

1885-6.

Legislative Council.

COMMONS REGULATION ACT AMENDMENT BILL (No. 3).

(Amendments to be proposed in Committee of the Whole by  
DR. MACKELLAR.)

Title. *Omit* all words after "Trustees"

Preamble, line 3. *Omit* "purporting to have been made under the  
"authority of the said Act"

Clause 1, line 17. *Omit* "and"

Clause 1, line 18. *After* "Council" *add* "'Commoner' shall mean  
"any person whose name is contained in the Commoners'  
"roll in force for the time being as hereinafter provided"

"'Commoners' boundaries" shall mean the boundaries of the area  
"notified in the *Government Gazette* within or in respect of  
"which the persons entitled to the use of the Commons men-  
"tioned in the notification reside or hold the prescribed  
"qualification" and

"'Minister' shall mean the Minister charged with the adminis-  
"tration of this and the Principal Act"

*After* clause 1 *insert* the two new clauses following to stand clauses  
2 and 3 of the Bill—

2. The Trustees of every existing Common shall within *six* Commoners' roll.  
*months* after the passing of this Act and the Trustees of every Common  
notified or set apart after the passing of this Act shall within the like  
period after the notification or setting apart of such Common or such  
extended time in each case as the Minister may in any case allow  
make out a roll of the persons entitled to the use and enjoyment of  
such Common in accordance with the grant dedication or notification  
in the *Gazette* or with any proclamation or other declaration of the  
Governor and Executive Council relating to such Common And no  
person whose name is not on such Commoners' roll shall be entitled to  
exercise any of the rights of Commoners under the "Commons Acts  
of 1873-1886" or any regulations made thereunder All such rolls  
shall be made out revised published and otherwise dealt with in  
accordance with regulations to be made under this Act.

3. The Governor may with respect to any Common—whether Fixing and alteration  
of Commoners'  
boundaries.  
dedicated or set apart before or after the passing of this Act—fix the  
boundaries within which rights of Commonage shall attach to such  
Common and may also alter or extend such boundaries and subject  
to the regulations in force with respect to any such Common all persons  
over the age of twenty-one years entitled to such right of Commonage  
shall be entitled to vote at all elections of Trustees for such Common  
Provided however that where land is in the occupation of any person  
other than the owner thereof such owner shall not be entitled to any  
Commonable rights in respect of such land No alteration of any such  
boundaries shall affect any right of Commonage vested at the time of  
such alteration.

*Omit* clause 2.

Clause 3, lines 22 and 23. *Omit* all words after "Common" in line 22.

Clause 5. *Add* to clause "the Governor may also appoint the first  
"Trustees of every Common notified or set apart after the  
"passing of this Act."

Clause 6, line 43. *After* "removed" *insert* "from their office"

Clause 8, line 6. *After* "but" *omit* "the payment of such penalty  
"shall not be" *insert* "no proceedings under this section  
"shall be"

New clauses to stand Nos. 10, 11, 12, 13, 14, and 15 :—

Limitation of  
Commoners' rights.

10. The only rights to which a Commoner shall be entitled after the commencement of this Act in respect of any Common shall be the Common of pasturage of stock (including the right of watering such stock) upon the Common and with the permission of the Trustees of any Common and subject to the payment of such charges as they shall by their rules and regulations impose the right to take fallen timber or underwood from the Common but the Minister may subject to the payment of such charges as he shall impose grant a license to any person to take and remove from a Common soil stone or minerals or to cut and remove therefrom any timber.

Carriers' teamsters'  
travellers' and  
drovers' privileges on  
Commons.

11. Any *bonâ fide* carrier teamster traveller or drover shall have the right of pasturage upon any Common for the animals actually in use by him for carriage riding or driving during three days consecutively without charge and for such longer period as may be rendered necessary by rain or floods but after such period in either case such animals if still depasturing on the Common may be impounded by the Trustees thereof Provided however that the Trustees of a Common may in the case of any such animals and also in that of any travelling stock upon the payment to the Trustees of such fees as shall be prescribed by regulations under this Act allow such animals or stock to be depastured upon such Common for any time not exceeding one week within any period of six months.

Drovers to give  
Trustees or herdsman  
notice.

12. Every drover of travelling stock taking such stock through or over or along any Common shall give the Trustees or herdsman thereof the like notice as he is by law required to give to any owner or occupier of land through or along which he intends to drive any stock.

Quorum of  
Commoners and  
Trustees and  
casting vote.

13. At any meeting of Commoners *five* Commoners shall form a quorum and at any meeting of Trustees *three* Trustees shall form a quorum and if at any such meeting the votes are equal the chairman shall in addition to his vote as Commoner or Trustee (as the case may be) have also a casting vote.

As to infected  
animals found on  
Commons.

14. Any animal infected with any contagious or infectious disease found on a Common may be destroyed by order of the Trustees of such Common after notice describing with reasonable accuracy the animal intended to be destroyed shall have been exhibited for twenty-four hours at the police station nearest to the Common and given to the owner of such animal if known to the Trustees stating that it is their intention to destroy such animal and no such destruction shall entail any liability at common law or otherwise upon any person giving or acting under any such order.

Regulations.

15. The Governor may in regard to any Common or class of Commons make regulations with respect to all or any of the following matters namely :—

(I) The payment of fees by teamsters travellers and drovers and travelling stock for extended pasturage and for the appropriation of such fees and the like with regard to license fees for removing soil stone or minerals and for cutting and removing timber from any Common

(II) For their enforcement

(III) All other matters of detail necessary for carrying this and the Principal Act into effect

And all such regulations on being published in the *Gazette* shall have the full force of law.

Clause 9 to stand as clause 16.

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