The board by whose officer a permit or renewed permit under the provisions of this Act fails to be issued may recover the rate as a debt in any court of competent jurisdiction from any person whose stock travels without a permit or renewed permit.

(5) The regulations may prescribe different rates to be collected by or on behalf of the boards of different districts and may prescribe exemptions from the rate and cases in which the rate may be waived or modified by the board.

(6) No such rate shall be collected in respect of any journey, or part of a journey, travelled within the Western Division until after a date to be appointed by the Governor and notified by proclamation published in the Gazette.

44.

44. (1) The Governor by the regulations may ^{Fee on} authorise every or any board to collect a fee on all ^{working} working large stock used by a teamster or carrier on ^{large stock.} any travelling stock reserve in its district under a
5 license from the board.

(2) Such fee shall not exceed two shillings per quarter or part for every head of working large stock with a minimum fee of one pound per quarter.

10 (3) Any such license shall remain in force for one quarter, and shall be subject to the prescribed conditions and such other condition as the board may in a particular case think necessary.

15 (4) A board may grant permission to a drover ^{Fee on} to place working large stock used by him in his occupa- ^{drovers'} tion as a drover on any travelling stock reserve in the ^{stock.} district for a period specified in the permit on payment of the prescribed fee which shall not exceed two shillings per head per month.

20 **45.** A board may from time to time in the manner ^{Grazing} and subject to the limitations prescribed, grant permits ^{Permits.} to graze over any travelling stock reserve, or camping ^{No. 35, 1912,} reserve, or part thereof under the control of the board ^{s. 26D.} for a period not exceeding five years, subject to such rents, terms, and conditions as may be imposed by the
25 board.

46. A board may grant permits to use a portion of ^{Permits for} any travelling stock reserve or camping reserve under ^{apiary site.} its control as an apiary for any period not exceeding in each case one year and may renew any such permit.

30 No building shall be erected on such portion without the consent of the board.

The permit shall be in the form and subject to the fees, terms, and conditions prescribed.

35 **47.** All moneys received by any board under any ^{Reserves} provisions of this Part shall be carried to an account in ^{Improvement} its books to be called the Reserves Improvement ^{Fund.} Fund. ^{Ibid. s. 26c}

Such fund shall, after deduction of the cost of collec- ^{(2).} tion of such moneys and the cost of necessary super- ^{Use of Fund.} vision, be used—

- 40** (a) in carrying out the duties of the board in relation to the reserves under its control;
- (b) for any other purpose in relation to travelling stock approved by the Minister or which may be prescribed.

Permits,
licenses, and
travelling
statements.
No. 35, 1912,
ss. 105, 106
(1).

- 48.** (1) Except in such cases and under such conditions as are prescribed, no person shall move stock along any road or travelling stock reserve or by rail or by water unless—
- (a) (i) in the case of travelling stock, a permit for the journey has been issued by the prescribed person; or 5
 - (ii) in the case of working large stock of a teamster or carrier in a district in which a fee may be charged for the use of the travelling stock reserves and a license for the use by the teamster or carrier of the reserves has been issued; 10
 - (iii) in the cases in which a travelling statement is required the person in charge has in his possession a travelling statement; 15
 - (b) the prescribed travelling rate, travelling charge, or license fee, as the case may be, has been paid.
- (2) A travelling statement shall be required in the following cases:—
- (a) in the case of large stock being moved not more than twenty miles within one or more prescribed districts;
 - (b) in the case of sheep or large stock being moved from one run to another of the same owner by the most direct route where such runs are by such route not more than twelve miles apart; 25
 - (c) in the case of sheep or large stock being moved by the most direct route to a contiguous holding;
 - (d) in the case of sheep being moved not more than twelve miles by the most direct route to a shearing shed yards or dip to be shorn, crutched, or dipped; and 30
 - (e) in the case of such sheep being returned from such shearing shed yards or dip by the most direct route to the run from which they were moved for any such purpose. 35
- (3) A travelling statement shall be in or to the effect of the prescribed form and shall be signed by the owner of the stock or his agent in the presence of a subscribing witness, 40
- (4)

(4) Application for a permit or a license shall be made in the manner prescribed.

(5) A permit shall cease to be in force if the journey for which it is issued is broken by the detention of the stock for more than six successive days elsewhere than on a road or travelling stock reserve, unless the inspector for the district where such stock so detained has granted permission for the stock to proceed after such detention and has endorsed the permit accordingly.

10 (6) Save in the case of sheep being returned from a shearing shed yards or dip after being shorn, crutched, or dipped, any stock travelled on a travelling statement shall not be again moved within a period of one month after reaching the destination mentioned in
15 such statement except upon a permit.

The regulations may prescribe districts in which this subsection shall not apply.

49. (1) If at any time within three months from date of the arrival of any stock at a destination to which
20 they have travelled under a permit their owner desires to remove any of the said stock from such destination to any other, he shall obtain a renewed permit for every such removal, for which the owner shall in addition to the travelling rate pay travelling charge at
25 the rate of twopence per hundred sheep or twopence for every ten head of large stock per mile for the distance to be travelled under the renewed permit.

Stock starting from previous destination to pay travelling charge.

(2) The renewed permit may be issued by and the travelling rate and travelling charge shall be paid
30 to the inspector of the district in which the stock are, or in his absence, to the chairman or secretary of the board.

(3) Provided also that on the removal by the owner of any such stock offered for sale at a recognised
35 saleyard a renewed permit shall not be necessary for their return to the place whence they last came.

(4) On the removal by the purchaser of any such stock purchased at a recognised saleyard a renewed permit shall not be necessary and the stock may be
40 moved upon an ordinary permit.

(5)

Change of
route.

(5) If any travelling stock are sold on the roads, or if from any sufficient cause the route mentioned in a permit or renewed permit cannot be followed, the person in charge may, with the approval of the inspector or chairman of the board for the district, change such route or the destination upon obtaining a renewed permit and paying in addition to travelling rate travelling charges from the point where the change of route begins to the destination mentioned in renewed permit. 5

The owner shall be entitled to a refund of the travelling rate for the distance not travelled on the original permit or renewed permit. 10

(6) The board for the district may, under any circumstances which it decides to be special, remit or waive any travelling charge imposed under this section. 15

Distribution
of travelling
charges.

(7) When travelling charges are collected under this section and the board decides that they shall not be remitted, such charges shall be distributed between the boards of the districts concerned in the prescribed manner. 20

Persons in
charge of
travelling
stock to
produce
permit or
statement.
No. 35, 1912,
s. 106 (2).

50. The person in charge of travelling stock or working large stock shall on demand by an inspector, permit officer, member of the police force, justice, or the occupier of any land through which or along the boundary road of which such travelling stock or working large stock may be proceeding, produce for inspection the permit or renewed permit issued for the journey on which the stock are travelling, or the license issued in respect of the working large stock, or any travelling statement, and any other document under this or any other Act, the issue of which or the possession of which by the person in charge of the stock is prescribed as a condition necessary for travelling such stock. 25 30

Travelling
stock to be
branded with
letter T.
cf. *Ibid.*
s. 103.

51. Except in such circumstances as are prescribed, no person shall drive any sheep along any road or travelling stock reserve unless each sheep is legibly branded with the capital letter T in Roman character not less than two inches in height. 35

Any

Any person failing to comply with this section shall be liable to a penalty not exceeding *one* pound for each head of sheep so driven without being so branded.

52. The regulations may provide that any person Travelling stock not using made roads.
5 travelling stock along a travelling stock reserve in a prescribed district shall not use any made road on such reserve for the purpose of travelling such stock unless it is impracticable for him to do otherwise.

53. Any person who drives or carries stock along any Stock not to be driven at night without consent.
10 road or reserve after dark and before daylight without the consent of the inspector first obtained, and the permit, renewed permit, or travelling statement so endorsed, shall be liable to a penalty not exceeding *ten* pounds.

54. The person in charge of travelling stock shall, Person in charge of travelling stock to notify inspector.
15 when he enters a district other than that in which he commenced to travel, notify in the prescribed manner the inspector for such district that he has entered such district. Any person failing to comply with this section shall be liable to a penalty not exceeding *ten* pounds.
No. 35, 1912, s. 108.

55. Except in such districts as are prescribed, no Stock travelling past holding: notice to occupier
20 person shall drive travelling stock along any part of a road or travelling stock reserve which—
(a) intersects or adjoins any land exceeding two hundred acres in area; and
Ibid. s. 108.

(b) is not separated from the land by a fence sufficient to prevent the passage of stock,
25 unless notice of the intention to drive the stock has been given at the time and in the manner prescribed to the occupier of the land.

56. Any person failing to comply with this section shall be liable to a penalty not exceeding *ten* pounds.
30

56. Any person in charge of travelling stock who Stock un-attended on reserves.
leaves such stock unattended on any travelling stock reserve shall be liable to a penalty not exceeding *ten* pounds.
35

57. (1) All travelling stock shall be taken by the Route.
drover thereof by the route specified in the permit, Ibid. s. 107
renewed (1).
196—C

renewed permit, or travelling statement which shall be the most direct route or the route ordinarily used for the purpose of travelling stock to the place of destination.

Where there is a travelling stock or camping reserve leading to the place of destination, the stock shall be taken by such reserve where practicable. **5**

(2) Any person who moves or causes to be moved any stock by a route other than that specified in the permit, renewed permit, or travelling statement issued for the journey, unless a change of route has been approved in the prescribed manner, shall be liable to a penalty not exceeding *twenty* pounds. **10**

Rate of
travel.

58. (1) Subject to this section, when stock are travelling on any journey occupying more than twenty-four hours, the person in charge shall in each 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, cause them to travel towards their destination—

- (a) if they are large stock, a distance of not less than ten miles; **20**
- (b) if they are sheep, or working large stock working on the journey, a distance of not less than six miles.

(2) If stock travelling on a permit, renewed permit, or license for working large stock have not travelled from the day of starting until the day of any inspection by an inspector, permit officer, member of the police force, or justice, a distance averaging in the case of large stock ten miles per day and in the case of sheep and of working large stock six miles per day, towards their destination, the person in charge shall be liable to a penalty not exceeding *fifty* pounds. **30**

(3) This section shall not apply—

- (a) during any period in which the stock are prevented from travelling or working by unsuitable weather or other unavoidable cause; or **35**
- (b) during any period in which the stock are detained elsewhere than on a road or travelling stock reserve; or

(c)

(c) in the case of teams owned by municipal or shire councils or contractors working for such councils where exemption has been granted by the board; or

5 (d) in such other cases or periods as are prescribed.

59. Save as provided no person in charge of travelling stock shall permit them to camp on any travelling stock reserve if the total journey to be travelled is less than ten miles in the case of large stock or less than six miles in the case of sheep.

Stock camping on reserves.

Any person failing to comply with this section shall be liable to a penalty not exceeding *ten* pounds.

60. (1) Any person who, without the consent of the occupier, abandons any travelling stock on any land or on any road or travelling stock reserve intersecting or adjoining any land and not being separated therefrom by a fence sufficient to prevent the passage of the stock, shall be liable to a penalty not exceeding *one* pound for each head of sheep and *five* pounds for each head of large stock so abandoned.

Abandonment of travelling stock.

(2) Stock so abandoned without the consent of the occupier may be destroyed by him.

(3) Any person who abandons any travelling stock on any road or travelling stock reserve shall, in the prescribed manner, notify the inspector of the district in which the stock are abandoned.

Any person failing to comply with this subsection shall be liable to a penalty not exceeding *ten* pounds.

61. The person in charge of travelling stock shall, within forty-eight hours of the death of any such stock on or within half a mile of any road or travelling stock reserve, destroy the carcase or carcasses by burning or burial.

Carcases of travelling stock. cf. No. 35, 1912, s. 60.

62. Any travelling stock may, with the permission of the inspector for the district endorsed on the permit or renewed permit, be kept for any period not exceeding twenty-one days on any travelling stock reserve for the purpose of being branded, shorn, dipped, or crutched, or for the carrying out of any other necessary provision of this or any other Act.

Permitting stock to remain on reserve. cf. *Ibid.* s. 107 (4).

The

The owner of such travelling stock shall pay to the board for the district in which such reserve is situated such fees as are prescribed.

Lessees of travelling stock reserves and travelling stock.

63. Where the lessee of any travelling stock reserve receives notice in accordance with the provisions of this Act that travelling stock will be travelling along or over such reserve, he shall remove any stock in his possession on such reserve so that such stock shall not become mixed with the travelling stock. 5

Poison on reserves.

64. Notwithstanding that a rate has been charged, or a license issued for stock using a travelling stock reserve, camping reserve, or other reserve, no board shall be held responsible for any losses of stock or injury to stock due to poison laid by the board if such board has notified in the prescribed manner that poison is to be used on such reserve, and the position or place where such poison is to be used, and if conspicuous notice-boards have been erected where such poison is used. 10 15

Fences on reserves.

65. Any person who erects a fence in which barbed wire is used across a travelling stock reserve shall leave a clearance of not less than two feet ten inches between the lowest barbed wire and the surface of the ground. 20

Stock unlawfully on a travelling stock reserve. cf. No 35, 1912, s. 110.

66. (1) Any stock or any pigs or goats found on any travelling stock reserve not being— 25

- (a) travelling stock travelling on a permit, renewed permit, or travelling statement and with some person then in charge;
- (b) travelling pigs or goats with some person in charge; 30
- (c) stock, pigs, or goats depastured thereon in accordance with the conditions of any lease or license from the Crown, or grazing permit from the board; or
- (d) stock, pigs, or goats owned by the occupier of land bounded or intersected by the travelling stock reserve and not separated therefrom by a fence sufficient to enclose the stock, pigs, or goats, 35

shall

shall be deemed to be trespassing stock, and the owner or person ordinarily in charge thereof shall be liable on summary conviction for the first offence to a penalty not exceeding *twenty* pounds, and for any subsequent offence 5 to a penalty not exceeding *fifty* pounds.

Such owner or person in charge shall also be liable for any damage done to the pastures, water supply, or improvements on such travelling stock reserve.

10 (2) Any such trespassing stock so found may be impounded by the board on any day of the week and at any time of the day or night. Such impounding may be effected by an inspector or other officer or any person authorised in writing by an inspector.

15 The inspector, officer, or person impounding any animal shall drive, lead, or otherwise take it to such pound as he deems convenient. The board may detain any animal in like manner and for the like period that a council may so do under the provisions of section four hundred and twenty-six of the Local Government Act, 20 1919.

(3) Any horse or other animal found on any travelling stock reserve which, in the opinion of the inspector for the district, is too old or infirm for further service, and the owner of which is unknown to him, may 25 be destroyed by such inspector.

67. A board may collect the like deterrent fees ^{Impounding} and driving charges in connection with stock impounded ^{fee.} by the board from any travelling stock reserve under its control as are prescribed under the provisions of section 30 four hundred and thirty-one of the Local Government Act, 1919, in connection with stock impounded by a council.

PART V.

PUBLIC WATERING-PLACES.

Proclamation
of public
watering-
places.

68. (1) The Governor may, by proclamation published in the Gazette, declare—

- (a) any Crown land, or land acquired under the provisions of section one hundred and ninety-seven of the Crown Lands Acts for a watering-place, or 5
 - (b) any land acquired for the purpose by the council of an area under the Local Government Act, 1919, 10
- to be a public watering-place.

(2) Crown land, or land so acquired under the Crown Lands Act shall not be declared a public watering-place except with the concurrence of the Minister for Lands. 15

Controlling
authority.

69. The controlling authority of a public watering-place shall—

- (a) in the Eastern or Central Division be the board of the district in which it is situate; 20
- (b) in the Western Division be the Minister; and
- (c) if declared by the Minister by notification published in the Gazette to be a town water supply, be the council of the municipality or shire in which it is situated. 25

Improvement
of public
watering-
places.

70. The controlling authority may construct, erect, and maintain tanks, dams, or other structures, machinery or works for storing or providing water upon or otherwise improving any public watering-place.

Caretaker.

71. The controlling authority may appoint a caretaker of any public watering-place and may fix the remuneration of such caretaker. A caretaker shall supply water to stock declared by the regulations to be entitled thereto at such rates as may be prescribed. 30

Leases.

72. (1) The controlling authority may by auction, public tender, or otherwise let any public watering-place on lease for a term not exceeding ten years, and may grant 35

grant one extension of any lease for a term not exceeding five years at the same or an increased rental without public competition where the controlling authority considers that such an extension is justified by the
 5 improvements made by the lessee.

(2) The controlling authority may grant any extension of any lease of a public watering-place granted by a council and subsisting at the commencement of this Act which the council might have granted
 10 under any enactment repealed by this Act if such repeal had not been made.

(3) Every lessee shall supply water to stock declared by the regulations to be entitled thereto at such rates as may be prescribed and shall allow such
 15 stock to depasture on the public watering-place for such period and under such conditions as may be prescribed.

73. Any person who obstructs stock in the lawful
 use of any public watering-place, or in the use of any
 20 pasture or water to which such stock are entitled in accordance with the provisions of this Act or the regulations thereunder, shall be liable to a penalty not exceeding *twenty-five* pounds. Obstruction.

74. Every person in charge of travelling stock or
 working large stock on any public watering-place shall,
 25 when required by the caretaker, lessee, or person in charge thereof, produce for inspection the permit, renewed permit, or travelling statement issued for the journey on which the stock are travelling, or the license issued in respect of the working large stock. Production of permits, &c.

30 Any person failing to comply with the provisions of this section shall be liable to a penalty not exceeding *ten* pounds.

75. The caretaker of any public watering-place and
 any person authorised by the controlling authority may
 35 at any time impound in the nearest pound any stock found trespassing upon any public watering-place, and for that purpose shall have the powers conferred upon an occupant by Part XVIII of the Local Government Act, 1919, or where the Impounding Act, 1898, is in
 40 force, the powers conferred upon an occupant by that Act. Impounding.

76.

Penalty for
injuring
water-places,
&c.

76. Any person who wilfully—

- (a) destroys or injures any tank, dam, structure, or other work on any public watering-place or any machinery used in connection therewith;
- (b) pollutes, diverts, or interferes with any water 5 flowing into or in or used or intended to be used as the source of supply for any such dam, tank, or other structure;
- (c) allows any stock to trespass upon any public watering-place, 10

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

Offences by
caretaker,
&c.

77. Any caretaker, lessee, or person in charge of a public watering-place who refuses or neglects to comply 15 with the provisions of this Act or any regulations made thereunder shall be liable to a penalty not exceeding *twenty-five* pounds.

Application
of rents,
charges, &c.

78. (1) Where a public watering-place is let, the rent shall be paid to the board of the district and the 20 charges prescribed for watering shall be received and retained by the lessee.

(2) Any charges received by a board or a caretaker and any rent received by the board shall be paid into the Pastures Protection Fund of the board, and out 25 of such fund shall be paid the salary of the caretaker.

(3) The board shall pay out of the said fund to the Colonial Treasurer such sum as he may fix on account of interest on any public moneys expended on the public watering-place and as contribution towards 30 the sinking fund contribution payable by the State at the rate of ten shillings in the one hundred pounds of the public moneys so expended.

PART VI.

NOXIOUS ANIMALS.

DIVISION I.—*Generally.*

5 **79.** (1) The rabbit, hare, fox, and native dog shall be noxious animals for the purposes of this Act. Declaration of noxious animals

(2) The Governor may by proclamation published in the Gazette, declare any animal or bird to be a noxious animal throughout the State or within any district or portion of a district specified in the proclamation. cf. No. 35, 1912, ss. 58, 67.

10 **80.** (1) The regulations may prescribe methods for the suppression and destruction of any noxious animal. Method for suppression and destruction.

(2) Such methods may include methods for preventing the spread of any noxious animal and for removing or destroying any harbour thereof. cf. *Ibid.* s. 61 (c).

15 (3) The regulations may also regulate or prohibit the use of any method for the suppression or destruction of noxious animals. Prohibited methods. *Ibid.* 61A (1).

20 **81.** It shall be the duty of the occupier of any land continuously to suppress and destroy by any lawful method and in accordance with the requirements of a board or of an inspector all noxious animals which are upon such land or upon any road bounding or intersecting the same or any part thereof. Duty of occupiers to destroy noxious animals.

25 Where any such road is vested in or under the control of the council of a municipality or shire it shall also be the duty of such council to adopt such methods of suppression or destruction of noxious animals upon the roads as the board may require.

30 Any occupier who fails to carry out such duty fully and continuously shall be liable on summary conviction to a penalty not exceeding *ten* pounds, and on a second conviction to a penalty not exceeding *twenty-five* pounds, and on the third or any subsequent conviction to a

35 penalty not exceeding *one hundred* pounds.

82. (1) The board may, by notice published in one or more newspapers circulating in the district, require all occupiers of land within the district or part thereof specified in the notice to adopt within a time specified

in

Power to require destruction. cf. *Ibid.* s. 61.

in the notice any one or more of the prescribed methods mentioned in the notice within any specified time for the suppression and destruction of any specified noxious animal, and to continue such method during such occupation of the land unless the land is free of the 5 noxious animals.

(2) The board or an inspector may, in the prescribed manner, order any occupier of land to adopt any one or more of the prescribed methods specified in the order for the suppression and destruction of any 10 noxious animal on the land, and to continue such method during his occupation of the land unless the land is free of the noxious animals.

(3) Any occupier who—

(a) fails to adopt any method for the suppression 15 and destruction of a noxious animal when required so to do by the terms of any notice or order published or made in pursuance with this section; or

(b) fails to continue such methods during his 20 occupation while any noxious animal is on the land,

shall be liable on summary conviction for the first offence to a penalty not exceeding *fifty* pounds, and for any subsequent offence to a penalty not exceeding 25 *one hundred* pounds, and the work may be carried out at his expense in the manner hereinafter specified.

(4) An inspector or other person authorised by the board may at any time by himself or his assistants and with or without horses, carts, or other vehicles, 30 laden or unladen, enter and re-enter upon any land the owner or occupier of which has failed to comply with the provisions of this section, and may by himself and his assistants carry out on the land one or more of the required methods for the suppression and destruction 35 of noxious animals.

(5) The expenses incurred in and about any such work shall be recoverable by the board in any court of competent jurisdiction from the owner or occupier of the land, and may be evidenced by a certificate in the 40 prescribed form signed by the chairman of the board.

The

The expenses shall include the cost incurred by the inspector or other person in travelling to and from the land, and a proportionate part of the salary or wages of any person employed on the work, having regard to the time occupied by him on the work, and in travelling to and from the land, and the cost of any assistance employed, and appliances or materials used in connection with the work.

83. Subject to the provisions of the Careless Use of Burning undergrowth, &c.
 10 Fire Act, 1912, and for the purpose of destroying or suppressing noxious animals, any occupier may, within any period for which permission has been given by the board, and subject to such conditions as the board may impose, burn any straw, stubble, grass, herbage, scrub,
 15 wood, or other inflammable material on the land occupied by him.

84. (1) The Governor may, by proclamation published in the Gazette, declare any animal, bird, or reptile Natural enemies of noxious animals.
 20 to be a natural enemy of any noxious animal, and may by the same or by any subsequent proclamation prohibit No. 35, 1912, s. 69. the destruction of any such animal, bird, or reptile within any district specified in the proclamation.

(2) Any person who in any district referred to in subsection one of this section kills, wounds, or captures any animal, bird, or reptile, the destruction of which has been prohibited in the district, or except with the approval of the Minister, holds such animal, bird, or reptile in captivity, shall be liable on summary conviction to a penalty not exceeding *ten* pounds.

85. The Minister may grant permission to keep Permission keep noxious animals. cf. *Ibid.* s. 71.
 30 noxious animals under such conditions as may be prescribed and on payment of such fees as may be prescribed, and which shall be paid to Consolidated Revenue.

86. (1) The obligation laid by the provisions of this Meaning of land.
 35 Part upon an occupier of land to suppress or destroy noxious animals shall be deemed to include an obligation upon him to suppress or destroy noxious animals upon—

(a) any travelling stock reserve intersecting the
 40 land or forming part of the boundary thereof;
 (b)

- (b) any watercourse or inland water, tidal or non-tidal, the lands on the opposite sides of which are occupied by him;
- (c) any adjoining land, watercourse, or inland water enclosed therewith by means of a give and take fence; and 5
- (d) that portion of any adjoining watercourse or inland water up to the middle line where the land on the opposite sides thereof is occupied by different persons and there is no give and take fence. 10

(2) The methods of suppressing and destroying noxious animals which may be required or ordered under this Part shall not include the erection of any fence or the making of any fence rabbit-proof, dog-proof, or marsupial-proof. 15

(3) An occupier of land which is fenced with a sufficient fence to prevent the passage of a particular noxious animal shall be under no obligation to suppress and destroy that kind of noxious animal upon a travelling stock reserve or road which intersects, bounds, or adjoins the land so fenced. 20

Penalty for miscellaneous offences.
No. 35, 1912,
s. 70.

87. Any person who—

- (a) wilfully carries, drives, or passes any noxious animal through, under, or over any fence or gate intended to prevent the passage of any noxious animal; 25
- (b) wilfully or negligently leaves open any gate in such a fence;
- (c) wilfully or negligently destroys or injures any such a fence or gate or interferes with it or the soil under it in a manner likely to impair its efficiency as a barrier of noxious animals; 30
- (d) without the written permission of the Minister has in his possession any noxious animal or liberates the same; 35
- (e) wilfully destroys, injures, or removes any article or matter which is being used or is intended to be used for the suppression and destruction

destruction of noxious animals or interferes with any such article or matter in a manner likely to impair its efficiency;

(f) attempts to commit any of the foregoing offences,

5

shall be liable on summary conviction to a penalty not exceeding *fifty* pounds.

88. (1) A board shall, out of its Pastures Protection Fund or out of any special fund constituted for the purpose, pay a bonus at the rate prescribed in respect of its district for the destruction of dingoes caught within the district, and shall give notice of the rate of bonus payable in a newspaper circulating in the district.

Bonus for scalps. No. 35, 1912, s. 65.

(2) A board may, from any such fund, pay a bonus for the destruction of any other noxious animal caught within its district at such rate as it may from time to time notify in a newspaper circulating in the district.

89. Where the scalps of any noxious animals killed within a district (together with a strip of skin along the back and the tail if they are dingoes) are delivered to the secretary of the board, or to a person duly authorised by such board to receive the same, a certificate in the prescribed form shall be granted by him to the person delivering the scalps.

Powers of board as to certificates and dealing with scalps. *Ibid.* s. 66.

The amount specified in any such certificate shall be payable on presentation to the treasurer or other person authorised by the board.

All such scalps shall be forthwith destroyed by fire by the secretary or such authorised person in the presence of a witness. The person destroying the scalps and the witness shall certify to the board in the prescribed form that the scalps have been duly destroyed:

Provided that the scalps of foxes, if attached to the skins, 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 be disposed of in such manner as the board may direct.

False claims
for bonus.

No. 25, 1912,
s. 68.

90. (1) Any person who wilfully claims any bonus for the destruction of any noxious animal in connection with which a bonus has already been paid shall be liable to a penalty not exceeding *ten* pounds.

(2) Any person who wilfully claims a bonus for the destruction of any noxious animal which has not been destroyed in the district of the board shall be liable to a penalty not exceeding *one hundred* pounds.

Special rate.

91. (1) A board may, for the purpose of defraying any costs incurred in connection with the suppression and destruction of noxious animals, levy a special rate on the occupiers of land within the district or within any part of a district approved of by the Minister.

(2) Such rate shall not exceed one-third of a penny per head of sheep or twopence per head of large stock.

(3) The provisions of Part III of this Act shall, *mutatis mutandis*, apply to the making, calculation, notification, collection, payment, and recovery of such special rate.

(4) The proceeds of any such special rate shall be paid into a special fund, and shall not be expended except for the purpose for which it was imposed.

DIVISION 2.—*Dingo destruction districts.*

Dingo
destruction
districts.

92. (1) The Governor may, by proclamation published in the Gazette, constitute dingo destruction districts in the Central and Eastern Divisions.

(2) The Governor may at any time revoke or vary any proclamation.

Dingo
Destruction
Board.

93. (1) There shall be a Dingo Destruction Board for each such district.

(2) Such board shall be appointed by the Governor and shall consist of a director or a ratepayer selected and nominated in the prescribed manner by each of the pastures protection boards of each district wholly or partly within the dingo destruction district.

(3) A Dingo Destruction Board for a dingo destruction district constituted under this Act shall hold office for a period of three years.

(4)

(4) In the event of any vacancy on a Dingo Destruction Board the Pastures Protection Board for the district concerned shall nominate for appointment an eligible person to hold office until the expiry of the 5 period for which the Dingo Destruction Board was appointed.

(5) If a Pastures Protection Board fails to nominate a director or ratepayer within the prescribed time to the Dingo Destruction Board the Governor may 10 appoint a ratepayer of that pastures protection district to the Dingo Destruction Board.

(6) A Dingo Destruction Board shall in each year elect one of its number as chairman.

(7) The expenses to be paid to members of dingo Expenses. 15 destruction boards shall be as prescribed.

94. (1) The Dingo Destruction Board may appoint Secretary and office. a secretary. The salary to be paid to the secretary shall be subject to the approval of the Minister.

(2) The secretary shall be under the control of 20 the Dingo Destruction Board and may be removed or suspended at any time by such board or the Minister.

(3) The Minister may specify at what place the office of the Dingo Destruction Board shall be situate.

95. Any person authorized by a Dingo Destruction Board may enter upon any land at any time, and remain 25 upon such land, and take all such steps as are necessary for the purpose of ascertaining whether the requirements of this Act relating to the destruction of native dogs are being carried out. Power of entry upon land.

96. (1) Where a Dingo Destruction Board has reason 30 to believe that there are native dogs upon any land they may, by notice in writing, require the 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 35 more effective destruction of native dogs upon such land. Notice to owner or occupier.

(2) Any occupier who—

(a) does not forthwith, after service upon him of 40 the notice, commence to comply therewith; or Failure to comply with notice.

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

shall

shall be deemed to have failed to comply with such notice and shall be liable to a penalty not exceeding *one hundred pounds*.

Powers of authorized person.

97. (1) Where a Dingo Destruction Board is satisfied that an occupier has failed to comply with a notice under section ninety-six, any person authorized by it may— **5**

- (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 native dogs upon such land; **10**
- (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 native dogs upon such land. **15**

Authorized person not to be deemed a trespasser.

(2) No authorised person, or person employed by him 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. **20**

Recovery of expenses incurred.

98. Any reasonable expense incurred or paid by a Dingo Destruction Board, or on its behalf upon or in relation to any land in the exercise of any of the powers conferred by section ninety-seven, shall be a debt due by the occupier of the said land to such board, and may be recovered by the secretary of such board in any court of competent jurisdiction. **25**

Provision for expenditure.

99. (1) A Dingo Destruction Board shall at the prescribed time in each year frame estimates of its expenditure in the forthcoming year, and may by resolution require the pastures protection boards within the dingo destruction district to provide such amount, and to make same available at such times and in such instalments as are specified in the resolution. **30 35**

(2) The amount to be provided by each pastures protection board shall be that amount which bears the same proportion to the total estimated expenditure as the area of the pastures protection board ratable for pastures protection rate included in the dingo destruction district bears to the total area of the land so ratable in the dingo destruction district. **40**

(3)

(3) The amount which may be required to be paid by a pastures protection board within any year shall not exceed the sum which is equivalent to ninety per centum of the amount which will be produced by a rate of one farthing per acre of the land ratable for pastures protection rate within the district of the pastures protection board and included in the district of the Dingo Destruction Board.

(4) A Dingo Destruction Board may recover as a debt from a pastures protection board the amount required to be paid by such board by the resolution.

Any such proceedings may be taken in the name of the secretary, or if there be no secretary, the chairman on behalf of the Dingo Destruction Board.

15 **100.** (1) Each pastures protection board may, for the purpose of providing the amount required by a Dingo Destruction Board and the cost of collecting the rate, levy a special rate in the manner prescribed upon all land ratable for pastures protection rates.

20 (2) Such rate shall be calculated upon the area of the ratable land and shall not exceed one farthing per acre.

25 **101.** (1) The Dingo Destruction Board for the southern tablelands district as constituted at the commencement of this Act shall hold office until the thirtieth day of June, one thousand nine hundred and thirty-one.

(2) Any vacancy on such board occurring prior to that date may be filled by the appointment by the Governor of some fit person.

(3) All actions of the Southern Tablelands Dingo Destruction Board up to the time of the passing of this Act are hereby validated.

35 **102.** Each Dingo Destruction Board shall open a trust account in such bank and town as may be decided upon, into which the dingo destruction rates shall be paid, and such account shall be operated upon by the chairman, one other member of the board, and the secretary, or any two of them.

40 **103.** All moneys received by a Dingo Destruction Board shall be expended on the destruction of dingoes in its district.

104.

Repayment
of loan.

104. All moneys advanced to the Southern Table-lands Dingo Destruction Board by the Crown prior to the commencement of this Act shall be repaid to the Colonial Treasurer from the dingo destruction rate collected under this Act for that district within a period of 5 four years from the first day of October, one thousand nine hundred and twenty-nine, in such instalments as the Colonial Treasurer directs.

PART VII.

RABBIT, MARSUPIAL, AND DOG-PROOF FENCES. 10

DIVISION 1.—*Wire Netting.*

Supplying
netting and
materials.

No. 35, 1912,
s. 30.

No. 25, 1920,
s. 3.

105. (1) Where money is voted by Parliament for the purchase of netting or other materials used in the construction of rabbit-proof, dog-proof, or marsupial-proof fences, or any machinery, plant, or substances for 15 the destruction of noxious animals, the Minister may—

- (a) apply the same to such purposes, and distribute in his discretion, the netting, material, machinery, plant, and substances, or any of them, among the boards; or 20
- (b) lend the money so voted or any part thereof to any board for the purchase of such netting, material, machinery, plant, or substances for use within its district.

(2) A board shall pay to the Colonial Treasurer 25 in the manner prescribed the cost of the netting, material, machinery, plant, and substances so supplied, and any money so lent, by instalments extending over such period as may be determined in each case by the Minister, not exceeding twenty years, with interest on 30 the amount due at the rate prescribed.

(3) If at any time the payment by any such board of any such instalment or interest is in arrear, the Colonial Treasurer may forthwith take possession of any

any moneys or other property vested in the board, and may make assessments and levy rates under this Act, and for that purpose shall have and may exercise, the powers of the board.

5 (4) The board may, with the money so lent, purchase any such netting, material, machinery, plant, and substances, and may sell or let the same, and any netting, material, machinery, plant, or substances
10 allotted to the board under subsection one of this section to any owner of private land within its district on the terms and subject to the execution of such agreement as is prescribed.

(5) The cost of any such netting, machinery, materials, plant, and substances so sold, and all expenses
15 in connection with the same, shall be repaid by such owner to the board in instalments spread over a period not exceeding that within which the cost of the netting, materials, machinery, plant, and substances is to be paid for by the board to the Colonial Treasurer, with
20 interest on the amount due at the rate prescribed.

(6) (a) Such purchase money and interest shall be a charge on the holding of the owner within the district; such charge shall have priority over all mortgages or other charges thereon other than debts to
25 the Crown;

(b) any such netting shall be erected within twelve months after delivery thereof;

(c) the letting of machinery or other appliances for the destruction of noxious animals shall
30 be subject to the prescribed terms and conditions.

(7) Nothing in this section shall affect the operation of any provision of the Conveyancing Act, 1919.

35 **106.** If any owner of a holding makes default in respect of the payment of any instalment payable to a board in respect of netting or other material, machinery, plant, or substances, interest shall be charged by the board on such instalment at a rate not exceeding
40 ten per centum per annum from the date appointed for the payment thereof until the same is paid, and such interest shall be added to and be deemed to form part of such instalment.

Penalty for default in payment of annual instalments: No. 35, 1912, s. 31.

107. (1) Where the owner of a holding owes money to a board for netting or other materials, whether such money is or is not then payable, and is entitled to any contribution from an adjoining owner towards the cost of any fencing in respect of which such netting or materials were supplied, such adjoining owner may, and if directed in pursuance of this section shall pay to the board, so much of the contribution as is due and payable in respect of the netting and materials and does not exceed the amount owing by the first-mentioned owner to the board. 5

Payment to board by adjoining owner of cost of netting supplied by board.
No. 35, 1912, s. 32.

(2) Where money is so owing to an owner or to the board, the owner or the board may apply to the local land board to have the contribution assessed.

Assessment at request of board.

(3) Where any owner of a holding applies to have any such contribution assessed, notice thereof shall be given by him to the board for the district within which the fence is situate, and any person duly appointed in its behalf by such board may attend at such assessment, and shall be heard. 20

Notice to board of assessment.

(4) Where any assessment of such contribution is made, payment may be directed by the local land board to be made to the board in terms of this section.

Payment directed by local land board.

108. (1) Where it appears to a board that the occupier or owner for the time being of any holding in respect of which any netting or other material has been purchased from the board, but not fully paid for, has neglected to maintain or repair such netting or material, or any part thereof, the board may give notice to such occupier or owner to execute the works necessary to maintain or repair the same. 25 30

Maintenance of netting and material in respect of which moneys are payable to a board.
Ibid. s. 33.

Where such works are not forthwith executed to the satisfaction of the board, the board may cause such works to be executed, and may recover the reasonable cost thereof from the occupier or owner in any court of competent jurisdiction. 35

(2) A certificate in the prescribed form, signed by the chairman of the board, of the amount claimed by such board, shall be *prima facie* evidence of such cost.

Certificate as evidence.

109.

5 **109.** A board, with the consent of the Minister, may sell for cash to the occupier of any holding, on application by such occupier in the prescribed form, any netting, materials, machinery, plant, or substances obtained by such board under this Part.

Supplying of netting, &c., to occupiers of holdings. No. 35, 1912, s. 34.

10 Security in the prescribed form shall be taken to ensure that any such netting, materials, machinery, plant, or substances shall only be used on, or in connection with, the holding in regard to which the application was made and shall be so used within twelve months after delivery.

15 **110.** Where the owner of a holding owes money to a board for netting or other materials used upon the holding 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 same shall pass to and vest in the Crown.

Where holding forfeited or abandoned or surrendered to the Crown, netting to vest in the Crown.

cf. *Ibid.* s. 35.

20 The board shall be relieved of any responsibility to the Crown regarding such netting or other materials.

111. Any person who—

25 (a) wilfully uses or disposes of any netting, materials, machinery, plant, or substances supplied by a board under this Act, for any purpose or in any way other than that for which they were so supplied; or

Penalty for misuse of netting, &c.

cf. *Ibid.* s. 36.

30 (b) fails to erect netting or materials supplied within the prescribed period shall on summary conviction be liable to a penalty not exceeding fifty pounds.

DIVISION 2.—Fences.

35 **112.** The Governor may, by regulation, prescribe the classes of fencing which shall be deemed to be rabbit-proof, dog-proof, or marsupial-proof, as the case may be.

Proof-fencing.

40 **113.** (1) The board of the district within which any fence alleged to be rabbit-proof, dog-proof, or marsupial-proof is situated shall, if so required in writing by the owner of the fence, cause the said fence to be inspected, and may charge for such inspection the prescribed fees.

Certificate by board that fence is rabbit-proof, dog-proof, or marsupial-proof.

cf. *Ibid.* s. 45.

Where

Where the board is satisfied that the fence is rabbit-proof, dog-proof, or marsupial-proof, it shall grant a certificate accordingly in the prescribed form.

Certificate
prima facie
evidence.

(2) In any proceeding before a local land board in respect of a rabbit-proof, dog-proof, or marsupial-proof fence, or in a court to recover money by way of contribution in respect of any such fence, such certificate shall be prima facie evidence of the matters stated therein. 5

Rabbit, dog,
or marsupial
proof fence
may cross
road.

Act No. 35,
1912, s. 46.

114. (1) Where any lands are divided or bounded by a road or travelling stock reserve 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, dog-proof, or marsupial-proof fence across such road, reserve, route, or public lands. 10 15

No such application shall be granted in respect of any road vested in a council unless that council consents thereto. 20

(2) A rabbit-proof, dog-proof, or marsupial-proof gate as the case may require shall be erected at any place where the fence crosses any such road or reserve, unless the local land board with the concurrence of the council dispenses with the erection of the same. 25

(3) 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 a council or any person interested. 30

(4) Any gate so erected shall be deemed to be a public gate within the meaning of the Public Gates Act, 1901, and the provisions of that Act, and of section 251A of the Local Government Act, 1919, shall apply to and in respect of such gate. 35

Rabbit, dog,
or marsupial
proof fence
to be an
improvement.
Ibid., s. 47.

115. Where a rabbit-proof, dog-proof, or marsupial-proof fence on Crown lands, erected or made rabbit-proof, dog-proof, or marsupial-proof before or after the commencement of this Act (not being a barrier fence erected or made rabbit-proof, dog-proof, or marsupial-proof by, or principally by, the Crown or a board under the 40

the Acts hereby repealed or the Pastures Protection Act, 1902, or a rabbit board under the Rabbit Act, 1901), in the opinion of the Minister makes rabbit-proof, dog-proof, or marsupial-proof certain Crown lands, 5 such fence shall, for the purposes of this section, be deemed to be an improvement distributed equally over all such lands, and the value thereof shall be the value of the improvement to an incoming tenant of such lands, and any purchaser or lessee thereof shall pay for 10 the same in accordance with the provisions of the Crown Lands Acts or the Western Lands Acts.

116. (1) 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 15 the chairman of the local land board that he intends to make such holding rabbit-proof, dog-proof, or marsupial-proof by erecting a rabbit-proof, dog-proof, or marsupial-proof fence, or converting a fence into a rabbit-proof, dog-proof, or marsupial-proof fence.

Notice of intention to fence occupation license or annual lease, &c.
No. 35, 1912, s. 43.

(2) 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, dog-proof, or marsupial-proof, in accordance with the terms of the consent, the holding shall be deemed to have been made 25 rabbit-proof, dog-proof, or marsupial-proof, by a rabbit-proof, dog-proof, or marsupial-proof fence as 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 30 lease by becoming the subject of any purchase or lease from the Crown after the date of such consent, but only if the rabbit-proof, dog-proof, or marsupial-proof fence is completed within one year from the date of such consent, or within such further time as the 35 local land board on application may allow.

117. If any holding, or portion of a holding, is bounded in part by a natural feature along which, in the opinion of the local land board or the board, it is unnecessary to erect a rabbit-proof, dog-proof, or 40 marsupial-proof fence, such holding, or portion of a holding,

Exemption from fencing boundary in certain cases.

holding, shall be deemed to be enclosed by a rabbit-proof, dog-proof, or marsupial-proof fence, where the remaining boundaries are sufficiently so fenced.

Contribution
to the cost of
rabbit, dog,
or marsupial
proof fence.
cf. No. 35,
1912, s. 49.

118. (1) Where a boundary, or any part thereof, of any holding, is fenced with a rabbit-proof, dog-proof, or marsupial-proof fence, or a fence on such boundary, or part thereof, has been made rabbit-proof, dog-proof, or marsupial-proof at the expense of the occupier or owner of such holding, or of the occupier or the owner of any land included in the holding, a contribution towards the cost of the work shall, subject to the provisions of this section, be payable by the owner of any land outside the holding and adjoining the rabbit-proof, dog-proof, or marsupial-proof fence to the occupier or owner who has incurred such expense.

(2) Such a contribution shall not be payable where the local land board is of opinion—

- (a) that the rabbit-proof, dog-proof, or marsupial-proof fence has been erected, or the fence has been made rabbit-proof, dog-proof, or marsupial-proof, otherwise than bona fide for the purpose of excluding or destroying rabbits, native dogs, or marsupials; or
- (b) that no benefit is derived from the fence by the holding from the owner of which a contribution is demanded; or
- (c) that the nature of such holding is such that it cannot be kept rabbit-proof, dog-proof, or marsupial-proof by the erection and reasonable maintenance and repair of a rabbit-proof, dog-proof, or marsupial-proof fence.

(3) Where the owner of such holding at any time makes use of such fence as part of a rabbit-proof, dog-proof, or marsupial-proof enclosure, such owner shall be liable for payment of a contribution in respect of so much of the fence as forms the boundary of such enclosure.

(4) Notwithstanding that the local land board has in any case decided that no benefit was derived from the fence by the holding from the owner of which a contribution

contribution has been demanded, if such board at any time subsequently decides that a benefit is then being derived from the fence by such holding, a contribution shall thereupon become payable in respect thereof.

5 (5) With regard to contributions the following provisions shall apply :— Contributions.

10 (a) the right to receive a contribution as aforesaid shall vest, and the liability to pay the same shall arise, when the then occupier or owner of the holding gives in the prescribed manner to the then owner of the land outside the holding the prescribed notice of demand ;

15 (b) after the date when a copy of such notice is registered in the office of the Registrar-General the amount of the contribution, or so much thereof as may for the time being be unpaid shall, until payment, be and remain a charge upon the land in respect of which such contribution is payable ;

20 (c) 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 ;

25 (d) the local land board shall upon application in the prescribed manner and payment of the prescribed fee—

(i) determine the amount of the contribution payable, and ;

30 (ii) subject to the provisions of this section, shall assess the amount of such contribution according to the benefit derived and to be derived from the fence ;

35 (e) in no case shall the contribution exceed half the value of the fence, or half the value of the work of making the fence rabbit-proof, dog-proof, or marsupial-proof, as the case may be ; and such value shall be the value at the date when the prescribed notice of demand was given.

(6)

Rental in lieu
of contribu-
tion.

(6) 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, dog-proof, or marsupial-proof fence on the boundary of an adjoining holding, 5 shall be liable for payment of a contribution under this Division, but in lieu thereof such holder 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 who but for this subsection would be 10 entitled to a contribution.

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 15 exceeding six per centum upon half the value of the fence at the date of the claim, or half the value of the work of making the fence rabbit-proof, dog-proof, or marsupial-proof, as the case may be, together with such further amount towards the average cost of the main- 20 tenance 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.

(7) Nothing in the Crown Lands Acts, the Western Lands Acts, or any Act, relating to dividing 25 fences, shall relieve any person from liability to make any payment under this Act.

(8) Any notice of demand in respect of a rabbit-proof fence erected or made rabbit-proof before the commencement of this Act, shall be served within 30 twelve months from such commencement, and in respect of a rabbit-proof, dog-proof, or marsupial-proof fence erected or made rabbit-proof, dog-proof, or marsupial-proof after such commencement shall be served within twelve months after the completion of the work for 35 which contribution is claimed, or where the adjoining land is public land, and no contribution is payable in respect thereof, then within twelve months after such land ceases to be public land.

(9)

(9) With any application to assess the amount of contribution payable, a copy of the notice of demand shall be forwarded to the district surveyor for the land board district within which the land is situated, or 5 where the land is situated within the Western Division, to the Commissioners of the Western Land Board.

119. (1) In any case where a contribution towards the cost of a rabbit-proof, dog-proof, or marsupial-proof fence is payable under any of the provisions of 10 this Division, an annual contribution towards the expenses incurred in the maintenance and repair of the fence shall also be paid.

Adjoining holding to contribute half cost of maintenance. No. 35, 1912, s. 50.

For the purposes of such annual contribution the years shall be taken to run from the date or recurring 15 date of the notice of demand for a contribution towards the cost of the fence.

(2) The right to receive such annual contributions and a corresponding duty to maintain and repair the fence shall run with the holding whereof the occupier 20 or owner was entitled to receive payment of the contribution towards the cost of the fence, and the liability to pay such annual contributions shall run with the land whereof the owner was liable to pay the aforesaid contribution towards the cost of the fence.

25 (3) The amount of such annual contribution shall be one-half the expenses of or incidental to the maintenance and repair of the fence as determined by the local land board.

(4) Nothing in this section shall affect any 30 right to an annual contribution towards the cost of the maintenance and repair of a rabbit-proof fence accrued under or by virtue of the provisions of the Rabbit Act of 1890, the Rabbit Act, 1901, or the Pastures Protection Act, 1902, and the Pastures Protection Act, 1912, 35 and the local land board shall have power to assess and determine the amount of any such contribution.

120. (1) Where a private rabbit-proof, dog-proof, or marsupial-proof fence, erected or made rabbit-proof, dog-proof, or marsupial-proof before or after the com- 40 mencement of this Act (not being a barrier fence erected

The Crown to contribute in certain cases. *Ibid.* s. 51.

erected or made rabbit-proof, dog-proof, or marsupial-proof by or principally by the Crown or a board under the Acts hereby repealed or the Pastures Protection Act, 1902, or by a rabbit board under the Rabbit Act, 1901), forms a common boundary fence between private and public lands, and before or after the commencement of this Act particulars of such fence have been furnished to the Minister, and he has consented to the erection of the fence or to the making of a boundary fence rabbit-proof, dog-proof, or marsupial-proof, the same contribution shall be payable by the Crown in respect of erecting the fence or making it rabbit-proof, dog-proof, or marsupial-proof as would be payable by any private owner.

(2) Where the Crown erects or makes rabbit-proof, dog-proof, or marsupial-proof a fence which forms a common boundary between public and private lands, the like contributions towards the cost and the maintenance and repair of the fence shall be payable by the owner or occupier of the private lands to the Crown as would have been payable had the public lands been private lands.

The notice of demand may be given by the Colonial Treasurer, and the contributions when received by him shall be paid to the account from which the expenditure upon the fence was made.

(3) The amount of contributions payable under this section shall be determined by the local land board.

Fencing reserves.

No. 35, 1912, s. 52A.

No. 49, 1918, s. 3.

Stock-proof fence : erection.

121. (1) The board may, where it considers it necessary for the proper protection or improvement of a travelling stock reserve, by notice in writing require the owner of any land adjoining the reserve—

(a) to erect on the common boundary of the land and the travelling stock reserve a fence sufficient to prevent the passage of any kind of stock (including pigs or goats) specified in the notice ;

(b)

(b) to alter or repair any fence already on the common boundary so as to render it sufficient for the purpose aforesaid ; or Stock-proof fence : repair.

5 (c) to erect on the common boundary a rabbit-proof, marsupial-proof, or dog-proof fence, or to render rabbit-proof, dog-proof, or marsupial-proof fence already thereon. Rabbit-proof, marsupial-proof, or dog-proof fence.

10 (2) If the owner is required to erect a rabbit-proof, dog-proof, or marsupial-proof fence or to render any fence rabbit-proof, dog-proof, or marsupial-proof he shall be entitled to claim and recover from the board for the district a contribution not exceeding half the reasonable cost of erecting the fence or rendering it rabbit-proof, dog-proof, or marsupial-proof as the case may be, and thereafter half the cost of maintaining same. Work done by owner.

20 (3) If the owner fails to comply with the terms of the notice the board may cause the fence to be erected, altered, repaired, or rendered rabbit-proof, dog-proof, or marsupial-proof, as the case may be, and there shall be recoverable from the owner in any court of competent jurisdiction— Failure of owner to do work.

25 (i) the cost so incurred in respect of a fence referred to in paragraphs (a) or (b) of subsection one of this section ; or

(ii) in the case of a rabbit-proof, dog-proof, or marsupial-proof fence, half the cost, and also half the cost of maintenance, if the board maintains the fence.

30 (4) If an owner and a board fail to agree in regard to cost under subsection two or three of this section the amount shall be determined by the local land board upon application by either party. Determining cost of work.

35 (5) 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 at the date of the service of the notice an unexpired term of less than five years. Exceptions.

Roads or
watercourses
intervening
between
holdings.

No. 35, 1912,
s. 52B.

No. 49, 1918,
s. 3.

122. 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.

Contribution
towards cost
of rabbit,
dog, and
marsupial
fences.

No. 35, 1912,
s. 52C.

No. 49, 1918,
s. 3.

123. (1) In any case where a rabbit-proof, dog-proof, or marsupial-proof fence is used as a boundary or part of a boundary between two holdings, and expense is incurred by 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, dog-proof, or marsupial-proof fence, and such maintenance of the fence is necessary, the owner or occupier of the holding on either side of each 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, dog-proof, or marsupial-proof, and nothing herein contained shall affect the rights to contribution for maintenance otherwise conferred by this Act.

DIVISION

DIVISION 3.—*Procedure.*

124. In any proceedings under this Part, the jurisdiction of the local land board or of the court before which the proceedings are had, shall not be ousted on the ground that the case raises any question of title to land, or that the defendant does not reside within the boundaries of the jurisdiction of the board or court:

Jurisdiction of land board or court not to be ousted. No. 35, 1912, s. 74.

Provided that in such last-mentioned case the land in respect of which the proceedings are had shall be situated within the boundaries of the jurisdiction of such board or court.

125. In any proceedings under this Part before a local land board for the determination of any contribution, value, or other sum of money, the local land board may allow time for the payment of such contribution, value, or sum of money, and may determine the instalments by which the same may be paid, and appoint the date on or before which such instalments shall be paid, and such contribution, value, or sum of money shall be payable by the instalments and on the dates so determined.

Local land board may allow time for payment. *Ibid.* s. 75.

Where time is so allowed, the local land board may order that interest at the rate of six per centum per annum be paid on the amount due in respect of such contribution, value, or sum of money.

126. Where any proceedings under this Part are had before a local land board, an appeal shall lie to the Land and Valuation Court within the time and in the manner prescribed by the rules of that court.

Appeal to Land and Valuation Court.

Ibid. s. 76.

The Minister or such board shall have the like powers of reference to such court as he or it now has in any case under the Crown Lands Acts.

If there be no appeal or reference made within the prescribed time, the determination or decision of the local land board shall be final and conclusive.

127. The provisions of the Crown Lands Acts regulating proceedings before local land boards, and upon appeals and references to the Land and Valuation Court under such Acts shall, as far as practicable, be applied to

Procedure. *Ibid.* s. 77.

to proceedings, appeals, and references under this Part, and for the purposes of proceedings under this Part, the Land and Valuation Court and local land boards, and the respective members and officers thereof, shall have the same authorities and powers as are conferred by the Crown Lands Acts and the Western Lands Acts for the purposes of proceedings under the said Acts, and in addition thereto the Land and Valuation Court (on appeal) and a local land board shall have power to make such orders as to the costs of any proceedings before the local land board or the court as may appear just.

Case may be stated for Supreme Court.

No. 55, 1912, s. 78.

128. (1) Whenever any question of law arises in a case before the Land and Valuation Court, such court shall, if required in writing by any of the parties within the time and upon the conditions prescribed by rules of that court, or may of its own motion, state and submit a case for decision by the Supreme Court thereon, which decision shall be conclusive.

(2) Every such case shall purport to be stated under this section, and shall state the names of the persons who are parties to the appeal, reference, or other proceeding, and shall be transmitted to the Prothonotary of the Supreme Court to be dealt with as to the setting down of the case for argument, and the hearing of the same, and its return with the decision of the Supreme Court thereon, as the judges of the said court, or any two of them, may by rules of court direct.

(3) The Supreme Court for the purposes of this section may consist of two judges only, and shall have power to deal with the costs of, and incidental to, any case stated under this section as it may think fit.

General powers. Effect of moneys being charged. cf. *Ibid.* s. 79.

129. Whenever by this Act any sum of money is expressed to be charged upon any private land, and such charge is registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919, any person thereafter becoming the owner of such land shall be taken 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

time being unpaid as if he were the person originally liable; but nothing herein contained shall operate to discharge the liability of any person originally or previously liable.

5 **130.** (1) It shall be lawful for a mortgagee to add Mortgagees and trustees.
to his mortgage debt any sums expended or contributed
by or recovered from him for or towards the erection of
a rabbit-proof, dog-proof, or marsupial-proof fence or
10 the making of a fence into a rabbit-proof, dog-proof, or
marsupial-proof fence upon, near, or for the benefit of
the land, subject to the mortgage, or for or towards the
maintenance or repair of any such fence.

(2) Where the owner or the person entitled to
the immediate possession of land is a trustee whether
15 for an infant or any persons in succession or otherwise
he may pay and apply capital moneys of the trust for
the purpose of the erection of a rabbit-proof, dog-proof,
or marsupial-proof fence, or the making of a fence into
such a fence upon, near, or for the benefit of the land
20 subject to the trust or in paying contributions deter-
mined under this Act in respect of such a fence.

131. The Minister may refer to the local land board Powers of Minister.
any question as to the granting of his consent to the
erection of a rabbit-proof, dog-proof, or marsupial-proof
25 fence on a boundary common to private and public lands,
or the making of any fence on such a boundary rabbit-
proof, dog-proof, or marsupial-proof, or as to any other
matter which he may deem necessary or proper to be
determined for the administration of this Part of this
30 Act; and such board shall hear, examine, and report
thereon to the Minister.

DIVISION 4.—*Offences.*

132. Any person interfering in any way with a Persons interfering with rabbit-proof, dog-proof, and marsupial-proof fences.
rabbit-proof, dog-proof, or marsupial-proof fence, and
35 any person erecting breaks against any such fence shall,
on conviction, be liable to a penalty not exceeding
twenty-five pounds.

PART VIII.

BRANDING AND EARMARKING OF SHEEP.

Sheep to be
branded and
earmarked.
cf. No. 35,
1912, s. 131.

133. All sheep above the age of six months shall be kept legibly branded by the owner, and shall, if not already earmarked, be earmarked by him. 5

Sheep above the age of six months which have been so earmarked need not be branded until after their first shearing, where they are not moved from the holding on which they are depastured until such shearing, except to be shorn at a shearing shed not more than twelve miles from the holding on which they are depastured. 10

Owner of
sheep to
register
brand and
earmark.
cf. *Ibid.*
s. 132.

134. (1) Every owner of sheep shall cause a brand and earmark to be registered in respect of every holding upon which he brands or earmarks any sheep. 15

(2) No person shall, except with the written permission of the inspector, brand or earmark any sheep except upon the holding in respect of which the brand or earmark is registered.

(3) The same brand or earmark shall not be registered as the brand or earmark of more than one owner in the same district or subdistrict. 20

Transfer of
brand and
earmark.

(4) A brand or earmark may be transferred to a subsequent owner or occupier of the holding in respect of which the brand or earmark is registered, or by way of mortgage to a mortgagee of the holding, but not otherwise, and any transfer shall be in the prescribed form. 25

One fire
brand, one
colour brand
and one ear-
mark.

(5) Only one fire brand, one colour brand, and one earmark may be registered by each owner for each holding held by him, but if two or more such holdings are contiguous they shall be deemed one holding. 30

(6) The capital letter T in Roman character shall not be registered as a brand.

Registration
of brands and
earmarks.
cf. *Ibid.*
ss. 133, 134.

135. (1) Application for the registration of a brand and earmark shall be made to the board in the prescribed manner, and shall be accompanied by the prescribed fees. 35

(2)

(2) Application for the transfer of a brand and earmark shall be made to the board in the prescribed manner, and shall be accompanied by the prescribed fees.

5 (3) Every brand or earmark recorded or deemed to be recorded by the inspector under the Pastures Protection Act, 1912, shall be deemed to be registered under this Act.

10 **136.** Every application for the registration of a sheep brand or earmark, or for the transfer of a brand or earmark, shall be forwarded by the board to the Registrar of Brands, who shall decide whether a brand or earmark shall be registered, and whether a transfer shall be registered.

Application for brand and earmark. Powers of Registrar. No. 35, 1912, s. 134.

15 **137.** (1) No brand or earmark shall be registered which in the opinion of the Registrar of Brands is identical with or likely to be confused with, or which could be cut out by or cut out any other brand or earmark registered in respect of a holding adjoining or in the vicinity of that of the applicant.

Similar brands and earmarks. cf. *Ibid.* s. 134 (2).

20 (2) The Registrar of Brands may require the occupier of any holding in respect of which a brand or earmark is registered to adopt any modification thereof where the Registrar deems the modification necessary to avoid confusion with any other registered brand or earmark.

Modifying brands and earmarks. *Ibid.* s. 136.

25 **138.** Upon the registration of any brand or earmark or upon the modification of any brand or earmark the Registrar of Brands shall issue to the owner a certificate of registration in the form prescribed.

Certificate.

30 **139.** (1) The board of every district shall in the prescribed manner keep a register of brands and earmarks registered in the district.

Registration of brands and earmarks.

35 (2) The Governor may by notification published in the Gazette, direct that a district be divided into subdistricts for the purposes of this Part, and where a district is so divided a separate register shall be kept for each subdistrict, and each subdistrict shall for the purposes of this Part be deemed to be a district.

Cancellation
of regis-
tration.

No. 35, 1912,
s. 132 (5).

140. If the occupier of any holding in respect of which a brand and earmark are registered ceases to occupy the holding and no application for the transfer of the brand and earmark to any subsequent occupier has at the expiration of one month thereafter been received by the board for the district in which the holding is situated, the Registrar of Brands may after the prescribed notice, cancel the registration of the brand and earmark. 5

Death of
proprietor.

Ibid.
s. 132 (6).

141. (1) Upon the death of the occupier of any holding in respect of which a brand and earmark are registered, his personal representative shall be entitled to use the brand and earmark for a period of six months after the proprietor's death. 10

(2) The personal representative may within that period apply for the registration of the brand and earmark in his name or in the name of his nominee beneficially entitled to the holding. 15

(3) If application is not made and the prescribed fee paid within that period the registration of the brand and earmark may be cancelled by the Registrar of Brands. 20

Restoration
to register.

142. Any brand and earmark the registration of which is cancelled under this Part may on application to the Registrar in the prescribed manner and on payment of the prescribed fee be restored to the register. 25

Distinctive
brands and
earmarks.

Ibid.
s. 132 (2).

Size and
positions of
brands and
earmarks.

143. The proprietor of a registered brand and earmark may use distinctive earmarks to denote the age or class of his sheep.

144. (1) No person shall brand any sheep with a firebrand containing any letter, figure, or character less than one inch in length, nor with a colour brand containing any letter, figure, or character less than three inches in length. 30

(2) Registered brands shall be placed in such positions as are prescribed. 35

(3) A raddle mark shall not be placed on any portion of a sheep prescribed for a registered brand.

(4)

(4) A registered earmark shall be of the size prescribed, and of one or more of the prescribed shapes, and shall be placed on the right ear of female sheep and the left ear of male sheep.

5 (5) A distinctive earmark shall be of the size prescribed, and of one or more of the prescribed shapes, and shall be placed on the left ear of female sheep and the right ear of male sheep.

10 **145.** (1) As soon as practicable after the end of every year the Registrar of Brands shall publish a brand and earmark directory containing the prescribed particulars of all brands and earmarks registered up to the thirty-first day of December of such year. Directory and quarterly lists.

15 (2) As soon as practicable after the end of each quarter the Registrar of Brands shall publish in the Gazette in the form prescribed a list of brands and earmarks registered or transferred during such quarter.

20 (3) Each board shall provide the secretary and inspector with a copy of each quarterly list and each directory.

146. (1) Every person who—

- (a) brands or earmarks with his registered brand or earmark any sheep of which he is not the owner ; Offences. No. 35, 1912, s. 140.
- 25 (b) brands or earmarks any sheep with a brand or earmark of which he is not the proprietor ;
- (c) except as in this Act or by regulation provided brands sheep with a brand which is not registered in respect of the holding on which the sheep are branded ;
- 30 (d) destroys or defaces a brand on any sheep ;
- (e) alters an earmark on any sheep, or places any additional earmark on the same ear of a sheep which has been earmarked ;
- 35 (f) alters a brand on any sheep, either by the alteration of the existing brand or by the addition of some other brand, otherwise than in accordance with a requirement of the Registrar of Brands ;

(g)

-
- (g) cuts off more than one-fourth of the ear of a sheep;
- (h) earmarks any sheep with any instrument other than ear-pliers of a prescribed type and size;
- (i) without reasonable excuse, the proof of which shall lie upon the person accused, has in his possession any sheep-skins from which more than one-fourth of either ear has been removed or from which the brand has been obliterated; or
- (j) contravenes any other provision of this Part,
- shall be liable on summary conviction to a penalty not exceeding *one hundred* pounds.

(2) The fact of such sheep with such misbranding, destroying, defacing, altering, cutting, or marking being on the holding of any person for two months without his having given notice to the rightful owner of such sheep, or where the sheep is his own property to the officer in charge of the nearest police station, or to the inspector for the district, of such misbranding, destroying, defacing, altering, cutting, or marking, shall be evidence of such person having committed a breach of this section.

(3) Any person having in his possession sheep with such misbranding, destroying, defacing, altering, cutting, or marking, who fails within two months of the same coming into his possession to give the prescribed notice 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.

PART IX.

MUSTERING

147. (1) Every owner of fifty or more sheep or twenty head or more of large stock shall give the occupier of any adjoining holding who has a like number of sheep or large stock not less than twenty-four hours nor more than five clear days notice in writing of any muster intended to be made on his holding for the purpose of shearing, crutching, or weaning any sheep or of branding, marking, dipping, drafting, or removing any sheep or large stock from his holding or from any paddock thereof contiguous to the holding of the adjoining occupier to another paddock on his own holding, and shall permit such adjoining occupier or his employees to attend at any such muster: Provided that any such owner may, with the consent of any such adjoining occupier, omit such notice.

Notice of
muster.
cf. No. 35,
1912, s. 166.

(2) Any owner failing to send such notice shall, unless he has obtained such consent, for every such offence be liable to a penalty not exceeding *fifty* pounds.

148. An inspector may, with the approval of the chairman of the board or the Minister, order an owner or occupier to muster the stock on his holding or any portion thereof for the special purpose named in such order.

Power to
order owner
or occupier
to muster.

Any owner or occupier failing to carry out such order shall be liable to a penalty not exceeding *fifty* pounds.

If the owner or occupier does not carry out such order, the board or Minister may have such muster carried out at the expense of such owner or occupier, and, in such event, the inspector and such other persons as the inspector may deem necessary may enter such holding with such horses, dogs, and vehicles as he may consider necessary to give effect to such order.

The expenses of the muster may be recovered as a debt by the board or the Minister from the owner or occupier failing to comply with the order in any court of competent jurisdiction.

PART X.

GENERAL PROVISIONS.

Summary jurisdiction. No. 35, 1912, s. 168 (1).

149. (1) Any proceedings in respect of an offence under this Act, or any regulation made thereunder, shall be heard and determined in a summary way before a court of petty sessions in accordance with the provisions of the Justices Act, 1902. 5

Who may proceed: Penalties. *Ibid.* s. 168 (2). Recovery of money. *Ibid.* s. 168 (3).

(2) Any person may take proceedings for the punishment of any offence under this Act.

150. (1) Any sum of money which any person is, in 10 pursuance of this Act, required or made liable to pay, may be recovered as a debt in any court of competent jurisdiction.

(2) A jurisdiction otherwise competent, shall not be ousted on the ground that the title to any land, 15 or any matter in which rights in future may be bound, or that any general right or duty is in question, but the decision in the proceedings shall not be evidence in any other court, or in any other proceedings.

General penalty. *Ibid.* s. 169.

151. Every person who commits a breach of any of 20 the provisions of this Act or of any regulation for which a penalty is not specially provided, shall be liable on summary conviction for every such offence to a penalty not exceeding *fifty* pounds.

Penalty for not giving information. *Ibid.* s. 170.

152. Any person who neglects or refuses to give 25 any information with respect to any large stock or sheep required for the purposes of this Act, or who wilfully gives any incorrect or misleading information with respect thereto, shall on summary conviction be liable to a penalty not exceeding *fifty* pounds. 30

Obstructing persons authorized under this Act. *Ibid.* s. 171.

153. Any person who obstructs, hinders, interrupts, threatens, or assaults any inspector or other person appointed by the board or the Minister under this Act, or any person acting for the board, whilst in the performance of his duty, shall on summary conviction be 35 liable to a penalty not exceeding *fifty* pounds.

No proceeding for the recovery of any such penalty shall be a bar to any action at law for or in respect of any such assault.

154.

154. Any notice, information, complaint, agreement, or other document, shall be sufficiently authenticated if it is signed by the chairman of the board, or by the secretary of the board, purporting to sign the same by authority of the board, and authority in the chairman or secretary so to sign shall be presumed unless and until the contrary is shown.

Authenticati-
tion of
documents,
&c.
No. 35, 1912,
s. 172.

Any notice or other document to be given to or served upon a board may, be given to or served upon the secretary or chairman of such board.

155. (1) Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially provided, be given in any one of the following ways:—

Service of
notices.
Ibid. s. 173.

- 15 (a) personally to the person to whom the notice is addressed; or
- (b) by registered letter sent through the post and directed to the last known place of abode or of business in New South Wales of the person to whom the notice is addressed; or
- 20 (c) where the abode or place of business of such person in New South Wales is not known or cannot readily be ascertained or where he has no such abode or place of business by advertising the same twice at least in some newspaper published or circulating in the district in which the lands the subject of notice are situate, an interval of a week or more being allowed to lapse between such advertisements.

30 (2) Any notice required or permitted by this Act or the regulations to be given to the occupier or the owner (as the case may be) of any holding or land shall in cases where several persons are the occupiers or the owners thereof, be duly given if given to one of such

35 occupiers or owners.

156. For the purpose of any proceeding under this Act or the regulations, the description of any holding or land need not be a description by metes and bounds, but shall be sufficient if it makes such reference to the holding or land either by name, situation, boundaries, or otherwise, as allows of no reasonable doubt as to what holding or land is referred to.

General
description
of land
sufficient;
Ibid. s. 174.

157.

Proceedings
when
occupier or
owner
unknown.
No. 35, 1912,
s. 175.

157. Where the name of the occupier or owner of any holding or land is unknown to any person giving notice or taking proceedings under this Act, any such notice may be addressed to the occupier or owners as such, and any such proceedings may be taken and any order or decision therein may be made or given against the aforesaid occupier or owner as such. 5

Notices, &c.,
in Gazette to
be received
as evidence.
Ibid. s. 176.

158. (1) All notices of proclamations, regulations, appointments, elections, rates, bonuses, or assessments, or of any other matter or thing done under the authority of this Act and published in the Gazette, and all entries duly made in any rate-book shall be taken to be prima facie evidence of the facts or matters therein stated. 10

(2) In any prosecution or other legal proceedings under this or any other Act instituted by or under the direction or on behalf or for the benefit of the board of a district, proof shall not, until evidence is given to the contrary, be required of— 15

- (a) the incorporation of the board or the due constitution of the district; 20
- (b) the boundaries of the district or of a division of the district;
- (c) the fact that any land or place is within the district or the division in question;
- (d) the constitution of the board or the election or appointment of the directors or the chairman thereof; 25
- (e) the appointment of any inspector, permit officer, or any servant or officer of the board;
- (f) the fact that the defendant is, or at any relevant time was, the owner, occupier, or caretaker of any land in question, as the case may be, if he is so described in the process by which the prosecution or proceeding is initiated; 30
- (g) the fact that any land in question is within the jurisdiction of any court or local land board. 35

Ownership

159. (1) In any legal proceedings under this Act, in addition to any other method of proof available, evidence by a certificate of the Registrar-General or his deputy that any person appears from any registration of any 40

any deed, conveyance, or other instrument under the Registration of Deeds Act, 1897, or from the register-book under the Real Property Act, 1900, to be the owner or lessee of any land, shall be prima facie
5 evidence that such person is owner or lessee, as the case may be, of the land.

(2) All courts and all persons having by law or by consent of parties authority to hear, receive, and examine evidence shall, for the purposes of this Act,
10 take judicial notice of the signature of the Registrar-General and his deputy.

160. (1) The Governor may make regulations not
inconsistent with this Act prescribing any matter or
thing which by this Act is authorized or permitted to be
15 prescribed, or which are necessary or convenient to be prescribed, and without limiting the generality of the foregoing power, may make regulations for the purpose of carrying this Act into effect for and with respect to—

- (a) the date on or before which rates shall be made;
- 20 (b) the form, manner of service, and time of issue of rate notices;
- (c) the manner of appealing against the determination by a board of the carrying capacity of any land;
- 25 (d) form of rate books and the manner of keeping the same;
- (e) all other matters incidental to the regulation of rating;
- (f) the manner in which the accounts of boards shall be kept audited;
- 30 (g) the qualifications to be held by auditors, and making provisions for audits by persons not holding such qualifications where a qualified person is not available;
- 35 (h) the qualifications to be held by inspectors;
- (i) examination for the obtaining of qualifications by persons for their appointment as an inspector;

(j)

- (j) prescribing the reasonable fees for any service or inspection rendered by a board or its officers, or any registration license or permit or other matter done or service rendered under this Act;
- (k) the registration, cancellation of registration, and transfer of brands and earmarks; 5
- (l) the construction and use of branding and earmarking instruments;
- (m) the use of brands and earmarks;
- (n) the duties of the Registrar of Brands; 10
- (o) the compilation and publication of the brand and earmark directory, and the list of brands and earmarks, and the payment for the compilation and publication of such directory and list; 15
- (p) the appointment or election of a council of advice, and for defining its objects, duties, and the allowances for travelling and other expenses payable to members thereof, and prescribing the contributions to be paid by boards to such council. 20

(2) The regulations may provide for a penalty not exceeding *fifty* pounds for any breach thereof.

(3) The regulations shall—

- (a) be published in the Gazette; 25
- (b) take effect from the date of publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days from publication 30 if Parliament is in session, or 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 thereupon cease to have effect. 161. 40

- 161.** So far as relates to the Western Division— Western
Division.
No. 35, 1912,
s. 179.
- (a) the Minister may depute to the commissioners appointed under the Western Lands Acts any of the powers or duties conferred or imposed upon him by this Act;
- (b) the provisions of the Western Lands Acts relating to the destruction of rabbits shall not be enforced within any part of that Division which is included in a district constituted under this Act;
- (c) the provisions of section forty-seven shall not apply until a date to be fixed by the Governor and notified by proclamation published in the Gazette.

SCHEDULE.

Number of Act.	Title or short title.	Extent of repeal.
No. 17, 1900 ...	Public Watering-places Act, 1900	The whole.
No. 35, 1912 ...	Pastures Protection Act, 1912 ...	The whole.
15 No. 49, 1918 ...	Pastures Protection (Amendment) Act, 1918.	The whole.
No. 25, 1920 ...	Pastures Protection (Amendment) Act, 1920.	The whole.
No. 41, 1919 ...	Local Government Act, 1919 ...	Section 497.

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