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**[CONFIDENTIAL]**

**(Rough Draft for Consideration Only.)**

No. , 1932.

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## A BILL

To provide for the protection of pastures; to provide for the dissolution of pastures protection boards; to amend the law relating to the branding and ear-marking of sheep, travelling stock reserves, the destruction of noxious animals and certain other matters; to repeal the Pastures Protection Act, 1912, and the Acts amending the same; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith.

**B**E 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:—

PART I.

PRELIMINARY.

**1.** (1) This Act may be cited as the "Pastures Protection Act, 1932." Short title and commencement.

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

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

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—DISSOLUTION OF PASTURES PROTECTION BOARDS AND CONSTITUTION OF PASTURES PROTECTION DISTRICTS—*ss.* 5-11.

PART III.—RATES—*ss.* 12-26.

PART IV.—TRAVELLING STOCK RESERVES AND CAMPING RESERVES AND TRAVELLING STOCK—*ss.* 27-53.

PART V.—NOXIOUS ANIMALS—*ss.* 54-65.

PART VI.—RABBIT, MARSUPIAL, AND DOG-PROOF FENCES—*ss.* 66-93.

DIVISION 1.—*Wire-netting*—*ss.* 66-72.

DIVISION 2.—*Fences*—*ss.* 73-84.

DIVISION 3.—*Procedure*—*ss.* 85-92.

DIVISION 4.—*Offences*—*s.* 93.

PART VII.—BRANDING AND EARMARKING OF SHEEP—*ss.* 94-107.

PART VIII.—MUSTERING—*ss.* 108, 109.

PART IX.—GENERAL PROVISIONS—*ss.* 110-125.

SCHEDULE.

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3. (1) The Acts mentioned in the Schedule to this <sup>Repeal.</sup> Act are to the extent therein expressed hereby repealed.

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

- (a) boards shall, until dissolved, have and enjoy <sup>Continuity o</sup> as far as relates to any previous or pending <sup>boards and</sup> transaction or matter, all rights, powers, <sup>districts.</sup> protections, and property acquired by them, and be subject to all liabilities incurred or indemnities given by them under the enactments repealed by this Act ;
- (b) all proclamations and notifications made, and <sup>Proclama-</sup> all sanctions and notices given under the Acts <sup>tions, returns,</sup> repealed, the operation of which is not ex- <sup>&c.</sup>hausted at the commencement of this Act, 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) the chairman and directors of any board <sup>Chairman</sup> elected under the Acts so repealed and holding <sup>and directors.</sup> office at the commencement of this Act shall continue to hold office until the board is dissolved ;
- (d) all rates, charges, fees, and sums of money <sup>Rates.</sup> 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, levied, and recovered by the board of the district or, upon dissolution of the board, by His Majesty, and shall remain a charge on land until payment ;
- (e) all regulations made under the Acts so <sup>Regulations.</sup> 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)

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- (f) any officer of a board appointed under any Act so repealed shall, subject to this Act, continue in office until the board by which he was appointed terminates his employment or is dissolved, and any inspector or permit inspector appointed under any Act so repealed shall be deemed to be appointed under this Act as inspector or permit officer as the case may require; Appoint-ments.
- (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; Permits, leases, and licenses.
- (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 under this Act. Printed forms.

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.

(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.

(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.

**4.** In this Act, unless the context or subject-matter otherwise indicates or requires,— Inter-pretation.

“ Board ” means the pastures protection board for any district constituted under the enactments repealed by this Act. No. 35, 1912, s. 4.

“ Brand ”

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- “Brand” means a fire or colour brand on any sheep.
- “Carrier” means any person engaged in the transport of goods on any public road for fee or reward.
- “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.
- “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 Lands Acts” means the Crown Lands Consolidation Act, 1913, and all amending Acts, and the Closer Settlement Act, 1904, and all amending Acts, and the Returned Soldiers Settlement Act, 1916, and all amending Acts.
- “District” means any pastures protection district constituted under this Act.
- “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.”
- “Earmark” means a mark cut out of the ear of a sheep.
- “Fire brand” means any brand made by means of heat.
- “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.
- “Horse” means any horse, mare, gelding, colt, filly, foal, ass, or mule.
- “Inspector” means the inspector of stock for the district appointed under this Act.
- “Large stock” means horses, cattle, and camels.
- “Local

“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.

“Marsupial” includes any kangaroo, wallaroo, wallaby, or paddymelon.

“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.

“Noxious animal” includes rabbits, hares, foxes, and native dogs, and in respect of the area specified therein, any animal or bird declared by proclamation made pursuant to Part V of this Act to be a noxious animal.

“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 in addition his resident manager or other person in charge of the land;

(b) and for the purposes of Part V includes the occupier or caretaker of any reserve declared to be a public watering-place under the Public Watering-places Act, 1900, and the council of any area under the Local Government Act, 1919.

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

(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

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

(c)

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

“Permit officer” means any person appointed for the purpose of issuing permits for stock 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.

“Proprietor,” when used in reference to a brand, means the person in whose name the brand is for the time being registered.

“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—

- (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).

“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

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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.

“Public watering-place” means any reserve declared to be a public watering-place under the Public Watering-places Act, 1900.

“Rabbit-proof,” “marsupial-proof,” and “dog-proof,” as applied to fences, shall mean respectively fences or fencing of the kind prescribed under this Act.

“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.

“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.

“Travelling stock” means stock driven or carried by rail or otherwise on land or by air or by water while not being used by the owner for transport purposes.

“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 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.

“Working large stock” means large stock in use for purposes of transport.

“ Western

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

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

“Western Land Board” means the Western Land Board of New South Wales constituted under the Western Lands Acts.

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PART II.

DISSOLUTION OF PASTURES PROTECTION BOARDS AND CONSTITUTION OF PASTURES PROTECTION DISTRICTS.

5. (1) On the commencement of this Act the powers, authorities, duties, and functions of each board shall cease and determine except in so far as may be necessary for the beneficial winding-up of its affairs. <sup>Winding-up of boards.</sup>

(2) As soon as practicable after the commencement of this Act each board shall prepare and forward to the Minister a statement of its assets and liabilities. The statement shall be in such form and shall furnish such particulars as the Minister may require.

(3) The Minister may authorise any person to inspect and examine the accounts, documents, and records of a board, and such board and its members and officers shall afford to the person so authorised reasonable access to and facilities for examining such accounts, documents, and records.

(4) As from the commencement of this Act each board shall proceed to wind up its affairs.

Every such winding-up shall be subject to the supervision of the Minister, and the Minister may direct a board or a liquidator to do or abstain from doing any act in such winding-up and, in particular and without limiting the generality of this provision, the Minister may

may require a board or liquidator to dismiss any officer of the board, or to retain any property, and it shall be the duty of the board or liquidator to carry out any such direction.

(5) Notwithstanding anything contained in this section, the Governor may at any time appoint a liquidator for the purpose of winding-up the affairs of a board at such remuneration as the Governor may fix, and any such liquidator may for such purpose exercise any of the powers, authorities, duties, and functions of such board.

6. The Governor may, at any time after the commencement of this Act by proclamation published in the Gazette, dissolve any board. <sup>Dissolution of board.</sup>

7. (1) Upon and from the publication of such proclamation the following provisions shall have effect:— <sup>Rights, liabilities, and property.</sup>

- (a) All real and personal property, and all right and interest therein, and all licenses, rights, easements, and user facilities, whether enjoyed as appurtenant to any such property or not, and all management and control of any land or thing which, immediately before the publication of the said proclamation is vested in or belongs to the board, shall vest in and belong to His Majesty and shall be disposed of as the Governor may direct.
- (b) No attornment by a lessee of any land transferred to His Majesty by this section shall be necessary.
- (c) All moneys and liquidated and unliquidated claims which, immediately before the publication of the said proclamation are payable to or recoverable by the board, shall be moneys and liquidated and unliquidated claims payable to or recoverable by His Majesty.
- (d) All suits, actions, and proceedings pending immediately before the publication of the said proclamation at the suit of the board in relation to any matter or claim shall respectively be suits, actions, and proceedings pending at the suit of His Majesty.
- (e)

- (e) All contracts, agreements, and undertakings lawfully entered into with and all securities lawfully given to or by the board, and in force immediately before the publication of the said proclamation, shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by His Majesty.
- (f) His Majesty may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions, and proceedings as the board might have done but for this Act.
- (g) His Majesty may enforce and realise any security or charge existing immediately before the publication of the said proclamation in favour of the board, in respect of any such moneys and claims as if such security or charge were existing in favour of His Majesty.
- (h) All debts due and moneys payable by the board and all claims liquidated or unliquidated recoverable against the board shall be debts due and moneys payable by and claims recoverable against His Majesty to the extent of the assets of the board which have come into his hands.

(2) The proceeds of the realisation of any property transferred by this section to His Majesty, and all money transferred or paid to or recovered by His Majesty by or under this section shall be paid into the Pastures Protection Fund.

**8.** Upon the dissolution of a board, the appointment of all officers of such board under the Acts hereby repealed shall determine.

Determina-  
tion of  
appointments  
on  
dissolution.

**9.** The Governor may by proclamation published in the Gazette constitute pastures protection districts.

Pastures pro-  
tection districts.

The Governor may in like manner revoke or vary any such proclamation and any proclamation constituting a pastures protection district made under the provisions of the Acts repealed by this Act.

Where

Where the boundaries of a pastures protection district have been altered, a reference in any instrument to such district shall be deemed a reference to such district as altered.

**10.** The Governor may under and subject to the <sup>Inspectors.</sup> Public Service Act, 1902, appoint inspectors and other officers for the purpose of carrying out the provisions of this Act.

**11.** (1) The Minister may appoint permit officers <sup>Permit officers.</sup> in each district for the purpose of issuing permits for stock to travel and may annul any such appointment.

(2) Such officers shall be paid such fees or commission as may be prescribed.

### PART III.

#### RATES.

**12.** (1) The Minister shall in each year make and <sup>Minister to levy rate.</sup> levy a rate on the occupiers of all ratable land in the district.

(2) The rate shall be levied by the service of a rate notice.

(3) Rate notices shall be issued not later than the date prescribed in each year.

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.

**13.** (1) Subject to the provisions of this Act, the <sup>Liability to pay rate.</sup> rate shall be payable by the occupier of the land, and shall become due and payable to the Minister at the expiration 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 Minister may recover the rate as against any person upon whom the rate is so levied.

Nothing

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

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

**14.** (1) Where an occupier ceases to occupy any land in respect of which a rate is payable, he shall, nevertheless, continue liable to the Minister 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 either—

Liability where an estate or interest is transferred.

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

(2) If any occupier who ceases to occupy any land in respect of which a rate is payable pays to the Minister 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 Minister, he may recover the amount from any person who thereafter becomes the occupier of the land.

(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 accordingly.

**15.** (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 Minister for the current rate and for all arrears of the rate owing by any previous occupier in respect of the land.

Liability of person becoming occupier.

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

(3) The production of the certificate shall for 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 Minister in respect of the land.

(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) If the occupier of any land pays to the Minister 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 Minister for the rate at the time the rate was levied.

**16.** (1) Subject to the provisions of this Act the rate shall be calculated in accordance with the number of stock owned by the occupier and on the land on the thirty-first day of December immediately preceding the year for which the rate is made, including stock which were travelling to and from the said land, and stock which have been removed from that land on agistment. Amount of rate.

Where, however, the one occupier is ratable in respect of more than one holding, any travelling stock or stock on agistment shall be ratable in respect of one or such holdings only.

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

(3) Where land has during the calendar year preceding the making of this rate been used solely or mainly for agricultural purposes, the carrying capacity shall be calculated upon the basis of not more than one sheep to one acre of the land.

For the purposes of this subsection, agricultural purposes shall include fallowing, but shall not include the growing of grasses or crops for pasture.

(4)

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(4) The rate shall not exceed two-thirds of a penny per head of sheep, and for the purpose of levying the rate large stock shall be deemed to be sheep, calculated in the manner provided in subsection two of section seventeen of this Act.

**17.** (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 five hundred sheep or fifty large stock or more; or

(b) the carrying capacity of which land is five hundred sheep or fifty large stock or more,

shall be ratable in respect of the number of sheep in excess of five hundred or the number of stock in excess of fifty, and the land is referred to in this Act as ratable land.

(2) The Minister shall, 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.

**18.** For the purpose of this Act the carrying capacity shall be the average number of stock which, in the opinion of the Minister, could have been depastured on the land during the previous five years. Determination of carrying capacity.

**19.** (1) When the occupier of any land is dissatisfied with the determination of the Minister as to the carrying capacity of any land other than land used for agricultural purposes, he may, within thirty 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. Appeal.

(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 Minister, as seems just in all the circumstances of the case.

Any

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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.

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

(5) Subject to this section, the determination of the Minister as to the carrying capacity of any land shall be final.

**20.** The Minister may remit or refund any rate or <sup>Remission of</sup> part of a rate paid or payable under this Part of this <sup>rate.</sup> Act.

**21.** (1) Every rate shall be entered in a rate-book, <sup>Rate-book.</sup> which shall be kept in the prescribed form and manner.

(2) The Minister 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.

(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 Minister of the amount so payable under a rate by such occupier in respect of the holding.

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

- (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, certified under the hand of the Minister, the entry being one of a series prescribed to be made, shall be evidence of the entry and of the matters therein recorded.

**22.** (1) In any proceedings for the recovery of any <sup>Facilitation</sup> rate, objection to the validity of the rate shall not be <sup>of recovery.</sup> allowed nor avail to prevent the recovery of the rate.

(2)

(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 proceedings in relation to any such matter.

**23.** (1) Overdue rates shall be increased in accordance with this section. Overdue rates: extra charge.

(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 prescribed, and the increase shall be deemed to be part of the rates.

(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.

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

(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.

**24.** (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. Recovery of rates.

(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 residence of the defendant, as the Minister may decide, whether the rates are in respect of land occupied in the same or in different districts.

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

**25.** (1) Every occupier of land and every owner of stock shall, unless exempted by the regulations, furnish to the Minister 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, including stock travelling to or from the land and stock on agistment as at 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.

**26.** Where any holding is situate partly in two or more districts, it shall be deemed for the purposes of this Part, of Part V, and of Part VII, 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 this section, be deemed to be the greater part.

PART IV.

TRAVELLING STOCK RESERVES AND CAMPING  
RESERVES AND TRAVELLING STOCK.

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

Control of  
travelling  
stock and  
camping  
reserves.

(2) The Minister may from time to time cause an inquiry to be made by an officer of the Public Service authorised by him in that behalf for the purpose of determining which of the travelling stock reserves, camping reserves or parts thereof, not under his control, are required in the interests of travelling stock.

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

(3) The Minister may, after any such inquiry, notify the Minister for Lands of the travelling stock reserves, camping reserves or parts thereof, which are in his opinion required in the interests of travelling stock, and the Minister for Lands shall forthwith, by notification published in the Gazette, place under the control of the Minister such travelling stock reserves or camping reserves or parts thereof, except so far as any such reserve or part thereof is within a State forest or is within the Western Division :

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

(4) The Minister shall have the general management, maintenance, and control of any reserves or parts thereof which are under his control, and may take such measures as he deems proper 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.

Ringbarking,

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

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

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

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

Such licenses shall contain such conditions as the Commission think desirable, including a condition providing for the lopping and stacking of heads of trees and debris.

(4) Where any such reserve or part thereof which is under the control of the Minister is held under annual lease or occupation license, the Minister for Lands may, notwithstanding anything to the contrary in the Crown Lands Acts, cancel such lease or license, as to the part of the land 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 shall to that extent be terminated.

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

Withdrawal of reserves from control of Minister. 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 for which lands may for the time being be dedicated under the Crown Lands Acts.

(3) The Minister shall be entitled to compensation for any improvements effected by him on such lands, and such compensation shall not in any case exceed the cost of effecting such improvements.

(4)

(4) Where the Minister for Lands and the Minister fail to agree in regard to the amount of compensation the amount shall be determined in such manner as the Governor directs.

Any compensation shall be paid out of funds provided by Parliament into the Pastures Protection Fund.

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

**29.** (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.

Rate on travelling stock.

(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 Minister or his authorised officer at the time of the issue of the permit or renewed permit and paid into the Pastures Protection Fund.

(4) The Minister or some person authorised by him in that behalf may recover as a debt in any court of competent jurisdiction from any person whose stock travels without a permit or renewed permit, such amount as would have been payable as a rate upon the issue of a permit or renewed permit for the journey travelled by such stock.

(5) The regulations may prescribe different rates for different districts and may prescribe exemptions from the rate and cases in which the rate may be waived or modified by the Minister.

(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.

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**30.** (1) The Governor by the regulations may require a fee to be paid in any district specified in the regulations on all working large stock used by a teamster or carrier on any travelling stock reserve under a license from the Minister, and such regulations may prescribe different fees for different districts.

Fee on working large stock.

(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.

(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 Minister may in a particular case think necessary.

(4) The Minister may grant permission to a drover to place working large stock used by him in his occupation as a drover on any travelling stock reserve in the district in which he resides for a period specified in the permit on payment of the prescribed fee which shall not exceed two shillings per head per month.

Fee on drovers' stock.

**31.** The Minister may from time to time in the manner and subject to the limitations prescribed, grant permits to graze over any travelling stock reserve, or camping reserve, or part thereof under the control of the Minister for a period not exceeding one year, subject to such rents, terms, and conditions as may be imposed by the Minister.

Grazing permits. No. 35, 1912, s. 26D.

**32.** The Minister may grant permits to use a portion of any travelling stock reserve or camping reserve under his control as an apiary for any period not exceeding in each case one year and may renew any such permit.

Permits for apiary site.

No building or fence shall be erected on such portion without the consent of the Minister.

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

**33.** All moneys received by the Minister under or in pursuance of this Act, and all fines recovered by the Minister for any offence against this Act or the regulations, shall be carried to an account to be called the Pastures Protection Fund.

Pastures Protection Fund. Ibid. s. 26C (2)

Such

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Such fund shall be used—

Use of fund.

- (a) in payment of the costs of administration of this Act ;
- (b) in carrying out the management, maintenance, control, and improvement of reserves under this Part ;
- (c) to recoup the Colonial Treasurer the sum of one thousand pounds advanced to the Southern Tablelands Dingo Destruction Board ;
- (d) for any other purpose which may be prescribed.

**34.** (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 air, or by water unless—

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

- (a) (i) in the case of travelling stock, a permit for the journey has been issued by a permit officer or other prescribed person ; or
- (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, a license for the use by the teamster or carrier of the reserves has been issued ; or
- (iii) in the cases in which a travelling statement is required the person in charge has in his possession a travelling statement ; and
- (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 ;
- (c) in the case of sheep or large stock being moved by the most direct route to a contiguous holding ;

(d)

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- (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
- (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.

A travelling statement shall not be required where stock are travelling under an order, permit, or license issued or granted under the provisions of the Stock Diseases Act, 1923.

(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.

(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 are so detained has granted permission for the stock to proceed after such detention and has endorsed the permit accordingly.

(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 having travelled under such statement except upon a permit.

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

**35.** (1) If at any time within three months from the date of the arrival of any stock at a destination to which 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 Stock starting from previous destination to pay travelling charge.

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addition to the travelling rate pay a travelling charge at 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.

(2) The renewed permit may be issued by and the travelling rate and travelling charge shall be paid to the inspector of the district in which the stock are, or in his absence, to such officer of the Public Service or member of the police force as may be prescribed.

(3) On the removal by the owner of any such stock offered for sale at a recognised 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 moved upon an ordinary permit.

(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 for the district, change such route or the destination upon obtaining a renewed permit and paying in addition to the travelling rate travelling charges from the point where the change of route begins to the destination mentioned in the renewed permit. Change of route.

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

Provided that where the route mentioned in a permit or renewed permit is one which passes through land quarantined under the provisions of the Stock Diseases Act, 1923, or upon which stock infected within the meaning of that Act have been quarantined, an inspector may order such route to be changed, and in that case no renewed permit shall be necessary nor shall any additional travelling charges be payable in respect of such changed route.

(6)

(6) The Minister may, under any circumstances which he decides to be special, remit or waive any travelling charge imposed under this section.

**36.** The person in charge of travelling stock or working large stock shall on demand by an inspector, permit officer, member of the police force, inspector under the Stock Diseases Act, 1923, 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.

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

**37.** Except in such circumstances and in such districts 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.

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

Such T brand shall not be used in any manner so as to obliterate or deface a registered brand.

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

**38.** The regulations may provide that any person 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.

Travelling stock not to use made roads.

**39.** Any person who, except in such districts as are prescribed, drives or carries stock along any road or travelling stock reserve during the period between one hour after sunset and one hour before sunrise 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.

Stock not to be driven at night without consent.

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**40.** The person in charge of stock travelling on a permit or renewed permit along any road or travelling stock reserve shall, when the stock enter a district other than that in which he commenced to travel such stock, notify in the prescribed manner the inspector for such district that the stock have entered such district, provided that in any district that may be prescribed, such notice shall not be necessary. Any person failing to comply with this section shall be liable to a penalty not exceeding *ten* pounds.

Person in charge of travelling stock to notify inspector. No. 35, 1912, s. 108.

**41.** Except in such districts as are prescribed, no person shall drive travelling stock along any part of a road or travelling stock reserve which—

Stock travelling past holding: notice to occupier.

(a) intersects or adjoins any holding exceeding five hundred acres in area; and

*Ibid.*

(b) is not separated from the holding by a fence sufficient to prevent the passage of stock,

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 holding.

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

**42.** Any person in charge of travelling stock who leaves such stock unattended on any travelling stock reserve, and any person who deposits any rubbish on any travelling stock reserve, shall be liable to a penalty not exceeding *ten* pounds.

Stock unattended on reserves: depositing rubbish.

**43.** (1) All travelling stock shall be taken by the drover thereof by the route specified in the permit, renewed permit, or travelling statement which shall be the most direct route practicable or the route ordinarily used for the purpose of travelling stock to the place of destination.

Route. *Ibid.* s 107 (1).

(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.

**44.** (1) Subject to this section, when stock are travelling on any journey occupying more than twenty-four hours, the person in charge shall during such part of 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 as stock are permitted to be driven or carried, cause them to travel towards their destination—

Rate of travel.

- (a) if they are large stock, a distance of not less than ten miles;
- (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 inspector under the Stock Diseases Act, 1923, 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.

(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
- (b) during any period in which the stock are detained elsewhere than on a road or travelling stock reserve; or
- (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 Minister; or
- (d) in such other cases or periods as are prescribed.

**45.** Save as prescribed 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

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

**46.** (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 of such land 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.

**47.** Where any travelling stock dies on or within half a mile of any road or travelling stock reserve, the person in charge of such stock shall within forty-eight hours of the death destroy the carcase by burning or bury the same.

Carcases to be destroyed or buried. cf. No. 35, 1912, s. 111.

Any such person shall be liable to a penalty not exceeding *one* pound for each such carcase which he fails to so destroy or bury.

**48.** Any travelling stock may, with the permission of the inspector for the district endorsed on the permit or renewed permit, be kept for the period specified in such endorsement 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 owner of such travelling stock shall pay to such inspector such fees as are prescribed.

**49.** Where the lessee of or the holder of a grazing permit over 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.

Lessees of travelling stock reserves and travelling stock.

**50.** Notwithstanding that a rate has been charged, or a license issued for stock using a travelling stock reserve, camping reserve, or other reserve, the Minister or any officer or person acting in the execution of this Act shall not be held responsible for any losses of stock or injury to stock due to poison laid by the Minister or any such officer or person if notice has been given in the prescribed manner that poison is to be used on such reserve, and of the position or place where such poison is to be used, and if conspicuous notice-boards have been erected where such poison is used.

Poison on reserves.

**51.** (1) No person shall, without the written permission of the Minister, erect any structure or fence upon a travelling stock reserve.

Structures or fences on reserves.

(2) 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.

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

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

- (a) travelling stock travelling on a permit, renewed permit, or travelling statement, or on an order, permit, or license issued or granted under the provisions of the Stock Diseases Act, 1923, and with some person then in charge;
- (b) travelling pigs or goats with some person in charge;
- (c) stock, pigs, or goats depastured thereon in accordance with the conditions of any lease or license from the Crown, or stock depastured thereon under a grazing permit from the Minister;
- (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;
- (e) working large stock; or

(f)

(f) in the case of a public watering-place stock entitled to pasture or water thereon in accordance with the provisions of the Public Watering-places Act, 1900, or the regulations thereunder,

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 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 or public watering-place.

(2) Any such trespassing stock so found may be impounded by the Minister 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.

The inspector, officer, or person impounding any animal shall drive, lead, or otherwise take it to such pound as he deems convenient.

The Minister 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, 1919.

(3) Any horse 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 be destroyed by such inspector.

(4) The Local Government Act, 1919, is amended Amendment of Act No. 41, 1919, s. 424. by omitting from section four hundred and twenty-four the words "Pastures Protection Board under whose control such reserve has been placed under section 26A of the Pastures Protection Act, 1912," and by inserting in lieu thereof the words "the inspector of stock for the district appointed or deemed to be appointed under the Pastures Protection Act, 1932."

**53.** The Minister may collect the like deterrent fees Impounding fee. and driving charges in connection with stock impounded from any travelling stock reserve under his control as are prescribed under the provisions of section four hundred and thirty-one of the Local Government Act 1919, in connection with stock impounded by a council

PART V.

NOXIOUS ANIMALS.

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

(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, and may in like manner revoke or vary any such proclamation. cf. No. 35, 1912, ss. 58, 67.

(3) The Local Government Act, 1919, is Amendment of Act No. 41, 1919, s. 466. amended by omitting from section four hundred and sixty-six the figures "1912" and by inserting in lieu thereof the figures "1932."

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

(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).

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

**56.** It shall be the duty of the occupier of any Duty of occupiers to destroy noxious animals. land to suppress and destroy by any lawful method and in accordance with the requirements of the Minister 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.

Where

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 Minister may require.

Any occupier who fails to carry out such duty 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 penalty not exceeding *one hundred* pounds.

**57.** (1) The Minister 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 the notice any one or more of the prescribed methods mentioned in the notice 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 noxious animals.

Power to  
require  
destruction.  
of. No. 35,  
1912, s. 61.

(2) The Minister 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 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 and destruction of a noxious animal when required so to do by the terms of any notice or order published or made in pursuance of this section; or
- (b) fails to continue such methods during his occupation while any noxious animal is on the land,

shall be liable on summary conviction for the first offence to a penalty not exceeding *twenty-five* pounds, and for any subsequent offence to a penalty not exceeding *fifty* 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 Minister may enter upon any land at any time and remain upon such land and take all such steps as are necessary for the purpose of ascertaining whether the requirements of this Act relating to the suppression and destruction of noxious animals have been carried out.

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

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.

**58.** Subject to the provisions of the Careless Use of <sup>Burning</sup> Fire Act, 1912, as amended by subsequent Acts, and for <sup>undergrowth,</sup> the purpose of destroying or suppressing noxious animals, <sup>&c.</sup> any occupier may, within any period for which permission has been given by the Minister, and subject to such conditions as the Minister may impose, burn any straw, stubble, grass, herbage, scrub, wood, or other inflammable material on the land occupied by him.

**59.** (1) The Governor may, by proclamation pub- <sup>Natural</sup> lished in the Gazette, declare any animal, bird, or reptile <sup>enemies</sup> to be a natural enemy of any noxious animal, and may <sup>of noxious</sup> by the same or by any subsequent proclamation prohibit <sup>animals-</sup> the destruction of any such animal, bird, or reptile <sup>No. 35, 1912,</sup> within any district specified in the proclamation. <sup>s. 69.</sup>

(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.

**60.**

**60.** The Minister may grant permission to keep 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 the Pastures Protection Fund.

Permission to keep noxious animals. of. No. 35, 1912, s. 71.

**61.** (1) The obligation laid by the provisions of this 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—

Meaning of land.

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

(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.

(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 and from which it is so fenced.

**62.** 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;
  - (b) wilfully or negligently leaves open any gate in such a fence;
- Penalty for miscellaneous offences. Ibid. s. 70.

(c)

- (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 ;
- (d) liberates or, without the written permission of the Minister, has in his possession any noxious animal ;
- (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 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,

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

**63.** (1) The Minister shall, out of the Pastures Protection Fund, pay a bonus at the rate prescribed in respect of any district for the destruction of dingoes destroyed 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) The Minister may, from such fund, pay a bonus for the destruction of any other noxious animal destroyed within any district at such rate as he may from time to time notify in a newspaper circulating in the district.

**64.** 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 inspector for the district, or to a person duly authorised by the Minister to receive the same, a certificate in the prescribed form shall be granted by him to the person delivering the scalps.

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

The amount specified in any such certificate shall be payable on presentation to the Minister.

All such scalps shall be forthwith destroyed by fire by the inspector or such authorised person in the presence of

of a witness. The person destroying the scalps and the witness shall certify to the Minister 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 Minister may direct.

**65.** (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 *one hundred* pounds. False claims for bonus. No. 35, 1912, s. 68.

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

## PART VI.

### RABBIT, MARSUPIAL, AND DOG-PROOF FENCES.

#### DIVISION 1.—*Wire-netting.*

**66.** (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 of any machinery, plant, or substances for the destruction of noxious animals, the Minister may apply the same to such purposes. Supplying netting, &c.

(2) The Minister may sell or let any such netting, material, machinery, plant, or substances to any owner of private land within a district under his control on the terms and subject to the execution of such agreement as is prescribed.

(3) The cost of any such netting, machinery, materials, plant, and substances so sold, and all expenses in connection with the same, shall be repaid by such owner

owner to the Minister in instalments spread over such period as the Minister may determine, with interest on the amount due at the rate prescribed.

(4) (a) Such purchase money and interest shall be a charge on the holding of the owner referred to in the agreement; such charge shall have priority over all mortgages or other charges thereon;

(b) any such netting shall be erected within such period after delivery thereof as may be specified by the Minister;

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

(5) Nothing in this section shall affect the operation of any provision of the Conveyancing Act, 1919-1930.

**67.** If any owner of a holding makes default in respect of the payment of any instalment payable to the Minister in respect of netting or other material, machinery, plant, or substances, interest shall be charged on such instalment at a rate not exceeding 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.

**68.** (1) Where the owner of a holding owes money to the Minister 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 Minister, 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 Minister. Payment to the Minister by adjoining owner of cost of netting supplied. Ibid. s. 32.

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

(3)

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

Notice to the Minister 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 Minister in terms of this section.

Payment directed by local land board.

**69.** (1) Where it appears to the Minister 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 Minister, but not fully paid for, has neglected to maintain or repair such netting or material, or any part thereof, the Minister may give notice to such occupier or owner to execute the works necessary to maintain or repair the same.

Maintenance of netting and material in respect of which moneys are payable. No. 35, 1912, s. 33.

Where such works are not forthwith executed to the satisfaction of the Minister, he 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.

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

Certificate as evidence.

**70.** 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 purchased out of money voted by Parliament.

Supplying of netting, &c., to occupiers of holdings. Ibid. s. 34.

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 the time specified by the Minister.

**71.** Where the owner of a holding owes money to the Minister 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

Where holding forfeited or abandoned or surrendered to the Crown, netting to vest in the Crown. cf. Ibid. s. 35.

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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.

**72.** Any person who—

- (a) wilfully uses or disposes of any netting, materials, machinery, plant, or substances supplied by the Minister under this Act, or by a board under any Act hereby repealed, for any purpose or in any way other than that for which they were so supplied; or
- (b) fails to erect netting or materials supplied within the period specified by the Minister shall on summary conviction be liable to a penalty not exceeding *fifty* pounds.

Penalty for misuse of netting, &c. of. No. 35, 1912, s. 26.

DIVISION 2.—*Fences.*

**73.** 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.

**74.** (1) Where any fence is alleged to be rabbit-proof, dog-proof, or marsupial-proof the Minister may, 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 the Minister that fence is rabbit-proof, dog-proof, or marsupial-proof. cf. *Ibid.* s. 45.

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

(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.

Certificate prima facie evidence.

**75.** (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

Rabbit, dog, or marsupial proof fence may cross road. *Ibid.* s. 46.

of such owners or occupiers, permission to carry a rabbit-proof, dog-proof, or marsupial-proof fence across such road, reserve, or public lands.

(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.

(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.

(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.

**76.** 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 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, 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 the same in accordance with the provisions of the Crown Lands Acts or the Western Lands Acts.

Rabbit, dog, or marsupial proof fence to be an improvement. No. 35, 1912, s. 47.

**77.** (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 the chairman of the local land board that he intends to make

Notice of intention to fence occupation license or annual lease, &c. Ibid. s. 48.

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.

(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 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 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 local land board on application may allow.

**78.** 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 Minister, it is unnecessary to erect a rabbit-proof, dog-proof, or marsupial-proof fence, such holding, or portion of a 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.

Exemption from fencing boundary in certain cases.

**79.** (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 Division, 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.

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

(2)

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

Contributions.

- (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;
- (b) 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;

(c)

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(c) 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;

(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;

(d) 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;

(e) any determination of the local land board under this section shall be registered in the Register of Causes, Writs, and Orders affecting land in the office of the Registrar-General; upon such registration the amount so determined or so much thereof as may for the time being remain unpaid shall, until payment, be and remain a charge on the land in respect of which such contribution is payable.

(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, 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 entitled to a contribution. Rental in lieu of 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 exceeding six per centum upon half the value of the fence at the date of the claim, or half the value of the work

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 maintenance and repair of the fence as may be agreed upon between the parties, or, failing such agreement, as may be determined by the local land board.

(7) Nothing in the Crown Lands Acts, the Western Lands Acts, or any Act relating to dividing 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 twelve months from such commencement.

Any notice of demand 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 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, or where the adjoining land is, at the date of the completion of the work for which contribution is claimed, held under an occupation license or preferential occupation license or any lease from the Crown having less than five years to run at the date of such completion, then within twelve months after such land ceases to be so held, or if such land thereupon becomes public land and no contribution is paid by the Crown, then within twelve months after such land becomes private land in respect of which a contribution is payable.

(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 where the land is situated within the Western Division, to the Commissioners of the Western Land Board.

80. (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 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 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 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.

(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 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, and the local land board shall have power to assess and determine the amount of any such contribution.

81. (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 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 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

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

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.

**82.** (1) The Minister may, where he 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—

Fencing reserves.  
No. 35, 1912,  
s. 52A.

(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 ;

No. 49, 1918,  
s. 3.

Stock-proof fence : erection.

(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.

(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 any fence already thereon.

Rabbit-proof, marsupial-proof, or dog-proof fence.

(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

Work done by owner.

shall be entitled to claim and recover from the Minister 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.

(3) If the owner fails to comply with the terms of the notice the Minister 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.

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

(b) 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 Minister maintains the fence.

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

Determining cost of work.

(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.

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

Roads or watercourses intervening between holdings.

No. 35, 1912, s. 52B.

No. 49, 1918, s. 3.

(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.

**84.** (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.

Contribution towards cost of rabbit, dog, and marsupial-proof fences. No. 35, 1912, s. 52c. No. 49, 1918, s. 3.

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 3.—*Procedure.*

**85.** 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 or the major part thereof shall be situated within the boundaries of the jurisdiction of such board or court.

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**86.** 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. No. 35, 1912, 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.

**87.** 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 court 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.

**88.** 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 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.

Procedure. Ibid. s. 77.

**89.**

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**89.** (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 court 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.

a Case may be stated for Supreme Court. No. 35, 1912, s. 78.

(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.

**90.** 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, 1919-1930, 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 being be 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.

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

**91.** (1) It shall be lawful for a mortgagee to add 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 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.

Mortgagees and trustees.

(2)

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(2) Where the owner or the person entitled to the immediate possession of land is a trustee whether 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 subject to the trust or in paying contributions determined under this Act in respect of such a fence.

**92.** The Minister may refer to the local land board any question as to the granting of his consent to the erection of a rabbit-proof, dog-proof, or marsupial-proof 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 Act; and such board shall hear, examine, and report thereon to the Minister. Powers of Minister.

**DIVISION 4.—Offences.**

**93.** Any person wilfully or negligently causing injury to or interfering in any way with a rabbit-proof, dog-proof, or marsupial-proof fence, and any person erecting breaks against any such fence shall, on conviction, be liable to a penalty not exceeding *twenty-five* pounds, and in addition shall be liable for the cost of repairing the fence. Persons interfering with rabbit-proof, dog-proof, and marsupial-proof fences.

PART VII.

BRANDING AND EARMARKING OF SHEEP.

**94.** 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 :

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

Provided that branding may be deferred until after the first shearing of any sheep where such sheep have been earmarked and have not been moved from the holding upon which they are depastured except for the purpose of shearing at a shearing shed which is not more than twelve miles distant from the holding upon which such sheep are depastured.

**95.** (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.

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

(2) No person shall, except in such circumstances and under such conditions as are prescribed, 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.

(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.

Transfer of  
brand and  
earmark.

(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.

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

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

**96.** (1) Application for the registration of a brand and earmark shall be made to the inspector for the district in which the holding of the applicant is situated in the prescribed manner, and shall be accompanied by the prescribed fees.

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

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*Pastures Protection.*

(2) Application for the transfer of a brand and earmark shall be made to the inspector for the district in which the holding of the applicant is situated in the prescribed manner, and shall be accompanied by the prescribed fees.

(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.

**97.** 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 inspector who receives the same 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.  
cf. No. 35, 1912, s. 134.

**98.** (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).

(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.

**99.** 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.

**100.** (1) The Registrar of Brands shall in the prescribed manner keep a register of all brands and earmarks, and the inspector for each district shall in the prescribed manner keep a register of brands and earmarks registered for use in his district.

Registration of brands and earmarks.

(2) The Governor may by notification published in the Gazette, direct that a district be divided into subdistricts for the purposes of his Part, and where a district is so divided a separate register shall

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shall be kept for each subdistrict, and each subdistrict shall for the purposes of this Part be deemed to be a district.

(3) A certificate from the Registrar of Brands as to the registration or non-registration of a brand or earmark, and as to such other particulars as are contained in the register, shall be evidence of the facts contained therein.

**101.** 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 inspector 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.

Cancellation of registration. No. 35, 1912 s. 132 (5).

**102.** (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.

Death of proprietor. Ibid. s. 132 (6).

(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 the person beneficially entitled to the holding.

(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.

**103.** 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.

Restoration to register.

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

Distinctive brands and earmarks. Ibid. s. 132 (2).

**105.** (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.

Size and positions of brands and earmarks.

(2)

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

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

(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) 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.

**106.** (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.

(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.

**107.** (1) Every person who—

Offences. No. 35, 1912, s. 140.

- (a) brands or earmarks with his registered brand or earmark any sheep of which he is not the owner ;
- (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 ;
- (d) destroys or defaces a brand on any sheep ;
- (e) except in the case of distinctive earmarks, alters an earmark on any sheep, or places any additional earmark on the same ear of a sheep which has been earmarked ;
- (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)

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- (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 in the case of sheep on his holding within two months, and in the case of travelling sheep within three days of the same coming into his possession, fails 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.

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PART VIII.

MUSTERING.

**108.** (1) Every owner of fifty or more sheep or twenty head or more of cattle shall give the occupier of any adjoining holding who has a like number of sheep or cattle 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 cattle from his holding or, except in the case of a holding containing less than three thousand acres, 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 or to grant such permission shall, unless he has obtained such consent, for every such offence be liable to a penalty not exceeding *fifty* pounds.

**109.** An inspector may, with the approval of 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 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 in any court of competent jurisdiction by the Minister from the owner or occupier failing to comply with the order.

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PART IX.

GENERAL PROVISIONS.

**110.** The Minister may authorise any officer to exercise and perform either generally or in any particular case any of the powers, duties, and functions conferred or imposed upon him by the provisions of this Act, other than the power to order payment of a fine.

Power of Minister to delegate.

**111.** (1) Subject to the provisions of section one hundred and thirteen of this Act, 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.

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

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

Who may proceed: Penalties. Ibid. s. 168 (2).

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

Recovery of money. Ibid. s. 168 (3).

(2) A jurisdiction otherwise competent, shall not be ousted on the ground that the title to any land, 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.

**113.** (1) Where it appears to the Under-Secretary of the Department of Agriculture that a person has failed to comply with the provisions of this Act or the regulations made thereunder, the Under-Secretary may send by post to that person a notice in the prescribed form—

Power of Minister to impose fines.

- (a) informing him that he appears to have failed to comply with the provisions of the Act or regulations referred to in the notice;
- (b) requiring him to state the true reason for such failures;
- (c) informing him that he may, if he so desires, have the matter dealt with by the Minister;

(d)

Pastures Protection.

(d) informing him that if the matter is dealt with by the Minister, the Minister may, if he considers the reason stated for such failure is unsatisfactory, make an order for the payment of such sum not exceeding ten pounds, as he thinks fit.

(2) Every person to whom such a notice has been sent shall—

(a) fill up the form at the foot of the notice by stating the true reason for his failure to comply with the provisions of the Act or regulations as referred to in the notice, and whether he consents to the matter being dealt with by the Minister ;

(b) sign the form ; and

(c) post or deliver the form so as to reach the Under-Secretary not later than the date inserted in the notice,

(3) Any person who—

(a) fails or neglects or refuses to fill up and sign the form at the foot of the notice and post or deliver the form to the Under-Secretary of the Department of Agriculture so as to reach him within the time specified in the notice ; or

(b) states in the form a false reason for his failure to comply with the provisions of the Act or regulations referred to in the notice,

shall be liable to a penalty not exceeding *ten* pounds.

(4) When any such person has notified the Under-Secretary that he consents to the matter being dealt with by the Minister, the Minister may, if he is of opinion that the reason stated by the person for his failure to comply with the provisions of the Act or regulations referred to in the notice is unsatisfactory, make an order requiring the person to pay a sum not exceeding ten pounds within the time specified in the order and notify the person accordingly.

(5) If within the time specified in the order such person pays the said sum and complies with the provisions of the Act or regulations referred to in the notice,

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notice, if such provisions require to be complied with, he shall not be liable to prosecution in respect of the failure referred to in the notice.

(6) Any sum paid to the Minister in accordance with the provisions of this section shall be paid into the Pastures Protection Fund.

**114.** Every person who commits a breach of any of 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. General penalty. No. 35, 1912, s. 169.

**115.** Any person who neglects or refuses to give 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. Penalty for not giving information. Ibid. s. 170.

**116.** Any person who obstructs, hinders, interrupts, threatens, or assaults any inspector or other officer appointed under this Act, or any person authorised by the Minister, whilst in the performance of his duty, shall on summary conviction be liable to a penalty not exceeding *fifty* pounds. Obstructing persons authorized under this Act. Ibid. s. 171.

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.

**117.** Any notice, information, complaint, agreement, or other document, shall be sufficiently authenticated if it is signed by the Minister or officer authorised by him, and authority in such officer so to sign shall be presumed unless and until the contrary is shown. Authentication of documents, &c. Ibid. s. 172.

**118.** (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:—

(a) personally to the person to whom the notice is addressed; or

(b)

Service of notices. Ibid. s. 173.

- (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
- (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.

(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 occupiers or owners.

**119.** 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.

**120.** 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.

**121.** (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 or any Act hereby repealed, 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.

(2)

(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 Minister, proof shall not, until evidence is given to the contrary, be required of—

- (a) the due constitution of a district or sub-district;
- (b) the boundaries of a district or sub-district;
- (c) the fact that any land or place is within a district or sub-district;
- (d) the appointment of any inspector, permit officer, or any servant or officer;
- (e) 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;
- (f) the fact that any land in question is within the jurisdiction of any court or local land board.

**122.** (1) In any legal proceedings under this Act, <sup>Ownership.</sup> 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 deed, conveyance, or other instrument under the Registration of Deeds Act, 1897, as amended by subsequent Acts, or from the register-book under the Real Property Act, 1900, as amended by subsequent Acts, to be the owner or lessee of any land, or in the case of lands held under any tenure under the Crown Lands Acts, a certificate of the Crown lands agent of the district shall be prima facie evidence that such person is owner, holder, or lessee, as stated in the certificate, of the land for the estate or interest specified in the certificate.

(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, take judicial notice of the signature of the Registrar-General and his deputy and of the Crown lands agent signing the certificate.

**123.** (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 prescribed, or which is 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—

Regulations.

- (a) the fee or commission to be paid to permit inspectors ;
- (b) the reasonable fees for any service or inspection rendered by the Minister, inspectors, or officers, or for any registration license or permit or other matter done or service rendered under this Act ;
- (c) the registration, cancellation of registration, and transfer of brands and earmarks ;
- (d) the construction and use of branding and ear-marking instruments ;
- (e) the use of brands and earmarks ;
- (f) the duties of the Registrar of Brands ;
- (g) the compilation and publication of the brand and earmark directory, and the list of brands and earmarks.

(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 ;
- (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 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.

**124.** So far as relates to the Western Division—

- (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.

Western Division. No. 35, 1912, s. 179.

**125.** The Land and Valuation Court Act, 1921, is amended—

- (a) by omitting from subsection two of section three the words “ the Pastures Protection Act, 1912 ” ;
- (b) by omitting from paragraph (a) of section eight the words “ the Pastures Protection Act, 1912,” and by inserting in lieu thereof the words “ the Pastures Protection Act, 1932.”

Amendment of Act No. 10, 1921.

Sec. 3. (Dissolution of Land Appeal Court and Savings.)

Sec. 8. (Jurisdiction of court.)

SCHEDULE.

Sec. 3 (1).

Number of Act.	Title or short title.	Extent of repeal.
No. 35, 1912 ...	Pastures Protection Act, 1912 ...	The whole.
No. 49, 1918 ...	Pastures Protection (Amendment) Act, 1918.	The whole.
No. 25, 1920 ...	Pastures Protection (Amendment) Act, 1920.	The whole.