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

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 6 November, 1934.

New South Wales.

ANNO VICESIMO QUINTO

GEORGII V REGIS.

* *

Act No. 35, 1934.

An Act to provide for the protection of pastures; to provide for the constitution of pastures protection boards, and dingo destruction boards; to amend the law relating to the branding and earmarking of sheep, travelling stock reserves, public watering-places, the destruction of noxious animals and certain other matters; to validate certain matters; to amend the Local Government Act, 1919, and certain other Acts; to repeal the Pastures Protection Act, 1912, and the Acts amending the same, and the Public Watering-places Act, 1900; and for purposes connected therewith. [Assented to, 14th November, 1934.]

BE

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

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

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

PART I.

PRELIMINARY.

Short title and commencement.

1. (1) This Act may be cited as the "Pastures Protection Act, 1934."

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

Division into Parts.

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

PART I.—PRELIMINARY—*ss.* 1–4.

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

PART III.—RATES—*ss.* 25–40.

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

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

PART VI.—NOXIOUS ANIMALS—*ss.* 79–108.

DIVISION 1.—*General*—*ss.* 79–91.

DIVISION 2.—*Alsatian Dogs*—*ss.* 92–95.

DIVISION 3.—*Dingo destruction districts*—*ss.* 96–108.

PART VII.—RABBIT, MARSUPIAL, AND DOG-PROOF FENCES—*ss.* 109–143.

DIVISION 1.—*Wire netting*—*ss.* 109–116.

DIVISION 2.—*Fences*—*ss.* 117–128.

DIVISION 3.—*Barrier fences*—*ss.* 129–134.

DIVISION 4.—*Procedure*—*ss.* 135–142.

DIVISION 5.—*Offences*—*s* 143.

PART VIII.—BRANDING AND EARMARKING OF SHEEP —*ss.* 144–157.

PART

PART IX.—Mustering—*ss.* 158, 159

PART X.—General Provisions—*ss.* 160–173.

SCHEDULE.

Repeal.

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

Continuity of boards and districts.

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

Saving of rights, etc.

(a) boards continued under this Act shall have and enjoy as far as relates to any previous or pending transaction or matter, all rights, powers, protections, and property acquired by them, and be subject to all liabilities incurred or indemnities given by them under the enactments repealed by this Act;

Proclamations, returns, etc.

(b) all proclamations and notifications made, and all sanctions and notices given under the enactments repealed by this Act the operation of which is not exhausted at the commencement of this Act, shall be deemed to have been made and given under the corresponding provisions (if any) of this Act, and shall have and take effect accordingly;

Chairmen and directors of boards.

(c) the chairman and directors of any board elected or appointed under the enactments repealed by this Act and holding office at the commencement of this Act shall continue to hold office until the thirtieth day of April in the year one thousand nine hundred and thirty-seven.

Rolls.

(d) all electoral rolls prepared under the provisions of the enactments repealed by this Act and in force at the commencement of this Act shall be rolls of electors under this Act until fresh rolls of electors are compiled and are in force under this Act;

(e)

Rates.

(e) subject to subsection four of this section all rates, charges, fees, and sums of money which under the enactments repealed by this Act 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 and such rates, charges, fees, and sums of money (including money which by the operation of that subsection is payable to or recoverable by the Minister) shall remain a charge on land until payment;

Regulations.

(f) all regulations made under the enactments repealed by this Act 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, replaced, or amended by regulations made under this Act;

Appointments.

(g) all appointments of officers duly made under the enactments repealed by this Act, and which have not been terminated at the commencement of this Act, shall continue and be of the same force and effect as if made under this Act;

Permits, leases, and licenses.

(h) 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 enactments repealed by this Act, and in force at the commencement of this Act, shall continue in force for the period for which it was granted, subject to the provisions of this Act;

Printed forms.

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

Public watering-places.

(j) every public watering-place declared or established in accordance with the provisions of the Public Watering-places Act, 1900, or proclaimed in accordance with the provisions of section four hundred and ninety-seven of the Local Government Act, 1919, and in existence at the commencement

commencement of this Act, shall be deemed to be a public watering-place declared under the provisions of this Act;

(k) every lease of a public watering-place granted under the enactments repealed by this Act and in force at the commencement of this Act shall continue in force for the unexpired portion of the term thereof, and the lessee shall be subject to the same rights, obligations, and liabilities as if the lease had been granted under the provisions of this Act; Lease of public watering-place.

(l) every caretaker of a public watering-place appointed by the Minister or a council under the Public Watering-places Act, 1900, or section four hundred and ninety-seven of the Local Government Act, 1919, and whose appointment has not been terminated before the commencement of this Act, shall be deemed to be appointed by the controlling authority constituted by this Act. Caretaker of public watering-place.

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 of 1897.

(3) (a) Where before the commencement of this Act the council of any municipality or shire has effected improvements on any public watering-place (other than a public watering-place which has been declared to be a town water supply) to which the provisions of paragraph (j) of subsection two of this section apply, such council shall be entitled to compensation for the improvements in accordance with this subsection.

(b) A claim for compensation shall be made to the board which under this Act becomes the controlling authority of the public watering-place.

Such claim shall not be made later than one year after the commencement of this Act.

(c) No such compensation shall be payable unless the Minister for Agriculture has certified in writing under his hand that compensation is properly payable.

(d) The amount payable as compensation shall not in any case exceed the cost of such improvements.

The amount of compensation shall be fixed by agreement between the board and the council.

Where the board and the council fail to agree in regard to the amount of compensation, the amount shall be determined by the local land board.

Any amount payable as compensation may be paid by the board to the council in such instalments as may be agreed upon by the board and the council, and where the board and the council fail to agree then in such instalments as shall be determined by the local land board: Provided that no interest shall be payable by the board to the council on any such amount.

(4) Where pursuant to any enactment repealed by this Act money was voted by Parliament for the purchase of wire-netting or other materials used in the construction of rabbit-proof fences or any machinery, plant, or substances for the destruction of rabbits, and such money was applied or lent in the manner provided in that enactment, the following provisions shall have effect:—

(a) The liability of the board of any district to the Colonial Treasurer in respect of such netting, materials, machinery, plant or substances, shall be reduced by an amount equal to the amount which, by the operation of paragraph (b) of this subsection, becomes payable to and recoverable by the Minister.

(b) All moneys and liquidated and unliquidated claims which, immediately before the commencement of this Act are payable to or recoverable by the board of any district in respect of such netting, materials, machinery, plant or substances sold or let to owners of private land shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Minister.

(c) All suits, actions, and proceedings pending immediately before such commencement at the suit of the board of any district in respect of such netting, materials, machinery, plant or substances sold or let to owners of private land shall respectively be suits, actions, and proceedings pending at the suit of the Minister.

(d) The Minister 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.

(e) The Minister may enforce and realise any security or charge existing immediately before such commencement in favour of the board, in respect of any such moneys and claims as if such security or charge were existing in favour of the Minister.

(f) The property in any netting or other materials and the right to recover any contribution which, by the operation of any enactment repealed by this Act have passed to and become vested in the board of any district consequent upon the forfeiture or surrender of a holding, and immediately before the commencement of this Act are the property and right of such board shall pass to and vest in the Minister.

In this subsection "the Minister" means the Minister to whom the administration of Part VII of this Act is committed.

Forms under repealed Acts.

(5) 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.

References to repealed Acts.

(6) Where in any Act, ordinance, regulation, or by-law reference is made to the provisions of any enactment repealed by this Act such reference shall be deemed to be to the corresponding provisions (if any) of this Act.

Liabilities incurred under repealed enactments.

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

(8)

(8) The provisions of subsections one, two, three and four of section one hundred and five of the Pastures Protection Act, 1912, as amended by the Pastures Protection (Amendment) Act, 1918, and the Pastures Protection (Amendment) Act, 1920, shall as from the date of the commencement of the Pastures Protection (Amendment) Act, 1920, be deemed to have applied and to have been in force in the pastures protection districts enumerated in the notification in the Gazette dated the eighth day of December, one thousand nine hundred and twenty, and published on the seventeenth day of December, one thousand nine hundred and twenty, and shall apply and be in force in such pastures protection districts until altered by notice in the Gazette or until the commencement of this Act, whichever shall first happen, but this subsection shall not affect any legal proceedings pending at the date on which this subsection takes effect.

This subsection shall take effect on whatever date this Act is assented to by or on behalf of His Majesty.

Interpretation. No. 35. 1912, s. 4.

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

"Board" means the pastures protection board for any district constituted or continued by or under this Act.

"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.

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

"Central Division" has the meaning given to the expression in the Crown Lands Acts.

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

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

"Crown Lands Acts" means the Crown Lands Consolidation Act, 1913, and all amending Acts, and includes the Closer Settlement Act, 1904, and all amending Acts, and the Returned Soldiers Settlement Act, 1916, and all amending Acts.

"District"

"District" means any pastures protection district constituted or continued by or under this Act.

"District Surveyor" means a district surveyor appointed for the purposes of the Crown Lands Consolidation Act, 1913.

"Dog-proof," see "Rabbit-proof."

"Earmark" means a mark cut out of the ear of a sheep.

"Eastern Division" has the meaning given to the expression in the Crown Lands Acts.

"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.

"Large stock" means horses, cattle, and camels.

"Local land board" means local land board as constituted and defined under the Crown Lands Acts, and in relation to the Western Division means local land board constituted and defined 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.

"Occupier"

(a) means the person for the time being entitled to the possession of any land, and except for any purpose of this Act relating to the obligation to pay any rate, expenses or contribution, includes where the person so entitled does not reside on the land, his resident manager or other person in charge of the land; and

(b)

(b) for the purposes of Part VI includes the Rural Bank of New South Wales, and the occupier or caretaker of any public watering-place, 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;

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

(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; or

(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

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 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 or deemed to be declared to be a public watering-place under this Act.

"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, as amended by the Registration of Stock Brands (Amendment) Act, 1923.

"Regulations" means 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

"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 or the Western Lands Acts, the notification, reservation, or dedication of which has not been revoked at the commencement of this Act, and any public watering-place.

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

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

"Western Lands Commissioner" means the Western Lands Commissioner appointed under the Western Lands Acts.

"Working large stock" means large stock in use for purposes of transport.

PART II.

Pastures Protection Districts and Boards.

Constitution of pastures protection districts.

No. 35, 1912, s. 5.

5. (1) The Governor may by proclamation published in the Gazette constitute pastures protection 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.

(2) 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.

6.

Board.

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

(2) The first general election of directors under this Act shall be held on such date in the month of April in the year one thousand nine hundred and thirty-seven as shall be appointed by the Minister and notified in the Gazette.

(3) A general election of directors shall be held in the month of April in the year one thousand nine hundred and forty and in each third year thereafter. The date of each such general election shall be appointed by the Minister and notified in the Gazette.

(4) The date appointed by the Minister for the holding of any general election shall be a date not less than four weeks after the date upon which the notification is published in the Gazette.

(5) The directors elected at any such general election shall take office upon the first day of May in the year in which the general election is held and shall cease to hold office upon the thirtieth day of April in the third year thereafter, but shall be eligible for re-election if otherwise qualified.

(6) Where no proper election of directors or of any director takes place upon the date appointed for the holding of a general election the Minister may cause an election to be held on a date to be appointed by him and notified in the Gazette or he may appoint the necessary number of persons eligible to be elected to be directors.

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

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

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

The office of chairman, or deputy-chairman, shall—

(a) commence on the day of his election thereto;

(b) become vacant on the day of the election of his successor or on the occurrence of an extraordinary vacancy in such office.

Where

Where an extraordinary vacancy occurs in the office of chairman or deputy-chairman a successor shall be elected to hold office for the remainder of the term.

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

(8) Four directors shall form a quorum.

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

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

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

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

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

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

Extra-ordinary vacancy.

8. (1) An extraordinary vacancy in the office of a director, chairman, or deputy-chairman shall occur if the person elected or appointed thereto—

(a) dies; or

(b) resigns his office by writing under his hand directed to the secretary of the board; or

(c) is absent without leave of the board from three consecutive meetings of the board; or

(d) is convicted of a felony or misdemeanour; or

(e) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898; or

(f) ceases for any reason to hold office before the day on which the office would ordinarily become vacant.

(2) If any director, chairman, or deputy-chairman becomes bankrupt within the meaning of the law in force for the time being relating to bankrupts, or if he compounds his affairs with his creditors, he shall thereby cease to hold office, but shall be eligible for re-election if not otherwise disqualified.

(3)

(3) An election to fill an extraordinary vacancy in the office of a director shall be carried out and conducted as prescribed, and the voting shall be by post.

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

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

(5) Where no proper election takes place within two months of the occurrence of an extraordinary vacancy the Governor may appoint a person eligible to be elected to fill the vacancy.

9. The board may allow to any director travelling and hotel expenses as prescribed. **Travelling expenses.** No. 35, 1912, s. 8.

No fee or other payment shall be allowed or made to any director unless in accordance with the regulations.

10. (1) On the proclamation of a new district the Minister shall, as soon as possible, prepare a roll or rolls showing the names of all persons entitled to vote at the election for directors, and thereafter the secretary of the board shall keep every such roll revised to date. **Roll of electors.** *Ibid.* s. 9.

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

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

11. (1) The Minister shall by notification published in the Gazette, divide each district which has not been exempted from the operation of this subsection into four divisions, and may in the like manner alter the boundaries of any such division. **Division of districts.** *Ibid.* s. 10.

Any

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

(2) The Minister may, on the application of a board whose district is situated within the Western Division, by notification published in the Gazette exempt the district from the operation of subsection one of this section.

Where the district of any such board has been divided into divisions the Governor may, on the like application by the same or a subsequent like notification, cancel such division.

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

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

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

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

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

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

(7) Where any district has been divided into divisions no person shall be eligible for election for a division unless his name is on the roll for the division and unless he is otherwise qualified for election or to vote in accordance with the provisions of this Act.

Qualification for—
(a) enrolment;

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

Provided that where the occupier is a person for the time being entitled to the possession of any land who does not reside on the land the occupier entitled to be enrolled shall be such person:

Provided

Provided further that such person may nominate in writing his resident manager or other person in charge of the land to be the occupier for the purpose of this section.

(b) voting;

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

(a) is enrolled for the division or district;

(b) is the occupier of land in respect of which—

(i) the return required by section thirty-nine of this Act, if any such is required to be made, has been made; and

(ii) all rates due and payable to the board have been paid,

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

(c) elections

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

(a) is enrolled for the division or district for which the election is held;

(b) is resident in the district;

(c) is the occupier of land in respect of which—

(i) the return required by section thirty-nine of this Act, if any such is required to be made, has been made; and

(ii) all rates due and payable to the board have been paid,

shall be qualified for election as a director.

(4) Where two or more persons holding jointly or in common are the occupiers of ratable land and reside thereon one of such persons shall be enrolled in respect of each ten head of large stock or one hundred sheep carried on the land or estimated by the board to be within the carrying capacity of the land.

The persons who shall be so enrolled shall in any such case be determined by such persons or a majority of them evidenced by an agreement signed by such persons or majority and delivered to the secretary of the board or, failing

failing such agreement, according to the alphabetical order of their surnames or, where the surnames are the same, of their other names.

Election of directors. No. 35, 1912, s. 11.

13. The election of directors of the board shall be conducted in the prescribed manner and the voting shall be by post.

Incorporation. *Ibid.* s. 12.

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

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

Power of boards to borrow.

(2) A board may borrow by way of limited overdraft on current account in any bank or banks upon the security of the board's funds or of any other assets of the board within such limits, to such extent, and for such purposes as may, from time to time, be approved by the Minister.

Duties of boards. *Ibid.* s. 16.

15. Every board—

(a) shall cause proper minute books to be kept of all its proceedings;

(b) shall cause true and regular accounts to be kept of all moneys received or paid by it under this Act, and shall give the owner or the occupier of any ratable land within the district access to such accounts at all reasonable hours;

(c) shall produce for inspection to any person duly authorised in writing by the Auditor-General or by the Minister all its books, accounts, agreements, vouchers, letters, or other documents which may relate to any matter under this Act.

16.

Yearly accounts to be published. No. 35, 1912, s. 17.

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

Such account shall be duly audited and certified.

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

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

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

17. A board shall have power to appear and be represented by counsel, solicitor or agent before a local land board in any matter before such local land board relating to the proposed curtailment or revocation of a travelling stock or camping reserve, or to the proposed closure of any road which affects the interests of travelling stock, or to an application for any lease or the conversion of any lease of land within or partly within any such reserve.

Dissolution of board.

18. (1) The Governor may by proclamation published in the Gazette dissolve any board whose district is wholly comprised in a new district or wholly distributed among other districts.

Vesting of property, etc., on alteration of districts.

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

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

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

Purposes to which fund may be applied.

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

(a) the payment of any expenses of or incidental to the election of the board, the execution by the board of its powers, authorities, duties and functions under this Act, or to the payment of any costs or expenses incurred in accordance with the provisions of this Act; and

(b) any other purpose approved by the Minister or which may be prescribed.

Special fund.

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

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

Each such auditor shall be a person who possesses the prescribed qualifications or who in accordance with the regulations is approved as an auditor by the Minister.

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

Board to contribute part of cost. No. 35, 1912, s. 26.

20. The board for each district shall in each year pay to the Colonial Treasurer three per centum of its gross revenue to cover the cost of administering this Act.

Payment shall be made at the time prescribed.

Inspectors. *Ibid.* s. 13.

21. The Governor may appoint inspectors of stock. Any such inspector may be appointed for any one or more districts.

An

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

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

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

An inspector shall for the purposes of the Workers' Compensation Act, 1926–1929, be deemed to be an employee of the board which pays his salary, and where he is paid by the boards of two or more districts he shall be deemed the employee of such district as the Minister directs, but the other district or districts shall contribute in such amounts as the Minister directs towards the cost of the insurance.

The Crown shall contribute one-half of the cost of insurance under the Workers' Compensation Act, 1926–1929, in respect of each inspector.

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

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

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

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

23.

Permit officers.
No. 35, 1912, s. 14A.
No. 25, 1920, s. 2.

23. (1) The Minister may appoint permit officers for the purpose of issuing permits for stock to travel and may annul any such appointment.

(2) The board for the district for which any permit officer is appointed may pay such officer such fees or commission as are prescribed. Any fees or commission so payable shall be paid out of the Reserves Improvement Fund of the board.

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

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

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

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

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

PART III.

Rates.

Board to levy rate.

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

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

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

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.

Irregularity. Act No. 41, 1919, s. 140.

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

Liability for rates. cf. *Ibid.* s. 143.

27. (1) Every rate shall be due and payable to and recoverable by the board on the expiration of thirty-one days after service of the rate notice.

(2) Any occupier of ratable land may apply to the board for a rebate of rate in accordance with this section.

(3) The board shall grant a rebate of one-half of the amount of the rate levied in respect of any holding or portion of a holding—

(a) on the external boundaries of which there is a fence which, in the opinion of the board, is rabbit-proof; and

(b) which, in the opinion of the board, has been kept reasonably free from rabbits during the period of twelve months ending on the thirty-first day of December immediately preceding the year for which the rate is made.

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

(4) A rebate granted under this section shall not be deemed to be a remission or refund of a rate or part of a rate for the purposes of section thirty-four of this Act.

cf. *Ibid.* s. 144.

(5) Every rate shall, subject to this Act, be paid to the board by the occupier of the land in respect of which the rate was levied.

cf. *Ibid.* s. 147.

(6) Where two or more persons holding jointly or in common are the occupiers of ratable land such persons shall be jointly and severally liable to the board for the rate, but as between themselves each shall only be liable for such part of the rate as is proportionate to his interest in the land and the stock.

If

cf. Act No. 41, 1919, s. 139 (6).

If any of such persons pays to the board more than his proportionate part, he may recover the excess by way of contribution from the others.

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

Liability where an estate or interest is transferred.

cf. *Ibid.* s. 148.

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

(a) before he ceases to be the occupier of the land; or

(b) before the board has received from him the prescribed notice of his ceasing to be the occupier of the land.

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

(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.

Liability of person becoming occupier.

cf. *Ibid.* s. 149 (1).

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

cf. *Ibid.* s. 160 (1) (2).

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

Application

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

(3) The production of the certificate shall for all purposes be deemed conclusive proof in favour of a person who becomes an occupier that at the date thereof no rates, charges, or sums other than those stated in the certificate were due or payable to the board in respect of the land. cf. Act No. 41, 1919, s. 160 (4).

(4) For the purposes of this section rates, charges, or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired. cf. *Ibid.* s. 160 (5).

(5) If the occupier of any land pays to the board any rate in respect thereof which was levied before he became the occupier of the land, he may recover a proportion of the amount from the person who was liable to the board for the rate at the time the rate was levied. cf. *Ibid.* s. 149 (2).

30. (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 so owned which were travelling to or 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 taken into account in respect of one of such holdings only.

(2) If, in the opinion of the board, 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 board in the prescribed manner.

(3) Where land has during the calendar year preceding the making of the 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

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

(4) The rate shall not exceed fourpence per head in the case of large stock and two-thirds of a penny per head in the case of sheep.

Ratable land.

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

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

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

shall be ratable, and the land is referred to in this Act as ratable land.

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

Determination of carrying capacity.

32. For the purposes of this Act the carrying capacity shall be the average number of stock which, in the opinion of the board, could have been depastured on the land during the five years immediately preceding the year in which the determination is made.

Appeal.

33. (1) Where the occupier of any land is dissatisfied with the determination of the board as to the carrying capacity of any land other than land used for agricultural purposes, he may within thirty days after service of the rate notice, appeal against such determination to the local land board of the land 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 local land board for the administrative district in which the land or the greater part thereof is situate.

The manner of appeal and the fees to be paid thereon shall be as prescribed.

(2)

(2) On any such appeal the local land board shall have jurisdiction to hear and determine the appeal, and may make such order for the payment of the costs of the appeal by the applicant or the board as seems just in all the circumstances of the case.

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 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 board as to the carrying capacity shall be final.

Remission of rate.

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

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

Rate-book. cf. Act No. 35, 1912, s. 21.

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

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

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

(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)

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

Facilitation of recovery.

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

Any occupier desiring to object to the validity of the rate may subject to section twenty-six of this Act object to such validity in such court and in such manner and upon such conditions and subject to such fees as may be prescribed.

Overdue rates: extra charge.

cf. Act No. 41, 1919, s. 158.

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

(2) If the rates are unpaid at the expiration of three months from the date when the same became due and payable, the amount due shall be increased by a sum calculated at the prescribed rate per centum per annum, 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.

Recovery of rates

38. (1) 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.

(2) Where the proceedings are taken in a district court or in a court of petty sessions, the proceedings may be taken in the court for the district in which any of the land occupied is situated, or in the court nearest to the office

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

(3) 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, 1912-1933.

Returns of land and stock. cf. Act No. 35, 1912, s. 19.

39. (1) Every occupier of land and every owner of stock shall, unless exempted by the regulations, furnish to the secretary of the board not later than the prescribed date in each year a return in or to the effect of the prescribed form of his land and stock 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.

(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.

Holdings in two or more districts.

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

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

PART IV.

Travelling Stock and Travelling Stock and Camping Reserves.

Control of travelling stock and camping reserves

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

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

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

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 board until the lease is terminated in pursuance of such Acts.

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

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

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

Nothing in this section or in the Forestry Act, 1916-1933, shall render a board liable to pay royalty for timber felled or so used.

Nothing

Nothing in this Act shall prevent the Forestry Commission, with the concurrence of the board, issuing licenses to cut or remove timber under the provisions of the Forestry Act, 1916-1933.

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 the Minister for Lands considers that a board has not taken or is not taking proper measures to protect or improve a travelling stock reserve or camping reserve under its control or to suppress and destroy noxious animals thereon, he may in writing notify such board to that effect; and if, after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

(5) Where any such reserve or part thereof which is under the control of a board is held under annual lease or occupation license, the Minister for 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.

Withdrawal of lands from reserves.

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

Where the board declines or omits to give its consent the reserve or part thereof shall not be withdrawn from the control of the board unless such withdrawal has been approved by resolution of both Houses of Parliament and if so approved the board shall be deemed to have consented to the withdrawal of the reserve or part from its control.

No. 35, 1912, s. 26E.

(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 other than for settlement under the Crown Lands Acts.

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

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

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

Rate on travelling stock.

43. (1) The Governor may by the regulations impose a rate upon all travelling stock which travel along or over travelling stock reserves or camping reserves or roads for which under the provisions of this Act a permit or renewed permit is required.

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

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

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

(4) The board 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)

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

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

(7) Where travelling stock travel on a journey in respect of the part of which within the district where the permit or renewed permit is issued no rate is payable, a permit fee not exceeding sixpence may be charged for the issue of the permit or renewed permit, in addition to the rate (if any) payable in respect of any part of the journey travelled in any other district.

Fee on working large stock.

44. (1) The Governor by the regulations may authorise every or any board to collect a fee on all working large stock used by a teamster or carrier on any travelling stock reserve in its district under a license from the board, and such regulations may prescribe different fees for different districts.

(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 board may in a particular case think necessary.

Fee on drovers' stock.

(4) A board 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 for a period specified in the permit on payment of the prescribed fee which shall not exceed two shillings per head per month.

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

45. A board 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

reserve, or part thereof under the control of the board for a period not exceeding one year or such greater period as may in a particular case be approved by the Minister, subject to such rents, terms, and conditions as may be imposed by the board.

Permits for apiary site.

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

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

The permit shall be in such form and subject to such fees, terms, and conditions as may be fixed by the board.

Reserves Improvement Fund.

No. 35, 1912, s. 26c (2).

47. All moneys received by any board under any provision of this Part, and all fines received by a board for any offence against the provisions of this Part, shall be carried to an account in its books to be called the Reserves Improvement Fund.

Use of fund.

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

(a) in carrying out the duties of the board in relation to the reserves under its control;

(b) for any other purpose approved by the Minister or which may be prescribed.

Permits, licenses, and travelling statements.

Ibid. ss. 105, 106 (1).

48. (1) Except in such cases and under such conditions as are prescribed, no person shall move stock along any road or travelling stock reserve or by rail or by air or by water unless—

(a) (i) in the case of travelling stock, a permit in or to the effect of the prescribed form 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)

(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.

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) Any stock travelled on a travelling statement shall not be again moved within a period of one month after reaching the destination mentioned in such statement except upon a permit.

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

Stock starting from previous destination to pay travelling charge.

49. (1) If at any time within three months from 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 to the travelling rate pay 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 the chairman or secretary of the board.

(3) Provided also that on the removal by the owner of any such stock offered for sale at a recognised 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.

Change of route.

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

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 on a permit or renewed permit is one which passes through land quarantined under the provisions of the Stock Diseases Act,

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 charges be payable in respect of such changed route.

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

The board may by resolution delegate to the inspector or to the chairman of the board its powers under this subsection and in like manner may revoke any such delegation.

Distribution of travelling charges.

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

Persons in charge of travelling stock to produce permit or statement.

No 35, 1912, s. 106 (2).

50. The person in charge of travelling stock or working large stock shall on demand by an inspector, permit officer, member of the police force, 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.

Travelling stock to be branded with letter T.

cf. *Ibid*, s. 103.

51. 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 an owner's registered brand and the capital letter T in Roman character not less than two inches in height.

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

Any

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

Travelling stock not using made roads.

52. 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.

Stock not to be driven at night without consent.

53. Any person who, except in such districts as are prescribed, drives or carries stock along any road or reserve during the period between one hour after sunset and one hour before sunrise without the consent of the inspector or a director of the board first obtained, and the permit, renewed permit, or travelling statement so endorsed, shall be liable to a penalty not exceeding ten pounds.

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

54. 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.

Stock travelling past holding: notice to occupier.
Ibid.

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

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

(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.

56.

Stock unattended on reserves: depositing rubbish.

56. 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 a travelling stock reserve shall be liable to a penalty not exceeding ten pounds.

Route. No. 35, 1912, s. 107 (1).

57. (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 travelling stock route leading to the place of destination mentioned in the permit, renewed permit or travelling statement where practicable or if not practicable or if there is no such travelling stock route, then by the most direct road ordinarily used for the purpose of travelling stock to the said place of destination.

(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.

Rate of travel.

58. (1) When stock are travelling on any journey occupying more than twenty-four hours, the person in charge shall in each successive period of twenty-four hours, from six o'clock in the morning of one day to six o'clock in the morning of the following day, cause them to travel towards their destination—

(a) if they are large stock, a distance of not less than ten miles;

(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, travelling statement, 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)

(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 board; or

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

Stock camping on reserves.

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

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

Abandonment of travelling stock.

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

(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 board 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.

Carcases to be destroyed or buried.

cf. No. 35, 1912, s. 111.

61. 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.

Any

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.

Permitting stock to remain on reserve.

62. Any travelling stock may, with the permission of the inspector or chairman of the board 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.

cf. No. 35, 1912, s. 107 (4).

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

Lessees of travelling stock reserves and travelling stock.

63. Where the lessee of 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.

Poison on reserves.

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

Structures or fences on reserves—occupation of reserves.

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

(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.

(3) No person other than a person in charge of travelling stock or working large stock shall occupy or use a travelling stock reserve except with the written permission

permission of and subject to the conditions specified by the board or a person authorised by the board in that behalf; or except in pursuance of any lawful authority given under this or any other Act.

Stock unlawfully on a travelling stock reserve

cf. No. 35, 1912, s. 110.

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

(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 grazing permit from the board;

(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) in the case of a public watering place stock entitled to pasture or water thereon in accordance with the provisions of this Act or the regulations,

shall be deemed to be trespassing stock, and the owner or person ordinarily in charge thereof shall be guilty of an offence and 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.

(2) Any such trespassing stock so found may be impounded by the board on any day of the week and at any time of the day or night. Such impounding may be

be effected by the board or 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 board may detain any animal in like manner and for the like period that a council may so do under the provisions of section four hundred and twenty-six of the Local Government Act, 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 with the approval of the chairman of the board be destroyed by such inspector.

Impounding fee.

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

PART V.

Public Watering-places.

Proclamation of public watering-places.

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

(a) any Crown land, or land acquired under the provisions of section one hundred and ninety-seven of the Crown Lands Acts for a watering-place; or

(b) any land acquired for the purpose by the council of an area under the Local Government Act, 1919, as amended by subsequent Acts,

to be a public watering-place, and may at any time in like manner revoke or vary any such declaration.

(2)

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

(3) The Minister administering this Act may by notification published in the Gazette declare any public watering-place to be a town water supply and may at any time in like manner revoke or vary any such declaration.

Controlling authority.

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

(a) if the public watering-place is one in respect of which a declaration under subsection three of section sixty-eight is in force—the council of the municipality or shire within whose area the public watering-place is situated;

(b) if the public watering-place is not one in respect of which a declaration under subsection three of section sixty-eight is in force—the board of the district within the boundaries of which the public watering-place is situated.

Improvement of public watering-places.

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

(2) Where any public watering-place is situated in the Western Division—

(a) the controlling authority shall not undertake the construction, erection or maintenance of any of the works referred to in subsection one of this section without the prior approval in writing of the Minister;

(b) the cost of the construction, erection and maintenance of any such works shall be met out of the Public Watering Places Fund of the controlling authority, and where there are no moneys or not sufficient moneys in that fund shall be met out of moneys provided by Parliament.

Caretaker.

71. The controlling authority may appoint a caretaker of any public watering-place and may fix the remuneration of such caretaker.

The

The remuneration of a caretaker of a public watering-place situated within the Western Division shall not exceed such amount as may be determined by the Minister, and shall be paid out of moneys provided by Parliament.

A caretaker shall supply water to stock declared by the regulations to be entitled thereto at such rates as may be prescribed.

Leases.

72. (1) The controlling authority may by auction, public tender, or otherwise let any public watering-place on lease for a term not exceeding ten years, and may grant one extension of any lease for a term not exceeding five years at the same or an increased rental without public competition where the controlling authority considers that such an extension is justified by the improvements made by the lessee:

Provided that the controlling authority of a public watering-place within the Western Division shall not let such public watering-place or grant any extension of any lease thereof without the consent in writing of the Minister.

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

(3) A controlling authority and every lessee shall supply water to persons and stock declared by the regulations to be entitled thereto at such rates and during such periods as may be prescribed, and shall allow such stock to depasture on the public watering-place for such period and under such conditions as may be prescribed.

Obstruction.

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

Production of permits, etc.

74. Every person in charge of travelling stock or working large stock on any public watering-place shall, when required by the caretaker, lessee, or person in charge

charge thereof, produce for inspection the permit, renewed permit, or travelling statement issued for the journey on which the stock are travelling, or the license issued in respect of the working large stock, or any order, permit or license issued under the provisions of the Stock Diseases Act, 1923.

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

Impounding.

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

Penalty for injuring watering-places, etc.

76. Any person who wilfully—

(a) destroys or injures any tank, dam, structure, or other work on any public watering-place or any machinery used in connection therewith; or

(b) pollutes, diverts, or interferes with any water flowing into or in or used or intended to be used as the source of supply for any such dam, tank, or other structure,

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

Offences by caretaker, etc.

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

Application of rents, charges, etc.

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

(2)

(2) Any charges received by a board or a caretaker and any rent received by a board shall—

(a) in respect of a public watering-place situated in the Eastern or Central Division, be paid into the Reserves Improvement Fund of the board and out of such fund shall be paid the salary of the caretaker;

(b) in respect of a public watering-place situated in the Western Division, be paid into a special fund of the board to be called the "Public Watering-places Fund," and such fund shall be used in carrying out any of the works specified in section seventy of this Act.

PART VI.

Noxious Animals.

Division 1.—*General.*

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

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

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

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

(3) The regulations may provide for the removal or destruction of any harbour of any noxious animal within two chains of a rabbit-proof, dog-proof or marsupial-proof fence and may regulate or prohibit the use of any method for the suppression or destruction of noxious animals. Prohibited methods. *Ibid.* s. 61A (1).

81.

Duty of occupiers to destroy noxious animals.

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

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

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

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

82. (1) The board may, by notice published in one or more newspapers circulating in the district, require all occupiers of land within the district or part thereof specified in the notice to adopt within a time specified in the notice any one or more of the prescribed methods mentioned in the notice within any specified time for the suppression and destruction of any specified noxious animal, and to continue such method during such occupation of the land unless the land is free of the noxious animals.

(2) The board 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 under this section; or

(b)

(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 fifty pounds, and for any subsequent offence to a penalty not exceeding one hundred pounds, and the work may be carried out at his expense.

(4) An inspector or other person authorised by the board 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 any notice or order relating to the suppression and destruction of noxious animals have been carried out and of carrying out the work if it has not been carried out by the occupier.

(5) The expenses incurred in and about any such work shall be recoverable by the board in any court of competent jurisdiction from the occupier of the land, and the fact that such work has been carried out and the amount of such expenses may be evidenced by a certificate in the prescribed form signed by the chairman of the board.

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.

Burning undergrowth, etc.

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

84.

Natural enemies of noxious animals.

No. 35, 1912, s. 69.

84. (1) The Governor may, by proclamation published in the Gazette, declare any animal, bird, or reptile to be a natural enemy of any noxious animal, and may by the same or by any subsequent proclamation prohibit the destruction of any such animal, bird, or reptile within any district specified in the proclamation.

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

Permission to keep noxious animals.

cf. *Ibid.* s. 71.

85. 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 Consolidated Revenue Fund.

Meaning of land.

86. (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—

(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)

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

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

87. (1) Any person who 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 shall be liable on conviction to a penalty of not less than fifty pounds and not exceeding two hundred and fifty pounds.

(2) Any person who—

(a) wilfully or negligently leaves open any gate in such a fence;

(b) 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;

(c) liberates or without the permission of the Minister has in his possession any noxious animal;

(d) 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;

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

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

Bonus for scalps. *Ibid.* s. 65.

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

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

89.

Powers of board as to certificates and dealing with scalps. No. 35, 1912, s. 66.

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

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

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

Provided that the scalps of foxes, if attached to the skins, may be indelibly marked for identification purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may be disposed of in such manner as the board may direct.

False claims for bonus. *Ibid.* s. 68.

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

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

Special rate.

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

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

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

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

DIVISION 2.—*Alsatian Dogs.*

Application of Division.

92. This division shall apply to the pastures protection districts of Armidale, Bombala, Casino, Cooma, Glen Innes, Gloucester, Grafton, Gundagai, Hume, Port Macquarie, Tamworth, Tenterfield, Tweed-Lismore and Yass, and to every pastures protection district within the Western Division.

Definition.

93. For the purposes of this Division "Alsatian dog" means a dog, whether male or female, which is wholly or partly of the species or kind commonly known as "Alsatian dog" or "Alsatian wolf hound," or belongs wholly or partly to any variety of the said species by whatever name such variety may be known but does not include any such dog the property of the State used for police purposes.

Alsatian dogs to be sterilised.

94. (1) Any person who, after the expiry of three months from the date of the commencement of this Act, keeps or has in his possession or under his control within a district to which this Division applies, any Alsatian dog which is not effectively sterilised, shall be guilty of an offence, and upon conviction shall be liable to a penalty not exceeding fifty pounds.

cf. Act No. 34, 1929 (W.A.), s. 5.

(2) On the hearing of any charge of an offence against subsection one of this section the onus of proof that the dog has been effectively sterilised shall be upon the defendant.

(3) The onus of proving effective sterilisation shall not be deemed to have been discharged unless the defendant produces a certificate by a veterinary surgeon registered under the Veterinary Surgeons Act, 1923, to the effect that the dog has been so sterilised.

Destruction of Alsatian dogs in certain events.

95. (1) Where any person has been convicted of an offence against section ninety-four of this Act the board may by order in writing require such person to destroy the dog in respect of which the offence was committed, within a period to be limited in the order unless, before the

the expiration of such period, the dog has been effectively sterilised or has been permanently removed from the district.

(2) If any dog mentioned in the order is effectively sterilised, the person to whom such order has been given shall produce to the board a certificate of a veterinary surgeon registered under the Veterinary Surgeons Act, 1923, to the effect that the dog has been so sterilised.

(3) Where any person fails to comply with an order under subsection one of this section, the board may direct an inspector or an officer of the board to destroy the dog mentioned in the order.

(4) The inspector or officer so directed may enter upon any land or premises where such dog is, or is reasonably believed to be; and if the certificate referred to in subsection two of this section is not produced to him on demand, may destroy the dog.

(5) The expenses of the inspector or officer in or about the destruction of any such dog may be recovered as a debt in any court of competent jurisdiction by the board from the person to whom the order was given.

The expenses shall include the cost incurred by the inspector or officer in travelling to and from the land or premises and a proportionate part of the salary or wages of such inspector or officer, having regard to the time occupied by him on the work, and in travelling to and from the land or premises.

DIVISION 3.—*Dingo destruction districts.*

Dingo destruction districts.

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

(2) The Governor may at any time in like manner revoke or vary any such proclamation.

Dingo destruction board.

97. (1) There shall be a dingo destruction board for each dingo destruction district.

(2) A dingo destruction board shall consist of a like number of members as the number of pastures protection districts which are wholly or partly within the dingo destruction district.

(3)

(3) The members of the dingo destruction board shall be appointed by the Governor from the persons nominated in accordance with this section, and shall, subject to subsection five of this section, hold office for a period of three years from the date of appointment.

One such member shall, subject to subsection six of this section, be appointed by the Governor from the persons nominated by the board of each pastures protection district which is wholly or partly within the dingo destruction district.

(4) Each pastures protection board whose district is wholly or partly within the dingo destruction district shall within the time and in the manner prescribed nominate a director or ratepayer of its district for appointment as a member of the dingo destruction board.

(5) Where a vacancy in the office of a member of a dingo destruction board occurs otherwise than by the expiration of the period for which he was appointed, the person appointed to fill such vacancy shall hold office for the balance of his predecessor's period of office.

(6) If any pastures protection board fails to make a nomination, or to make a nomination satisfactory to the Minister within the prescribed time the Governor may appoint any director or ratepayer of the district of that board to be a member of the dingo destruction board.

(7) A dingo destruction board shall in each year elect one of its members as chairman.

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

98. (1) The dingo destruction board may appoint a secretary. The salary to be paid to the secretary shall be subject to the approval of the Minister. Secretary and office.

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

(3) The Minister may specify at what place the office of the dingo destruction board shall be situate.

99.

Power of entry upon land.

99. Any person authorised by a dingo destruction board 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 destruction of native dogs are being carried out.

Notice to occupier.

100. (1) Where a dingo destruction board has reason to believe that there are native dogs upon any land they may, by notice in writing, require the occupier of such land to do such acts, and take such steps as are specified in the notice, within the time specified therein for the more effective destruction of native dogs upon such land.

Failure to comply with notice.

(2) Any occupier who—

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

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

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

Powers of authorised person.

101. (1) Where a dingo destruction board is satisfied that an occupier has failed to comply with a notice under section one hundred, any person authorised by it may—

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

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

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

Authorised person not to be deemed a trespasser.

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

Recovery of expenses incurred.

102. Any reasonable expense incurred or paid by a dingo destruction board, or on its behalf upon or in relation to any land in the exercise of any of the powers conferred by section one hundred and one shall be a debt due by the occupier of the said land to such board, and may be recovered by the secretary of such board in any court of competent jurisdiction.

Provision for expenditure.

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

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

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

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

Any such proceedings may be taken in the name of the secretary, or if there be no secretary, the chairman on behalf of the dingo destruction board.

Special rate.

104. (1) Each pastures protection board may, for the purpose of providing the amount required by a dingo destruction board and the cost of collecting the rate, levy a special rate in the manner prescribed upon all land ratable for pastures protection rates.

(2)

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

Southern Tablelands dingo destruction board.

105. (1) The dingo destruction board for the southern tablelands district as constituted at the commencement of this Act shall be deemed to have been constituted under this Act and the members thereof shall hold office until the thirtieth day of June, one thousand nine hundred and thirty-five.

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

Validation.

(3) All acts of the Southern Tablelands Dingo Destruction Board done or performed before the commencement of this Act, which would have been valid if this Act had then been in force are hereby validated.

Trust account.

106. Each dingo destruction board shall open a trust account in such bank and town as may be decided upon, into which shall be paid all amounts provided by the pastures protection boards and such account shall be operated upon by the chairman, one other member of the board, and the secretary, or any two of them.

How funds to be expended.

107. All moneys received by a dingo destruction board shall be expended on the destruction of native dogs in its district and in otherwise carrying out the provisions of this Division of this Part of this Act.

Repayment of loan.

108. All moneys advanced to the Southern Tablelands Dingo Destruction Board by the Crown prior to the commencement of this Act shall be repaid to the Colonial Treasurer from the amounts provided by the pastures protection boards within the Southern Tablelands Dingo Destruction District within a period of four years from the first day of October, one thousand nine hundred and thirty-three, in such instalments as the Colonial Treasurer directs: Provided that the Colonial Treasurer may extend such period for such time and from time to time as he thinks fit.

PART

PART VII.

Rabbit, Marsupial, and Dog-proof Fences.

Division 1.—*Wire Netting.*

Supplying netting, etc. No. 35, 1912, s. 30. No. 25, 1920, s. 8.

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

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

(3) The cost of any such netting, materials, machinery, plant and substances so sold, and all expenses in connection with the same, shall be repaid by such 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 other than those in favour of the Crown with which such charge shall rank pari passu.

(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, 1919-1932.

Boards to act as agents for the Minister.

110. (1) A board shall within its district and as agent for the Minister collect all moneys due and payable to the Minister for netting, material, machinery, plant or substances sold or let to an owner within such district by the board pursuant to any enactment repealed by this Act

or

or by the Minister pursuant to this Act, and shall pay such moneys to the Minister at such times as are prescribed.

(2) If the board fails to pay such moneys to the Minister at the times prescribed the Minister may forthwith take possession of any moneys or other property vested in the board and may make assessments and levy rates under this Act, and for that purpose shall have and may exercise the powers of the board.

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

111. 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.

Provided that in any case where the Minister is satisfied that the circumstances warrant it, he may direct that the whole or part of such interest shall not be charged or may grant an extension of time for the payment of all or any part of such interest.

Payment to the Minister by adjoining owner of cost of netting supplied. *Ibid.* s. 32.

112. (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 board as agent for 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.

Assessment at request of the Minister.

(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.

Notice to the Minister of assessment.

(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 any person duly appointed in that behalf by the Minister may attend at such assessment, and shall be heard.

(4)

(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.

113. (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, shall be prima facie evidence of such cost. Certificate as evidence.

114. 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, etc., 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.

115. 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 and materials and any right which such owner may have to recover contribution in respect of same shall pass to and vest in the Minister. Where holding forfeited or abandoned or surrendered to the Crown, netting to vest in the Crown. cf. *Ibid.* s. 35.

116. Any person who— Penalty for misuse of netting, etc. cf. *Ibid.* s. 36.

(a) wilfully uses or disposes of any netting, materials, machinery, plant, or substances supplied

supplied by the Minister under this Act, 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.

DIVISION 2.—*Fences.*

Proof-fencing.

117. 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.

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

cf. No. 35, 1912, s. 45.

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

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

Certificate prima facie evidence.

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

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

Ibid. s. 46.

119. (1) Where any lands are divided or bounded by a road or travelling stock reserve or public lands, the local land board may, upon application in the prescribed manner and payment of the prescribed fee, grant to the occupiers or owners of such lands, or any of such owners or occupiers, permission to carry a rabbit-proof, dog-proof, or marsupial-proof fence across such road, reserve, route, or public lands.

(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 dispenses with the erection of the same.

(3)

(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 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, as amended by subsequent Acts, shall apply to and in respect of such gate.

(5) The Local Government Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 41, 1919, s. 251A. (By-passes for motor vehicles.)

(a) by omitting from subsection two of section 251A the words "rabbit-proof or dog-proof enclosure" and by inserting in lieu thereof the words "rabbit-proof, dog-proof, or marsupial-proof fence";

(b) by omitting from subsection nine of the same section the words "enclosure of which it forms part is made rabbit-proof or dog-proof" and by inserting in lieu thereof the words "fence of which it forms part is made rabbit-proof, dog-proof or marsupial-proof."

120. 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. Act No. 35, 1912, s. 47.

121.

Notice of intention to fence occupation license or annual lease, etc.

No. 35, 1912, s. 48.

121. (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 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.

Exemption from fencing boundary in certain cases.

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

Contribution to the cost of rabbit, dog or marsupial proof fence.

cf. *Ibid.* s. 49.

123. (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

the holding and adjoining the rabbit-proof, dog-proof, or marsupial-proof fence to the occupier or owner who has incurred such expense.

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

(a) that the rabbit-proof, dog-proof, or marsupial-proof fence has been erected, or the fence has been made rabbit-proof, dog-proof, or marsupial-proof, otherwise than bona fide for the purpose of excluding or destroying rabbits, native dogs, or marsupials; or

(b) that no benefit is derived from the fence by the holding from the owner of which a contribution is demanded; or

(c) that the nature of such holding is such that it cannot be kept rabbit-proof, dog-proof, or marsupial-proof by the erection and reasonable maintenance and repair of a rabbit-proof, dog-proof, or marsupial-proof fence.

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

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

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) 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, 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, as from the date upon which the prescribed notice of demand is given and until payment, be and remain a charge on the land in respect of which such contribution is payable.

Rental in lieu of contribution.

(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

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.

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 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 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

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 or annual rental payable, a copy of the notice of demand or of the claim in writing, as the case may be, 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 Western Lands Commissioner.

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

124. (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.

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, the Pastures Protection Act, 1902, or the Pastures Protection Act, 1912, and the local land board shall have power to assess and determine the amount of any such contribution.

125.

The Crown to contribute in certain cases.

No. 35, 1912, s. 51.

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

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

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

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

Fencing reserves.

Ibid. s. 52A.

No. 49, 1918, s. 3.

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

Stock-proof fence: erection.

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

(b)

Stock-proof fence: repair.

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

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

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

Work done by owner.

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

Failure of owner to do work

(3) If the owner fails to comply with the terms of the notice within the time specified therein the board may cause the fence to be erected, altered, repaired, or rendered rabbit-proof, dog-proof, or marsupial-proof, as the case may be, and may recover from the owner in any court of competent jurisdiction—

(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 board maintains the fence.

Determining cost of work.

(4) If an owner and a board 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.

Exceptions.

(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.

127. 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.

128. (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-proof, dog-proof, 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 determination 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—BARRIER FENCES.

Powers of board to erect fences. No. 35, 1912, s. 37.

129. (1) Notwithstanding anything to the contrary in any other Act a board may—

(a) erect a rabbit-proof fence, or make rabbit-proof any existing fence, on any land, whether public or private, within or without the district, or across any road or travelling stock route, making gates in such fence for the passage of the public and their stock;

(b) erect a by-pass for motor vehicles on any road at the place at which such road intersects any such fence;

(c) co-operate with the board of any other district in any such work.

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

Act No. 49 1918, s. 4.

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

For the purposes of this subsection the value of the fence where an existing fence was made rabbit-proof by or at the expense of the Crown or a board means the value of the improvements whereby the fence was made rabbit-proof.

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

Any

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

Case where compensation given. No. 35, 1912, s. 38.

130. A board shall not be liable to pay or make compensation for anything lawfully done in exercise of the powers conferred by section one hundred and twenty-nine except damage by severance caused by the erection upon private land of a barrier fence.

The amount of compensation so payable to any person shall, upon application by him as prescribed, be determined by the local land board, and in determining such compensation such board shall take into consideration and set off any benefit accruing to such person's property by the construction of such fence, and may award costs to or against any party appearing before it.

Contribution for boundary barrier fences. *Ibid.* s. 39.

131. Where a board erects a barrier fence or converts any fence into a barrier fence on the common boundary of its district and any adjoining district, the board of such adjoining district shall be liable to pay such first-mentioned board half the cost of erection, maintenance, and repair of the fence.

Payment by purchaser or lessee of Crown lands on which is a barrier fence. *Ibid.* s. 40.

132. Where a barrier fence or any portion thereof is situated within or on the boundary of Crown lands, and is owned wholly or in part by the Crown or a board, any person becoming the purchaser or lessee (other than an annual lessee) of any of such lands shall pay the value of so much of such fence as is situated within or is on the boundary of the lands so purchased or leased, such payment to be made to the Crown or the board or other owner of the fence according to their respective interests therein, in accordance with the provisions of the Crown Lands Acts or the Western Lands Acts. The value of any portion of the fence within the boundary of the lands purchased or leased shall be the value thereof to the purchaser or lessee, and the value of any portion on the boundaries of such lands shall be the value at the date of the purchase or lease.

133.

Boards to repair and maintain barrier fences.

No. 35, 1912, s. 25.

Ibid. s. 41.

No. 49, 1918, s. 4.

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

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

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

(3) Provided also that a board or boards may cease to maintain and repair a barrier fence which it or they considers or consider to be unnecessary, or may cause the continuity of the fence to be broken where it or they is or are satisfied that it should be done in the public interests and that the effectiveness of the fence will not thereby be endangered.

Arbitration in case of dispute between boards.

No. 35, 1912, s. 43

134. In the case of any dispute between boards as to the payment of any money or the doing of any act required to be paid or done under the provisions of this Part, or as to the carrying out of any agreement between them made under this Part, the matter of the dispute shall be referred to and shall be determined by the Minister: Provided that the Minister before making his award may refer the matter in dispute to the local land board of any land board district for investigation and report; and may thereupon either make such award himself or refer the whole matter, together with such report (if any), to the Land and Valuation Court to make an award. Every such award shall be final and conclusive for all purposes.

DIVISION 4.—*Procedure.*

135. 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: 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.

136. In any proceedings under this Part before a local land board for the determination of any contribution, value, or other sum of money, the local land board may allow time for the payment of such contribution, value, or sum of money, and may determine the instalments by which the same may be paid, and appoint the date on or before which such instalments shall be paid, and such contribution, value, or sum of money shall be payable by the instalments and on the dates so determined. Local land board may allow time for payment. *Ibid.* s. 75.

Where time is so allowed, the local land board may order that interest at a rate not exceeding five per centum per annum be paid on the amount due in respect of such contribution, value, or sum of money.

137. 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 the Minister for Lands or such board 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.

138. 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 Procedure. *Ibid.* s. 77.

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

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

139. (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.

(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.

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

140. 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 Register of Causes Writs and Orders affecting land or in any other manner prescribed by regulations made under the Conveyancing Act, 1919-1932, 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

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.

Mortgagees and trustees.

141. (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.

(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.

Powers of Minister.

142. 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 inquired into for the administration of this Part of this Act; and such board shall hear, examine, and report thereon to the Minister.

DIVISION 5.—*Offences.*

Persons interfering with rabbit-proof, dog-proof, and marsupial-proof fences.

143. (1) 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 to the cost of repairing the fence.

(2)

(2) Any person who leaves any obstruction preventing the use of a by-pass for motor vehicles erected by a board shall on conviction be liable to a penalty not exceeding twenty-five pounds.

PART VIII.

Branding and Earmarking of Sheep.

Sheep to be branded and earmarked.

cf. No. 35, 1912, s. 131.

144. 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:

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 or crutching at a shearing shed which is not more than twelve miles from the holding upon which such sheep are depastured.

Owner of sheep to register brand and earmark.

cf. *Ibid.* s. 132.

145. (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.

(2) No person shall, except—

(a) in such circumstances and under such conditions as are prescribed; or

(b) with the written permission of the inspector, or the chairman of the board for the district,

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.

Transfer of brand and earmark.

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

One fire brand, one colour brand and one 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.

(6)

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

Registration of brands and earmarks.

146. (1) Application for the registration of a brand and earmark shall be lodged with the board of the district in which the holding or the major part thereof is situate in the prescribed manner, and shall be accompanied by the prescribed fees.

cf. No. 35, 1912, ss. 133 134.

(2) Application for the transfer of a brand and earmark shall be lodged with the board of the district in which the holding or the major part thereof is situate 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, as amended by subsequent Acts, shall be deemed to be registered under this Act.

Application for brand and earmark. Powers of Registrar.

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

Ibid. s. 134.

Similar brands and earmarks.

148. (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.

cf. *Ibid.* s. 134 (2).

Modifying brands and earmarks.

(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.

Ibid. s. 136.

Certificate.

149. 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.

Registration of brands and earmarks.

150. (1) The Registrar of Brands shall, in the prescribed manner keep a register of brands and earmarks and

and the board shall in the prescribed manner keep a register of brands and earmarks registered for use in the district.

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

(3) A certificate from the Registrar of Brands that a brand or earmark is or is not registered at the date of the certificate, and as to any particulars which are contained in the register, shall be evidence of the facts stated therein.

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

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

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

152. (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 death of such occupier.

(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.

(4) Where the proprietor of a brand is a company, firm or partnership and the Registrar of Brands is satisfied that such company, firm or partnership has been dissolved, he shall cancel such registration.

153.

Restoration to register.

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

Distinctive brands and earmarks. No. 35, 1912, s. 132 (2).

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

Size and positions of brands and earmarks.

155. (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.

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

(3) A raddle mark may be placed on any portion of a sheep provided that it does not obliterate or deface any registered brand on the sheep.

(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.

Directory and quarterly lists.

156. (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.

(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.

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

157.

Offences. No 35, 1912, s. 140.

157. (1) Every person who—

(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) alters an earmark on any sheep, or except in the case of distinctive earmarks 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) 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,

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, in respect of which he did not, 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 give the prescribed notice to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

PART IX.

Mustering.

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

158. (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 forty-eight 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.

If for any reason the muster cannot be held at the time specified in the notice, the owner shall not less than twelve hours before the time fixed for the muster give to the occupier of the adjoining holding notice of the alteration of the time for the muster or of the abandonment thereof as the case may be.

(2) Any owner failing to give any notice under subsection one of this section shall, unless he has obtained such consent, for every such offence be liable to a penalty not exceeding fifty pounds.

(3) This section shall not apply to any muster ordered in pursuance of the provisions of the Stock Diseases Act, 1923, or of this Act.

Power to order owner or occupier to muster.

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

Any owner or occupier failing to comply with such order shall be liable to a penalty not exceeding fifty pounds.

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

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

PART X.

General Provisions.

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

160. (1) Any proceeding 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.

Who may proceed: Penalties. *Ibid.* s. 163 (2)

(2) Any person may take proceedings for the punishment of any offence under this Act, and any penalty imposed for any such offence shall belong and be paid to the

the board of the district in which the offence was committed, any law to the contrary notwithstanding, and the court imposing the penalty shall order accordingly.

Recovery of money. No. 35, 1912, s. 168 (3).

161. (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.

(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.

General penalty. *Ibid.* s. 169.

162. 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.

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

163. (1) 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 forging, etc., permits, etc.

(2) Any person who forges or alters or utters or puts off any permit, renewed permit, license, travelling statement or other document or instrument issued under this Act shall on summary conviction be liable to a penalty not exceeding one hundred pounds.

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

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

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

165.

Authentication of documents, etc.
No. 35, 1912, s. 172.

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

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

Service of notices.
Ibid. s. 173.

166. (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) 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.

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

167. 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.

168.

168. 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 owner 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.

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

169. (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.

Notices, etc., in Gazette to be received as evidence. *Ibid.* s. 176.

(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 a dingo destruction board or of a board, proof shall not, until evidence is given to the contrary, be required of—

(a) the appointment of the dingo destruction board or the due constitution of the dingo destruction district;

(b) the boundaries of the dingo destruction district;

(c) the fact that any land or place is within the dingo destruction district;

(d) the incorporation of the board or the due constitution of the district;

(e) the boundaries of the district or of a division of the district;

(f) the fact that any land or place is within the district or the division in question;

(g) the constitution of the board or the election or appointment of the directors or the chairman thereof;

(h) the appointment of any inspector, or permit officer, or of any servant or officer of the board;

(i) 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;

(j) the fact that any land in question is within the jurisdiction of any court or local land board.

Ownership.

170. (1) In any legal proceedings under this Act, in addition to any other method of proof available, evidence by a certificate of the Registrar-General or his deputy that any person appears from any registration of any 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 Under Secretary of the Department of Lands that any person appears from the records of that Department to be the holder of land of any tenure under those Acts 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 Under Secretary of the Department of Lands.

Regulations.

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

(a) the date on or before which rates shall be made;

(b) the form, manner of service, and time of issue of rate notices;

(c) the manner of appealing against the determination by a board of the carrying capacity of any land;

(d)

(d) form of rate books and the manner of keeping the same;
(e) all other matters incidental to the regulation of rating;
(f) the manner in which the accounts of boards shall be kept and audited;
(g) the qualifications to be held by auditors, and making provisions for audits by persons not holding such qualifications where a qualified person is not available;
(h) the qualifications to be held by inspectors;
(i) examination for the obtaining of qualifications by persons for their appointment as an inspector;
(j) prescribing the reasonable fees for any service or inspection rendered by a board or its officers, or any registration license or permit or other matter done or service rendered under this Act;
(k) the manner of applying for registration, and transfer of brands and earmarks;
(l) the construction and use of branding and earmarking instruments;
(m) the use of brands and earmarks;
(n) the duties of the Registrar of Brands;
(o) the compilation and publication of the brand and earmark directory, and the list of brands and earmarks, and the payment for the compilation and publication of such directory and list.

(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

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.

Western Division.

No. 35, 1912 s. 179.

172. So far as relates to the Western Division—

(a) the Minister may depute to the Western Lands Commissioner, or to a chairman of local land boards appointed under the Western Lands Acts any of the powers or duties conferred or imposed upon him by this Act;

(b) the provisions of the Western Lands Acts relating to the destruction of rabbits shall not be enforced within any part of that Division which is included in a district constituted under this Act;

(c) the provisions of section forty-three of this Act shall not apply until a date to be fixed by the Governor and notified by proclamation published in the Gazette.

Amendment of various Acts. (Consequential.)

173. (1) The Prickly Pear Acts, 1924-1930, is amended—

(a) by omitting from subsection two of section twenty-four the words "section eighteen of the Pastures Protection Act, 1912, a special rate in addition to the rate mentioned in section" and by inserting in lieu thereof the words "Part III of the Pastures Protection Act, 1934, a special rate in addition to the rate mentioned in that Part";

(b) by omitting from the same subsection the words "The second proviso to subsection one of the said section" and by inserting in lieu thereof the words "subsections two and three of section twenty-seven of that Act."

(2)

(2) The Local Government Act, 1919, is further amended—

(a) by omitting from paragraph (c) of section four hundred and sixty-six the figures "1912" and by inserting in lieu thereof the figures "1934";

(b) by omitting from paragraph (k) of subsection five of section six hundred and fifty-four the figures "1912" and by inserting in lieu thereof the figures "1934."

(3) The Finances Adjustment Act, 1932, as amended by subsequent Acts, is amended by inserting in subsection (3A) of section three, after the words and figures "Pastures Protection Act, 1912" the words and figures "the Pastures Protection Act, 1934."

SCHEDULE. Sec. 3.

Number of Act.	Title or short title.	Extent of repeal
No. 17, 1900 ...	Public Watering-places Act, 1900	The whole.
No. 35, 1912 ...	Pastures Protection Act, 1912 ...	The whole.
No. 49, 1918 ...	Pastures Protection (Amendment) Act, 1918.	The whole.
No. 25, 1920 ...	Pastures Protection (Amendment) Act, 1920.	The whole.
No. 41, 1919 ...	Local Government Act, 1919 ...	Section 497 and paragraph (g) of section 513.

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

PHILIP GAME,
Governor.

Government House,
Sydney, 14th November, 1934.

SCHEDULE of the Amendments referred to in Message of 18th October, 1934.

No. 1.—Page 2, clause 2. *After* line 22 *insert*

"DIVISION 2.—Alsatian dogs.—ss. 92–95.

No. 2.—Page 3, clause 3, line 31. *Omit* "four" *insert* **"seven"**

No. 3.—Page 6, clause 3. *After* line 7 *insert*

"Any amount payable as compensation may be paid by the board to the council in such instalments as may be agreed upon by the board and the council, and where the board and the council fail to agree then in such instalments as shall be determined by the local land board: Provided that no interest shall be payable by the board to the council on any such amount."

No. 4.—Page 8. *At end* of clause 3 *add* new subclause as follows,—

"(8) The provisions of subsections one, two, three and four of section one hundred and five of the Pastures Protection Act, 1912, as amended by the Pastures Protection (Amendment) Act, 1918, and the Pastures Protection (Amendment) Act, 1920, shall as from the date of the commencement of the Pastures Protection (Amendment) Act, 1920, be deemed to have applied and to have been in force in the pastures protection districts enumerated in the notification in the Gazette dated the eighth day of December, one thousand nine hundred and twenty, and published on the seventeenth day of December, one thousand nine hundred and twenty, and shall apply and be in force in such pastures protection districts until altered by notice in the Gazette or until the commencement of this Act, whichever shall first happen, but this subsection shall not affect any legal proceedings pending at the date on which this subsection takes effect.

This subsection shall take effect on whatever date this Act is assented to by or on behalf of His Majesty."

No. 5.—Page 28. *At end* of clause 36 *add*

"Any occupier desiring to object to the validity of the rate may subject to section twenty-six of this Act object to such validity in such court and in such manner and upon such conditions and subject to such fees as may be prescribed."

No. 6.—Page 40, clause 60, line 32. *Omit* "inspector" *insert* **"board"**

No. 7.—Page 41, clause 62, line 5. *After* "inspector" *insert* **"or chairman of the board"**

No. 8.—Page 48, clause 81, line 4. *Omit* "or of an inspector"

No. 9.—Page 48, clause 82, line 28. *Omit* "or an inspector"

No. 10.—Pages 53-54. *After* clause 91 *insert* new Division to stand as **"DIVISION 2.—Alsatian Dogs"**

No. 11.—Page 78, clause ~~140~~ **144**, line 14. *After* "shearing" where first occurring *insert* **"or crutching"**

No. 12.—Page 78, clause ~~140~~ **144**, line 23. *After* "inspector" *insert* **"or the chairman of the board for the district"**

No. 13.—Page 90, clause ~~169~~ **173**, line 25. *Omit* "one" *insert* **"two"**

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

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 10 *October,* 1934.

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

C. H. H. CALVERT,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 18*th October,* 1934.

New South Wales.

ANNO VICESIMO QUINTO

GEORGII V REGIS.

* *

Act No. , 1934.

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

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

Pastures Protection.

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

PART I.

Preliminary.

Short title and commencement.

1. (1) This Act may be cited as the "Pastures Protection Act, 1934."

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

Division into Parts.

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

PART I.—Preliminary—*ss.* 1–4.

PART II.—Pastures Protection Districts and Boards—*ss.* 5–24.

PART III.—Rates—*ss.* 25–40.

PART IV.—Travelling Stock and Travelling Stock and Camping Reserves—*ss.* 41–67.

PART V.—Public Watering-places—*ss.* 68–78.

PART VI.—Noxious Animals—*ss.* 79–104.

Division 1.—*General*—*ss.* 79–91.

Division 2.—Alsatian dogs—ss. 92-95.

Division ~~2.~~ **3.**—*Dingo destruction districts*—*ss.* ~~92-104.~~ **96-108.**

PART VII.—Rabbit, Marsupial, and Dog-proof Fences—*ss.* ~~105-139.~~ **109-143.**

Division 1.—*Wire netting*—*ss.* ~~105-112.~~ **109-116.**

Division 2.—*Fences*—*ss.* ~~113-124.~~ **117-128.**

Division 3.—*Barrier fences*—*ss.* ~~125-130.~~ **129-134.**

Division 4.—*Procedure*—*ss.* ~~131-138.~~ **135-142.**

Division 5.—*Offences*—*s.* ~~139.~~ **143.**

PART VIII.—Branding and Earmarking of Sheep —*ss.* ~~140-153.~~ **144-157.**

PART

PART IX.—MUSTERING—*ss.* ~~154,~~ ~~155.~~ **158, 159.**

PART X.—GENERAL PROVISIONS—*ss.* ~~156-169.~~ **160-173.**

SCHEDULE.

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

(2) The repeal of any enactment by this Act shall not operate to break the continuity of existence of a pastures protection district or of a board existing at the commencement of this Act, and— Continuity of boards and districts.

(a) boards continued under this Act shall have and enjoy as far as relates to any previous or pending transaction or matter, all rights, powers, protections, and property acquired by them, and be subject to all liabilities incurred or indemnities given by them under the enactments repealed by this Act; Saving of rights, etc.

(b) all proclamations and notifications made, and all sanctions and notices given under the enactments repealed by this Act the operation of which is not exhausted at the commencement of this Act, shall be deemed to have been made and given under the corresponding provisions (if any) of this Act, and shall have and take effect accordingly; Proclamations, returns, etc.

(c) the chairman and directors of any board elected or appointed under the enactments repealed by this Act and holding office at the commencement of this Act shall continue to hold office until the thirtieth day of April in the year one thousand nine hundred and thirty-~~four~~ **seven**; Chairmen and directors of boards.

(d) all electoral rolls prepared under the provisions of the enactments repealed by this Act and in force at the commencement of this Act shall be rolls of electors under this Act until fresh rolls of electors are compiled and are in force under this Act; Rolls.

(e)

(e) subject to subsection four of this section all rates, charges, fees, and sums of money which under the enactments repealed by this Act 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 and such rates, charges, fees, and sums of money (including money which by the operation of that subsection is payable to or recoverable by the Minister) shall remain a charge on land until payment; Rates.

(f) all regulations made under the enactments repealed by this Act 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, replaced, or amended by regulations made under this Act; Regulations.

(g) all appointments of officers duly made under the enactments repealed by this Act, and which have not been terminated at the commencement of this Act, shall continue and be of the same force and effect as if made under this Act; Appointments.

(h) 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 enactments repealed by this Act, and in force at the commencement of this Act, shall continue in force for the period for which it was granted, subject to the provisions of this Act; Permits, leases, and licenses.

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

(j) every public watering-place declared or established in accordance with the provisions of the Public Watering-places Act, 1900, or proclaimed in accordance with the provisions of section four hundred and ninety-seven of the Local Government Act, 1919, and in existence at the commencement Public watering-places.

commencement of this Act, shall be deemed to be a public watering-place declared under the provisions of this Act;

(k) every lease of a public watering-place granted under the enactments repealed by this Act and in force at the commencement of this Act shall continue in force for the unexpired portion of the term thereof, and the lessee shall be subject to the same rights, obligations, and liabilities as if the lease had been granted under the provisions of this Act; Lease of public watering-place.

(l) every caretaker of a public watering-place appointed by the Minister or a council under the Public Watering-places Act, 1900, or section four hundred and ninety-seven of the Local Government Act, 1919, and whose appointment has not been terminated before the commencement of this Act, shall be deemed to be appointed by the controlling authority constituted by this Act. Caretaker of public watering-place.

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 of 1897.

(3) (a) Where before the commencement of this Act the council of any municipality or shire has effected improvements on any public watering-place (other than a public watering-place which has been declared to be a town water supply) to which the provisions of paragraph (j) of subsection two of this section apply, such council shall be entitled to compensation for the improvements in accordance with this subsection.

(b) A claim for compensation shall be made to the board which under this Act becomes the controlling authority of the public watering-place.

Such claim shall not be made later than one year after the commencement of this Act.

(c) No such compensation shall be payable unless the Minister for Agriculture has certified in writing under his hand that compensation is properly payable.

(d) The amount payable as compensation shall not in any case exceed the cost of such improvements.

The amount of compensation shall be fixed by agreement between the board and the council.

Where the board and the council fail to agree in regard to the amount of compensation, the amount shall be determined by the local land board.

Any amount payable as compensation may be paid by the board to the council in such instalments as may be agreed upon by the board and the council, and where the board and the council fail to agree then in such instalments as shall be determined by the local land board: Provided that no interest shall be payable by the board to the council on any such amount.

(4) Where pursuant to any enactment repealed by this Act money was voted by Parliament for the purchase of wire-netting or other materials used in the construction of rabbit-proof fences or any machinery, plant, or substances for the destruction of rabbits, and such money was applied or lent in the manner provided in that enactment, the following provisions shall have effect:—

(a) The liability of the board of any district to the Colonial Treasurer in respect of such netting, materials, machinery, plant or substances, shall be reduced by an amount equal to the amount which, by the operation of paragraph (b) of this subsection, becomes payable to and recoverable by the Minister.

(b) All moneys and liquidated and unliquidated claims which, immediately before the commencement of this Act are payable to or recoverable by the board of any district in respect of such netting, materials, machinery, plant or substances sold or let to owners of private land shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Minister.

(c) All suits, actions, and proceedings pending immediately before such commencement at the suit of the board of any district in respect of such netting, materials, machinery, plant or substances sold or let to owners of private land shall respectively be suits, actions, and proceedings pending at the suit of the Minister.

(d)

(d) The Minister 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.

(e) The Minister may enforce and realise any security or charge existing immediately before such commencement in favour of the board, in respect of any such moneys and claims as if such security or charge were existing in favour of the Minister.

(f) The property in any netting or other materials and the right to recover any contribution which, by the operation of any enactment repealed by this Act have passed to and become vested in the board of any district consequent upon the forfeiture or surrender of a holding, and immediately before the commencement of this Act are the property and right of such board shall pass to and vest in the Minister.

In this subsection "the Minister" means the Minister to whom the administration of Part VII of this Act is committed.

Forms under repealed Acts.

(5) 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.

References to repealed Acts.

(6) Where in any Act, ordinance, regulation, or by-law reference is made to the provisions of any enactment repealed by this Act such reference shall be deemed to be to the corresponding provisions (if any) of this Act.

Liabilities incurred under repealed enactments.

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

(8) The provisions of subsections one, two, three and four of section one hundred and five of the Pastures Protection Act, 1912, as amended by the Pastures Protection (Amendment) Act, 1918, and the Pastures Protection (Amendment) Act, 1920, shall as from the date of the commencement of the Pastures Protection (Amendment) Act, 1920, be deemed to have applied and to have been in force in the pastures protection districts enumerated in the notification in the Gazette dated the eighth day of December, one thousand nine hundred and twenty, and published on the seventeenth day of December, one thousand nine hundred and twenty, and shall apply and be in force in such pastures protection districts until altered by notice in the Gazette or until the commencement of this Act, whichever shall first happen, but this subsection shall not affect any legal proceedings pending at the date on which this subsection takes effect.

This subsection shall take effect on whatever date this Act is assented to by or on behalf of His Majesty.

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

"Board" means the pastures protection board for any district constituted or continued by or under this Act.

"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.

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

"Central Division" has the meaning given to the expression in the Crown Lands Acts.

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

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

"Crown Lands Acts" means the Crown Lands Consolidation Act, 1913, and all amending Acts, and includes the Closer Settlement Act, 1904, and all amending Acts, and the Returned Soldiers Settlement Act, 1916, and all amending Acts.

District

"District" means any pastures protection district constituted or continued by or under this Act.

"District Surveyor" means a district surveyor appointed for the purposes of the Crown Lands Consolidation Act, 1913.

"Dog-proof," see "Rabbit-proof."

"Earmark" means a mark cut out of the ear of a sheep.

"Eastern Division" has the meaning given to the expression in the Crown Lands Acts.

"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.

"Large stock" means horses, cattle, and camels.

"Local land board" means local land board as constituted and defined under the Crown Lands Acts, and in relation to the Western Division means local land board constituted and defined 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.

"Occupier"

(a) means the person for the time being entitled to the possession of any land, and except for any purpose of this Act relating to the obligation to pay any rate, expenses or contribution, includes where the person so entitled does not reside on the land, his resident manager or other person in charge of the land; and

(b)

(b) for the purposes of Part VI includes the Rural Bank of New South Wales, and the occupier or caretaker of any public watering-place, 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;

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

(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; or

(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

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 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 or deemed to be declared to be a public watering-place under this Act.

"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, as amended by the Registration of Stock Brands (Amendment) Act, 1923.

"Regulations" means 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

"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 or the Western Lands Acts, the notification, reservation, or dedication of which has not been revoked at the commencement of this Act, and any public watering-place.

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

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

"Western Lands Commissioner" means the Western Lands Commissioner appointed under the Western Lands Acts.

"Working large stock" means large stock in use for purposes of transport.

PART II.

Pastures Protection Districts and Boards.

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

5. (1) The Governor may by proclamation published in the Gazette constitute pastures protection 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.

(2) 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.

6.

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

(2) The first general election of directors under this Act shall be held on such date in the month of April in the year one thousand nine hundred and thirty-seven as shall be appointed by the Minister and notified in the Gazette.

(3) A general election of directors shall be held in the month of April in the year one thousand nine hundred and forty and in each third year thereafter. The date of each such general election shall be appointed by the Minister and notified in the Gazette.

(4) The date appointed by the Minister for the holding of any general election shall be a date not less than four weeks after the date upon which the notification is published in the Gazette.

(5) The directors elected at any such general election shall take office upon the first day of May in the year in which the general election is held and shall cease to hold office upon the thirtieth day of April in the third year thereafter, but shall be eligible for re-election if otherwise qualified.

(6) Where no proper election of directors or of any director takes place upon the date appointed for the holding of a general election the Minister may cause an election to be held on a date to be appointed by him and notified in the Gazette or he may appoint the necessary number of persons eligible to be elected to be directors.

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

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

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

The office of chairman, or deputy-chairman, shall—

(a) commence on the day of his election thereto;

(b) become vacant on the day of the election of his successor or on the occurrence of an extraordinary vacancy in such office.

Where

Where an extraordinary vacancy occurs in the office of chairman or deputy-chairman a successor shall be elected to hold office for the remainder of the term.

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

(8) Four directors shall form a quorum.

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

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

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

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

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

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

Extraordinary vacancy.

8. (1) An extraordinary vacancy in the office of a director, chairman, or deputy-chairman shall occur if the person elected or appointed thereto—

(a) dies; or

(b) resigns his office by writing under his hand directed to the secretary of the board; or

(c) is absent without leave of the board from three consecutive meetings of the board; or

(d) is convicted of a felony or misdemeanour; or

(e) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898; or

(f) ceases for any reason to hold office before the day on which the office would ordinarily become vacant.

(2) If any director, chairman, or deputy-chairman becomes bankrupt within the meaning of the law in force for the time being relating to bankrupts, or if he compounds his affairs with his creditors, he shall thereby cease to hold office, but shall be eligible for re-election if not otherwise disqualified.

(3)

(3) An election to fill an extraordinary vacancy in the office of a director shall be carried out and conducted as prescribed, and the voting shall be by post.

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

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

(5) Where no proper election takes place within two months of the occurrence of an extraordinary vacancy the Governor may appoint a person eligible to be elected to fill the vacancy.

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

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

No fee or other payment shall be allowed or made to any director unless in accordance with the regulations.

Roll of electors. *Ibid.* s. 9.

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

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

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

Division of districts. *Ibid.* s. 10.

11. (1) The Minister shall by notification published in the Gazette, divide each district which has not been exempted from the operation of this subsection into four divisions, and may in the like manner alter the boundaries of any such division. Any

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

(2) The Minister may, on the application of a board whose district is situated within the Western Division, by notification published in the Gazette exempt the district from the operation of subsection one of this section.

Where the district of any such board has been divided into divisions the Governor may, on the like application by the same or a subsequent like notification, cancel such division.

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

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

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

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

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

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

(7) Where any district has been divided into divisions no person shall be eligible for election for a division unless his name is on the roll for the division and unless he is otherwise qualified for election or to vote in accordance with the provisions of this Act.

Qualification for—
(a) enrolment;

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

Provided that where the occupier is a person for the time being entitled to the possession of any land who does not reside on the land the occupier entitled to be enrolled shall be such person:

Provided

Provided further that such person may nominate in writing his resident manager or other person in charge of the land to be the occupier for the purpose of this section.

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

(a) is enrolled for the division or district;

(b) is the occupier of land in respect of which—

(i) the return required by section thirty-nine of this Act, if any such is required to be made, has been made; and

(ii) all rates due and payable to the board have been paid,

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

(3) Every person who at the date appointed for nominations for the election— (c) election.

(a) is enrolled for the division or district for which the election is held;

(b) is resident in the district;

(c) is the occupier of land in respect of which—

(i) the return required by section thirty-nine of this Act, if any such is required to be made, has been made; and

(ii) all rates due and payable to the board have been paid,

shall be qualified for election as a director.

(4) Where two or more persons holding jointly or in common are the occupiers of ratable land and reside thereon one of such persons shall be enrolled in respect of each ten head of large stock or one hundred sheep carried on the land or estimated by the board to be within the carrying capacity of the land.

The persons who shall be so enrolled shall in any such case be determined by such persons or a majority of them evidenced by an agreement signed by such persons or majority and delivered to the secretary of the board or,

failing such agreement, according to the alphabetical order of their surnames or, where the surnames are the same, of their other names.

Election of directors. No. 35, 1912, s. 11.

13. The election of directors of the board shall be conducted in the prescribed manner and the voting shall be by post.

Incorporation. *Ibid.* s. 12.

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

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

Power of boards to borrow.

(2) A board may borrow by way of limited overdraft on current account in any bank or banks upon the security of the board's funds or of any other assets of the board within such limits, to such extent, and for such purposes as may, from time to time, be approved by the Minister.

Duties of boards. *Ibid.* s. 16.

15. Every board—

(a) shall cause proper minute books to be kept of all its proceedings;

(b) shall cause true and regular accounts to be kept of all moneys received or paid by it under this Act, and shall give the owner or the occupier of any ratable land within the district access to such accounts at all reasonable hours;

(c) shall produce for inspection to any person duly authorised in writing by the Auditor-General or by the Minister all its books, accounts, agreements, vouchers, letters, or other documents which may relate to any matter under this Act.

16.

16. Every board shall, in January in each year, cause an account in the prescribed form to be prepared of its receipts and expenditure for the year preceding under distinct heads, with a statement of the balance. Yearly accounts to be published. No. 35, 1912, s. 17.

Such account shall be duly audited and certified.

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

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

17. A board shall have power to appear and be represented by counsel, solicitor or agent before a local land board in any matter before such local land board relating to the proposed curtailment or revocation of a travelling stock or camping reserve, or to the proposed closure of any road which affects the interests of travelling stock, or to an application for any lease or the conversion of any lease of land within or partly within any such reserve. Board may be represented by counsel before local land board. *Ibid.* s. 17A. No. 49, 1918, s. 4.

18. (1) The Governor may by proclamation published in the Gazette dissolve any board whose district is wholly comprised in a new district or wholly distributed among other districts. Dissolution of board.

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

19. (1) All subsidies, fines, penalties, rates, and other moneys received by a board under this Act, except as otherwise in this Act provided, shall form part of a fund to be called the Pastures Protection Fund of the district. Pastures Protection Fund. No. 35, 1912, s. 24.

(2)

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

(a) the payment of any expenses of or incidental to the election of the board, the execution by the board of its powers, authorities, duties and functions under this Act, or to the payment of any costs or expenses incurred in accordance with the provisions of this Act; and

(b) any other purpose approved by the Minister or which may be prescribed.

(3) The Minister may grant permission to a board to open a special fund in the board's name other than those specified in this Act, and such fund shall only be used for the purpose for which it is opened. Where a board certifies to the Minister that such purpose has been fully accomplished, the Minister may allow any balance of such fund to be transferred to the Pastures Protection Fund of the board. Special fund.

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

Each such auditor shall be a person who possesses the prescribed qualifications or who in accordance with the regulations is approved as an auditor by the Minister.

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

20. The board for each district shall in each year pay to the Colonial Treasurer three per centum of its gross revenue to cover the cost of administering this Act. Board to contribute part of cost. No. 35, 1912, s. 26.

Payment shall be made at the time prescribed.

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

An

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

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

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

An inspector shall for the purposes of the Workers' Compensation Act, 1926–1929, be deemed to be an employee of the board which pays his salary, and where he is paid by the boards of two or more districts he shall be deemed the employee of such district as the Minister directs, but the other district or districts shall contribute in such amounts as the Minister directs towards the cost of the insurance.

The Crown shall contribute one-half of the cost of insurance under the Workers' Compensation Act, 1926–1929, in respect of each inspector.

22. In the case of the suspension, illness, or absence of an inspector, the Minister may appoint some qualified person to exercise the powers and to discharge the duties of such inspector during such suspension, illness, or absence, at such salary and allowances as the Minister may determine. Temporary inspector. No. 35, 1912, s. 14.

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

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

23.

23. (1) The Minister may appoint permit officers for the purpose of issuing permits for stock to travel and may annul any such appointment. Permit officers. No. 35, 1912, s. 14A.

(2) The board for the district for which any permit officer is appointed may pay such officer such fees or commission as are prescribed. Any fees or commission so payable shall be paid out of the Reserves Improvement Fund of the board. No. 25, 1920, s. 2.

24. (1) The board may appoint a secretary and other officers and pay them out of the Pastures Protection Fund, and, with the approval of the Minister, may pay a proportion of their salaries from any other fund. Other officers. No. 35, 1912, s. 15.

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

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

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

PART III.

Rates.

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

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

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

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.

26.

Irregularity.
Act No. 41, 1919, s. 140.

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

Liability for rates.
cf. *Ibid.* s. 143.

27. (1) Every rate shall be due and payable to and recoverable by the board on the expiration of thirty-one days after service of the rate notice.

(2) Any occupier of ratable land may apply to the board for a rebate of rate in accordance with this section.

(3) The board shall grant a rebate of one-half of the amount of the rate levied in respect of any holding or portion of a holding—

(a) on the external boundaries of which there is a fence which, in the opinion of the board, is rabbit-proof; and

(b) which, in the opinion of the board, has been kept reasonably free from rabbits during the period of twelve months ending on the thirty-first day of December immediately preceding the year for which the rate is made.

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

(4) A rebate granted under this section shall not be deemed to be a remission or refund of a rate or part of a rate for the purposes of section thirty-four of this Act.

cf. *Ibid.* s. 144.

(5) Every rate shall, subject to this Act, be paid to the board by the occupier of the land in respect of which the rate was levied.

cf. *Ibid.* s. 147.

(6) Where two or more persons holding jointly or in common are the occupiers of ratable land such persons shall be jointly and severally liable to the board for the rate, but as between themselves each shall only be liable for such part of the rate as is proportionate to his interest in the land and the stock.

If

If any of such persons pays to the board more than his proportionate part, he may recover the excess by way of contribution from the others. cf. Act No. 41, 1919, s. 139 (6).

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

Liability where an estate or interest is transferred. cf. *Ibid.* s. 148.

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

(a) before he ceases to be the occupier of the land; or

(b) before the board has received from him the prescribed notice of his ceasing to be the occupier of the land.

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

(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.

Liability of person becoming occupier. cf. *Ibid.* s. 149 (1).

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

cf. *Ibid.* s. 160 (1) (2).

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

Application

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

(3) The production of the certificate shall for all purposes be deemed conclusive proof in favour of a person who becomes an occupier that at the date thereof no rates, charges, or sums other than those stated in the certificate were due or payable to the board in respect of the land. cf. Act No. 41, 1919, s. 160 (4).

(4) For the purposes of this section rates, charges, or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired. cf. *Ibid.* s. 160 (5).

(5) If the occupier of any land pays to the board any rate in respect thereof which was levied before he became the occupier of the land, he may recover a proportion of the amount from the person who was liable to the board for the rate at the time the rate was levied. cf. *Ibid.* s. 149 (2).

30. (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 so owned which were travelling to or 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 taken into account in respect of one of such holdings only.

(2) If, in the opinion of the board, 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 board in the prescribed manner.

(3) Where land has during the calendar year preceding the making of the 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

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

(4) The rate shall not exceed fourpence per head in the case of large stock and two-thirds of a penny per head in the case of sheep.

Ratable land.

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

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

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

shall be ratable, and the land is referred to in this Act as ratable land.

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

Determination of carrying capacity.

32. For the purposes of this Act the carrying capacity shall be the average number of stock which, in the opinion of the board, could have been depastured on the land during the five years immediately preceding the year in which the determination is made.

Appeal.

33. (1) Where the occupier of any land is dissatisfied with the determination of the board as to the carrying capacity of any land other than land used for agricultural purposes, he may within thirty days after service of the rate notice, appeal against such determination to the local land board of the land 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 local land board for the administrative district in which the land or the greater part thereof is situate.

The manner of appeal and the fees to be paid thereon shall be as prescribed.

(2)

(2) On any such appeal the local land board shall have jurisdiction to hear and determine the appeal, and may make such order for the payment of the costs of the appeal by the applicant or the board as seems just in all the circumstances of the case.

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 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 board as to the carrying capacity shall be final.

Remission of rate.

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

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

Rate-book. cf. Act No. 35, 1912, s. 21.

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

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

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

(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)

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

Facilitation of recovery.

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

Any occupier desiring to object to the validity of the rate may subject to section twenty-six of this Act object to such validity in such court and in such manner and upon such conditions and subject to such fees as may be prescribed.

Overdue rates: extra charge.

cf. Act No. 41, 1919, s. 158.

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

(2) If the rates are unpaid at the expiration of three months from the date when the same became due and payable, the amount due shall be increased by a sum calculated at the prescribed rate per centum per annum, 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.

Recovery of rates.

38. (1) 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.

(2) Where the proceedings are taken in a district court or in a court of petty sessions, the proceedings may be taken in the court for the district in which any of the land occupied is situated, or in the court nearest to the

office

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

(3) 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, 1912-1933.

Returns of land and stock. cf. Act No. 35, 1912, s. 19.

39. (1) Every occupier of land and every owner of stock shall, unless exempted by the regulations, furnish to the secretary of the board not later than the prescribed date in each year a return in or to the effect of the prescribed form of his land and stock 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.

(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.

Holdings in two or more districts.

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

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

PART

PART IV.

Travelling Stock and Travelling Stock and Camping Reserves.

Control of travelling stock and camping reserves.

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

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

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

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 board until the lease is terminated in pursuance of such Acts.

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

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

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

Nothing in this section or in the Forestry Act, 1916-1933, shall render a board liable to pay royalty for timber felled or so used.

Nothing

Nothing in this Act shall prevent the Forestry Commission, with the concurrence of the board, issuing licenses to cut or remove timber under the provisions of the Forestry Act, 1916-1933.

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 the Minister for Lands considers that a board has not taken or is not taking proper measures to protect or improve a travelling stock reserve or camping reserve under its control or to suppress and destroy noxious animals thereon, he may in writing notify such board to that effect; and if, after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

(5) Where any such reserve or part thereof which is under the control of a board is held under annual lease or occupation license, the Minister for 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.

Withdrawal of lands from reserves.

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

Where the board declines or omits to give its consent the reserve or part thereof shall not be withdrawn from the control of the board unless such withdrawal has been approved by resolution of both Houses of Parliament and if so approved the board shall be deemed to have consented to the withdrawal of the reserve or part from its control.

(2)

(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 other than for settlement under the Crown Lands Acts. No. 35, 1912, s. 26B.

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

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

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

43. (1) The Governor may by the regulations impose a rate upon all travelling stock which travel along or over travelling stock reserves or camping reserves or roads 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 board or the officer who issues the permit or renewed permit at the time of the issue of the permit or renewed permit and disposed of in the manner prescribed.

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

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

(7) Where travelling stock travel on a journey in respect of the part of which within the district where the permit or renewed permit is issued no rate is payable, a permit fee not exceeding sixpence may be charged for the issue of the permit or renewed permit, in addition to the rate (if any) payable in respect of any part of the journey travelled in any other district.

Fee on working large stock.

44. (1) The Governor by the regulations may authorise every or any board to collect a fee on all working large stock used by a teamster or carrier on any travelling stock reserve in its district under a license from the board, and such regulations may prescribe different fees for different districts.

(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 board may in a particular case think necessary.

Fee on drovers' stock.

(4) A board 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 for a period specified in the permit on payment of the prescribed fee which shall not exceed two shillings per head per month.

Grazing permits.

No. 35, 1912, s. 26D.

45. A board 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

reserve, or part thereof under the control of the board for a period not exceeding one year or such greater period as may in a particular case be approved by the Minister, subject to such rents, terms, and conditions as may be imposed by the board.

Permits for apiary site.

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

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

The permit shall be in such form and subject to such fees, terms, and conditions as may be fixed by the board.

Reserves Improvement Fund.

No. 35, 1912, s. 26c (2).

47. All moneys received by any board under any provision of this Part, and all fines received by a board for any offence against the provisions of this Part, shall be carried to an account in its books to be called the Reserves Improvement Fund.

Use of fund.

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

(a) in carrying out the duties of the board in relation to the reserves under its control;

(b) for any other purpose approved by the Minister or which may be prescribed.

Permits, licenses, and travelling statements.

Ibid. ss. 105, 106 (1).

48. (1) Except in such cases and under such conditions as are prescribed, no person shall move stock along any road or travelling stock reserve or by rail or by air or by water unless—

(a) (i) in the case of travelling stock, a permit in or to the effect of the prescribed form 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)

(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.

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) Any stock travelled on a travelling statement shall not be again moved within a period of one month after reaching the destination mentioned in such statement except upon a permit.

The

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

Stock starting from previous destination to pay travelling charge.

49. (1) If at any time within three months from 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 to the travelling rate pay 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 the chairman or secretary of the board.

(3) Provided also that on the removal by the owner of any such stock offered for sale at a recognised 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.

Change of route.

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

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 on a permit or renewed permit is one which passes through land quarantined under the provisions of the Stock Diseases Act,

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 charges be payable in respect of such changed route.

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

The board may by resolution delegate to the inspector or to the chairman of the board its powers under this subsection and in like manner may revoke any such delegation.

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

Distribution of travelling charges.

50. The person in charge of travelling stock or working large stock shall on demand by an inspector, permit officer, member of the police force, 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).

51. 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 an owner's registered brand and the capital letter T in Roman character not less than two inches in height.

Travelling stock 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

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

Travelling stock not using made roads.

52. 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.

Stock not to be driven at night without consent.

53. Any person who, except in such districts as are prescribed, drives or carries stock along any road or reserve during the period between one hour after sunset and one hour before sunrise without the consent of the inspector or a director of the board first obtained, and the permit, renewed permit, or travelling statement so endorsed, shall be liable to a penalty not exceeding ten pounds.

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

54. 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.

Stock travelling past holding: notice to occupier. *Ibid.*

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

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

(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.

56.

Stock unattended on reserves: depositing rubbish.

56. 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 a travelling stock reserve shall be liable to a penalty not exceeding ten pounds.

Route. No. 35, 1912, s. 107 (1).

57. (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 travelling stock route leading to the place of destination mentioned in the permit, renewed permit or travelling statement where practicable or if not practicable or if there is no such travelling stock route, then by the most direct road ordinarily used for the purpose of travelling stock to the said place of destination.

(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.

Rate of travel.

58. (1) When stock are travelling on any journey occupying more than twenty-four hours, the person in charge shall in each successive period of twenty-four hours, from six o'clock in the morning of one day to six o'clock in the morning of the following day, cause them to travel towards their destination—

(a) if they are large stock, a distance of not less than ten miles;

(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, travelling statement, 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)

(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 board; or

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

Stock camping on reserves.

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

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

Abandonment of travelling stock.

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

(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~~ **board** 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.

Carcases to be destroyed or buried.

cf. No. 35, 1912, s. 111.

61. 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.

Any

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.

Permitting stock to remain on reserve. cf. No. 35, 1912, s. 107 (4).

62. Any travelling stock may, with the permission of the inspector **or chairman of the board** 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.

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

Lessees of travelling stock reserves and travelling stock.

63. Where the lessee of 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.

Poison on reserves.

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

Structures or fences on reserves—occupation of reserves.

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

(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.

(3) No person other than a person in charge of travelling stock or working large stock shall occupy or use a travelling stock reserve except with the written permission

permission of and subject to the conditions specified by the board or a person authorised by the board in that behalf; or except in pursuance of any lawful authority given under this or any other Act.

Stock unlawfully on a travelling stock reserve.

cf. No. 35, 1912, s. 110.

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

(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 grazing permit from the board;

(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) in the case of a public watering place stock entitled to pasture or water thereon in accordance with the provisions of this Act or the regulations,

shall be deemed to be trespassing stock, and the owner or person ordinarily in charge thereof shall be guilty of an offence and 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.

(2) Any such trespassing stock so found may be impounded by the board on any day of the week and at any time of the day or night. Such impounding may be

be effected by the board or 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 board may detain any animal in like manner and for the like period that a council may so do under the provisions of section four hundred and twenty-six of the Local Government Act, 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 with the approval of the chairman of the board be destroyed by such inspector.

Impounding fee.

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

PART V.

Public Watering-places.

Proclamation of public watering-places.

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

(a) any Crown land, or land acquired under the provisions of section one hundred and ninety-seven of the Crown Lands Acts for a watering-place; or

(b) any land acquired for the purpose by the council of an area under the Local Government Act, 1919, as amended by subsequent Acts,

to be a public watering-place, and may at any time in like manner revoke or vary any such declaration.

(2)

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

(3) The Minister administering this Act may by notification published in the Gazette declare any public watering-place to be a town water supply and may at any time in like manner revoke or vary any such declaration.

Controlling authority.

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

(a) if the public watering-place is one in respect of which a declaration under subsection three of section sixty-eight is in force—the council of the municipality or shire within whose area the public watering-place is situated;

(b) if the public watering-place is not one in respect of which a declaration under subsection three of section sixty-eight is in force—the board of the district within the boundaries of which the public watering-place is situated.

Improvement of public watering-places.

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

(2) Where any public watering-place is situated in the Western Division—

(a) the controlling authority shall not undertake the construction, erection or maintenance of any of the works referred to in subsection one of this section without the prior approval in writing of the Minister;

(b) the cost of the construction, erection and maintenance of any such works shall be met out of the Public Watering Places Fund of the controlling authority, and where there are no moneys or not sufficient moneys in that fund shall be met out of moneys provided by Parliament.

Caretaker.

71. The controlling authority may appoint a caretaker of any public watering-place and may fix the remuneration of such caretaker.

The

The remuneration of a caretaker of a public watering-place situated within the Western Division shall not exceed such amount as may be determined by the Minister, and shall be paid out of moneys provided by Parliament.

A caretaker shall supply water to stock declared by the regulations to be entitled thereto at such rates as may be prescribed.

Leases.

72. (1) The controlling authority may by auction, public tender, or otherwise let any public watering-place on lease for a term not exceeding ten years, and may grant one extension of any lease for a term not exceeding five years at the same or an increased rental without public competition where the controlling authority considers that such an extension is justified by the improvements made by the lessee:

Provided that the controlling authority of a public watering-place within the Western Division shall not let such public watering-place or grant any extension of any lease thereof without the consent in writing of the Minister.

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

(3) A controlling authority and every lessee shall supply water to persons and stock declared by the regulations to be entitled thereto at such rates and during such periods as may be prescribed, and shall allow such stock to depasture on the public watering-place for such period and under such conditions as may be prescribed.

Obstruction.

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

Production of permits, etc.

74. Every person in charge of travelling stock or working large stock on any public watering-place shall, when required by the caretaker, lessee, or person in charge

charge thereof, produce for inspection the permit, renewed permit, or travelling statement issued for the journey on which the stock are travelling, or the license issued in respect of the working large stock, or any order, permit or license issued under the provisions of the Stock Diseases Act, 1923.

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

Impounding.

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

Penalty for injuring watering-places, etc.

76. Any person who wilfully—

(a) destroys or injures any tank, dam, structure, or other work on any public watering-place or any machinery used in connection therewith; or

(b) pollutes, diverts, or interferes with any water flowing into or in or used or intended to be used as the source of supply for any such dam, tank, or other structure,

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

Offences by caretaker, etc.

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

Application of rents, charges, etc.

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

(2)

(2) Any charges received by a board or a caretaker and any rent received by a board shall—

(a) in respect of a public watering-place situated in the Eastern or Central Division, be paid into the Reserves Improvement Fund of the board and out of such fund shall be paid the salary of the caretaker;

(b) in respect of a public watering-place situated in the Western Division, be paid into a special fund of the board to be called the "Public Watering-places Fund," and such fund shall be used in carrying out any of the works specified in section seventy of this Act.

PART VI.

Noxious Animals.

Division 1.—*General.*

79. (1) The rabbit, hare, fox, and native dog shall be noxious animals for the purposes of this Act. Declaration of noxious animals. cf. No. 35, 1912, ss. 58, 67.

(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 declaration.

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

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

(3) The regulations may provide for the removal or destruction of any harbour of any noxious animal within two chains of a rabbit-proof, dog-proof or marsupial-proof fence and may regulate or prohibit the use of any method for the suppression or destruction of noxious animals. Prohibited methods. *Ibid.* s. 61A (1).

81.

Duty of occupiers to destroy noxious animals.

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

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

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

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

82. (1) The board may, by notice published in one or more newspapers circulating in the district, require all occupiers of land within the district or part thereof specified in the notice to adopt within a time specified in the notice any one or more of the prescribed methods mentioned in the notice within any specified time for the suppression and destruction of any specified noxious animal, and to continue such method during such occupation of the land unless the land is free of the noxious animals.

(2) The board ~~or an inspector~~ may, in the prescribed manner, order any occupier of land to adopt any one or more of the prescribed methods specified in the order for the suppression and destruction of any 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 under this section; or

(b)

(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 fifty pounds, and for any subsequent offence to a penalty not exceeding one hundred pounds, and the work may be carried out at his expense.

(4) An inspector or other person authorised by the board 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 any notice or order relating to the suppression and destruction of noxious animals have been carried out and of carrying out the work if it has not been carried out by the occupier.

(5) The expenses incurred in and about any such work shall be recoverable by the board in any court of competent jurisdiction from the occupier of the land, and the fact that such work has been carried out and the amount of such expenses may be evidenced by a certificate in the prescribed form signed by the chairman of the board.

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.

Burning undergrowth, etc.

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

Natural enemies of noxious animals.

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

(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.

Permission to keep noxious animals.

85. 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 Consolidated Revenue Fund. cf. *Ibid.* s. 71.

Meaning of land.

86. (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—

(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 so fenced.

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

87. (1) Any person who 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 shall be liable on conviction to a penalty of not less than fifty pounds and not exceeding two hundred and fifty pounds.

(2) Any person who—

(a) wilfully or negligently leaves open any gate in such a fence;

(b) 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;

(c) liberates or without the permission of the Minister has in his possession any noxious animal;

(d) 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;

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

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

Bonus for scalps. *Ibid.* s. 65.

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

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

89.

89. Where the scalps of any noxious animals destroyed within a district (together with a strip of skin along the back and the tail if they are dingoes) are delivered to the secretary of the board, or to a person duly authorised by such board to receive the same, a certificate in the prescribed form shall be granted by him to the person delivering the scalps. Powers of board as to certificates and dealing with scalps. No. 35, 1912, s. 66.

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

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

Provided that the scalps of foxes, if attached to the skins, may be indelibly marked for identification purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may be disposed of in such manner as the board may direct.

90. (1) Any person who wilfully claims any bonus for the destruction of any noxious animal in connection with which a bonus has already been paid shall be liable to a penalty not exceeding one hundred pounds. False claims for bonus. *Ibid.* s. 68.

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

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

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

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

(4)

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

DIVISION 2.—Alsatian Dogs.

Application of Division.

92. This Division shall apply to the pastures protection districts of Armidale, Bombala, Casino, Cooma, Glen Innes, Gloucester, Grafton, Gundagai, Hume, Port Macquarie, Tamworth, Tenterfield, Tweed-Lismore and Yass, and to every pastures protection district within the Western Division.

Definition.

93. For the purposes of this Division "Alsatian dog" means a dog, whether male or female, which is wholly or partly of the species or kind commonly known as "Alsatian dog" or "Alsatian wolf hound," or belongs wholly or partly to any variety of the said species by whatever name such variety may be known but does not include any such dog the property of the State used for police purposes.

94. (1) Any person who, after the expiry of three months from the date of the commencement of this Act, keeps or has in his possession or under his control within a district to which this Division applies, any Alsatian dog which is not effectively sterilised, shall be guilty of an offence, and upon conviction shall be liable to a penalty not exceeding fifty pounds.

cf. Act No. 34 1929. (W.A.) s. 5.

(2) On the hearing of any charge of an offence against subsection one of this section the onus of proof that the dog has been effectively sterilised shall be upon the defendant.

(3) The onus of proving effective sterilisation shall not be deemed to have been discharged unless the defendant produces a certificate by a veterinary surgeon registered under the Veterinary Surgeons Act, 1923, to the effect that the dog has been so sterilised.

Destruction of Alsatian dogs in certain events.

95. (1) Where any person has been convicted of an offence against section ninety-four of this Act the board may by order in writing require such person to destroy the dog in respect of which the offence was committed, within a period to be limited in the order unless, before the expiration of such period, the dog has been effectively sterilised or has been permanently removed from the district.

(2)

(2) If any dog mentioned in the order is effectively sterilised, the person to whom such order has been given shall produce to the board a certificate of a veterinary surgeon registered under the Veterinary Surgeons Act, 1923, to the effect that the dog has been so sterilised.

(3) Where any person fails to comply with an order under subsection one of this section, the board may direct an inspector or an officer of the board to destroy the dog mentioned in the order.

(4) The inspector or officer so directed may enter upon any land or premises where such dog is, or is reasonably believed to be; and if the certificate referred to in subsection two of this section is not produced to him on demand, may destroy the dog.

(5) The expenses of the inspector or officer in or about the destruction of any such dog may be recovered as a debt in any court of competent jurisdiction by the board from the person to whom the order was given.

The expenses shall include the cost incurred by the inspector or officer in travelling to and from the land or premises and a proportionate part of the salary or wages of such inspector or officer, having regard to the time occupied by him on the work, and in travelling to and from the land or premises.

DIVISION ~~2.~~ **3.**—*Dingo destruction districts.*

~~92.~~ **96.** (1) The Governor may, by proclamation published in the Gazette, constitute dingo destruction districts in the Central and Eastern Divisions. **Dingo destruction districts.**

(2) The Governor may at any time in like manner revoke or vary any such proclamation.

~~93.~~ **97.** (1) There shall be a dingo destruction board for each dingo destruction district. **Dingo destruction board.**

(2) A dingo destruction board shall consist of a like number of members as the number of pastures protection districts which are wholly or partly within the dingo destruction district.

(3) The members of the dingo destruction board shall be appointed by the Governor from the persons nominated

nominated in accordance with this section, and shall, subject to subsection five of this section, hold office for a period of three years from the date of appointment.

One such member shall, subject to subsection six of this section, be appointed by the Governor from the persons nominated by the board of each pastures protection district which is wholly or partly within the dingo destruction district.

(4) Each pastures protection board whose district is wholly or partly within the dingo destruction district shall within the time and in the manner prescribed nominate a director or ratepayer of its district for appointment as a member of the dingo destruction board.

(5) Where a vacancy in the office of a member of a dingo destruction board occurs otherwise than by the expiration of the period for which he was appointed, the person appointed to fill such vacancy shall hold office for the balance of his predecessor's period of office.

(6) If any pastures protection board fails to make a nomination, or to make a nomination satisfactory to the Minister within the prescribed time the Governor may appoint any director or ratepayer of the district of that board to be a member of the dingo destruction board.

(7) A dingo destruction board shall in each year elect one of its members as chairman.

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

~~94.~~ **98.** (1) The dingo destruction board may appoint a secretary. The salary to be paid to the secretary shall be subject to the approval of the Minister. Secretary and office.

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

(3) The Minister may specify at what place the office of the dingo destruction board shall be situate.

~~95.~~ **99.** Any person authorised by a dingo destruction board may enter upon any land at any time, and remain upon such land, and take all such steps as are necessary for Power of entry upon land.

for the purpose of ascertaining whether the requirements of this Act relating to the destruction of native dogs are being carried out.

~~96.~~ **100.** (1) Where a dingo destruction board has reason to believe that there are native dogs upon any land they may, by notice in writing, require the occupier of such land to do such acts, and take such steps as are specified in the notice, within the time specified therein for the more effective destruction of native dogs upon such land. Notice to occupier.

(2) Any occupier who— Failure to comply with notice.

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

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

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

~~97.~~ **101.** (1) Where a dingo destruction board is satisfied that an occupier has failed to comply with a notice under section ninety-six, any person authorised by it may— Powers of authorised person.

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

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

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

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

~~98.~~ **102.** Any reasonable expense incurred or paid by a dingo destruction board, or on its behalf upon or in relation to any land in the exercise of any of the powers conferred Recovery of expenses incurred.

conferred by section ninety-seven, shall be a debt due by the occupier of the said land to such board, and may be recovered by the secretary of such board in any court of competent jurisdiction.

~~99.~~ **103.** (1) A dingo destruction board shall at the prescribed time in each year frame estimates of its expenditure in the forthcoming year, and may by resolution require the pastures protection boards within the dingo destruction district to provide such amount, and to make same available at such times and in such instalments as are specified in the resolution. Provision for expenditure.

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

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

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

Any such proceedings may be taken in the name of the secretary, or if there be no secretary, the chairman on behalf of the dingo destruction board.

~~100.~~ **104.** (1) Each pastures protection board may, for the purpose of providing the amount required by a dingo destruction board and the cost of collecting the rate, levy a special rate in the manner prescribed upon all land ratable for pastures protection rates. Special rate.

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

~~101~~ **105.**

~~101.~~ **105.** (1) The dingo destruction board for the southern tablelands district as constituted at the commencement of this Act shall be deemed to have been constituted under this Act and the members thereof shall hold office until the thirtieth day of June, one thousand nine hundred and thirty-five. Southern Tablelands dingo destruction board.

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

(3) All acts of the Southern Tablelands Dingo Destruction Board done or performed before the commencement of this Act, which would have been valid if this Act had then been in force are hereby validated. Validation.

~~102.~~ **106.** Each dingo destruction board shall open a trust account in such bank and town as may be decided upon, into which shall be paid all amounts provided by the pastures protection boards and such account shall be operated upon by the chairman, one other member of the board, and the secretary, or any two of them. Trust account.

~~103.~~ **107.** All moneys received by a dingo destruction board shall be expended on the destruction of native dogs in its district and in otherwise carrying out the provisions of this Division of this Part of this Act. How funds to be expended.

~~104.~~ **108.** All moneys advanced to the Southern Tablelands Dingo Destruction Board by the Crown prior to the commencement of this Act shall be repaid to the Colonial Treasurer from the amounts provided by the pastures protection boards within the Southern Tablelands Dingo Destruction District within a period of four years from the first day of October, one thousand nine hundred and thirty-three, in such instalments as the Colonial Treasurer directs: Provided that the Colonial Treasurer may extend such period for such time and from time to time as he thinks fit. Repayment of loan.

PART

PART VII.

Rabbit, Marsupial, and Dog-proof Fences.

Division 1.—*Wire Netting.*

Supplying netting, etc. No. 35, 1912, s. 30. No. 25, 1920, s. 3.

~~105.~~ **109.** (1) Where money is voted by Parliament for the purchase of netting or other materials used in the construction of rabbit-proof, dog-proof, or marsupial-proof fences, or any machinery, plant, or substances for the destruction of noxious animals, the Minister may apply the same to such purposes.

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

(3) The cost of any such netting, materials, machinery, plant and substances so sold, and all expenses in connection with the same, shall be repaid by such 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 other than those in favour of the Crown with which such charge shall rank pari passu.

(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, 1919-1932.

Boards to act as agents for the Minister.

~~106.~~ **110.** (1) A board shall within its district and as agent for the Minister collect all moneys due and payable to the Minister for netting, material, machinery, plant or substances sold or let to an owner within such district by the

the board pursuant to any enactment repealed by this Act or by the Minister pursuant to this Act, and shall pay such moneys to the Minister at such times as are prescribed.

(2) If the board fails to pay such moneys to the Minister at the times prescribed the Minister may forthwith take possession of any moneys or other property vested in the board and may make assessments and levy rates under this Act, and for that purpose shall have and may exercise the powers of the board.

~~107.~~ **111.** 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.

Provided that in any case where the Minister is satisfied that the circumstances warrant it, he may direct that the whole or part of such interest shall not be charged or may grant an extension of time for the payment of all or any part of such interest.

~~108.~~ **112.** (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 board as agent for 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) Where any owner of a holding applies to have any such contribution assessed, notice thereof shall be given by him to the Minister, 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)

(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.

~~109.~~ **113.** (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, shall be prima facie evidence of such cost. Certificate as evidence.

~~110.~~ **114.** 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, etc., 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.

~~111.~~ **115.** 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 and materials and any right which such owner may have to recover contribution in respect of same shall pass to and vest in the Minister. Where holding forfeited or abandoned or surrendered to the Crown, netting to vest in the Crown. cf. *Ibid.* s. 35.

~~112.~~ **116.** Any person who— Penalty for misuse of netting, etc. cf. *Ibid.* s. 36.

(a) wilfully uses or disposes of any netting, materials, machinery, plant, or substances supplied

supplied by the Minister under this Act, 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.

DIVISION 2.—*Fences.*

~~113.~~ **117.** 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.

~~114.~~ **118.** (1) The board of the district within which any fence alleged to be rabbit-proof, dog-proof, or marsupial-proof is situated shall, if so required in writing by the owner of the fence, cause the said fence to be inspected, and may charge for such inspection the prescribed fees. Certificate by board that fence is rabbit-proof, dog-proof, or marsupial-proof.

Where the board is satisfied that the fence is rabbit-proof, dog-proof, or marsupial-proof, it shall grant a certificate accordingly in the prescribed form. cf. No. 35, 1912, s. 45.

(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.

~~115.~~ **119.** (1) Where any lands are divided or bounded by a road or travelling stock reserve or public lands, the local land board may, upon application in the prescribed manner and payment of the prescribed fee, grant to the occupiers or owners of such lands, or any of such owners or occupiers, permission to carry a rabbit-proof, dog-proof, or marsupial-proof fence across such road, reserve, route, or public lands. Rabbit, dog, or marsupial proof fence may cross road. *Ibid.* s. 46.

(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 dispenses with the erection of the same.

(3)

(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 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, as amended by subsequent Acts, shall apply to and in respect of such gate.

(5) The Local Government Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 41, 1919, s. 251A. (By-passes for motor vehicles.)

(a) by omitting from subsection two of section 251A the words "rabbit-proof or dog-proof enclosure" and by inserting in lieu thereof the words "rabbit-proof, dog-proof, or marsupial-proof fence";

(b) by omitting from subsection nine of the same section the words "enclosure of which it forms part is made rabbit-proof or dog-proof" and by inserting in lieu thereof the words "fence of which it forms part is made rabbit-proof, dog-proof or marsupial-proof."

~~116.~~ **120.** 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. Act No. 35, 1912, s. 47.

~~117~~ **121.**

~~117.~~ **121.** (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 such holding rabbit-proof, dog-proof, or marsupial-proof by erecting a rabbit-proof, dog-proof, or marsupial-proof fence, or converting a fence into a rabbit-proof, dog-proof, or marsupial-proof fence. Notice of intention to fence occupation license or annual lease, etc. No. 35, 1912, s. 48.

(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.

~~118.~~ **122.** If any holding, or portion of a holding, is bounded in part by a natural feature along which, in the opinion of the local land board or the board, it is unnecessary to erect a rabbit-proof, dog-proof, or 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.

~~119.~~ **123.** (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 Contribution to the cost of rabbit, dog or marsupial proof fence. cf. *Ibid.* s. 49.

the holding and adjoining the rabbit-proof, dog-proof, or marsupial-proof fence to the occupier or owner who has incurred such expense.

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

(a) that the rabbit-proof, dog-proof, or marsupial-proof fence has been erected, or the fence has been made rabbit-proof, dog-proof, or marsupial-proof, otherwise than bona fide for the purpose of excluding or destroying rabbits, native dogs, or marsupials; or

(b) that no benefit is derived from the fence by the holding from the owner of which a contribution is demanded; or

(c) that the nature of such holding is such that it cannot be kept rabbit-proof, dog-proof, or marsupial-proof by the erection and reasonable maintenance and repair of a rabbit-proof, dog-proof, or marsupial-proof fence.

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

(4) Notwithstanding that the local land board has in any case decided that no benefit was derived from the fence by the holding from the owner of which a contribution 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) 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, 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, as from the date upon which the prescribed notice of demand is given and until payment, be and remain a charge on the land in respect of which such contribution is payable.

Rental in lieu of contribution.

(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

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.

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 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 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 or annual rental payable, a copy of the notice of demand or of the claim in writing, as the case may be, 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 Western Lands Commissioner.

~~120~~ **124.** (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, the Pastures Protection Act, 1902, or the Pastures Protection Act, 1912, and the local land board shall have power to assess and determine the amount of any such contribution.

~~121~~ **125.**

~~121~~ **125.** (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 repealed by this Act or the Pastures Protection Act, 1902, or by a rabbit board under the Rabbit Act, 1901), forms a common boundary fence between private and public lands, and before or after the commencement of this Act particulars of such fence have been furnished to the Minister, and he has consented to the erection of the fence or to the making of a boundary fence rabbit-proof, dog-proof, or marsupial-proof, the same contribution shall be payable by the Crown in respect of erecting the fence or making it rabbit-proof, dog-proof, or marsupial-proof as would be payable by any private owner. The Crown to contribute in certain cases. No. 35, 1912, s. 51.

(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.

~~122~~ **126.** (1) The board may, where it considers it necessary for the proper protection or improvement of a travelling stock reserve, by notice in writing require the owner of any land adjoining the reserve within the time specified in the notice— Fencing reserves. *Ibid.* s. 52A. No. 49, 1918, s. 3.

(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; Stock-proof fence: erection.

(b)

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

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

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

(3) If the owner fails to comply with the terms of the notice within the time specified therein the board may cause the fence to be erected, altered, repaired, or rendered rabbit-proof, dog-proof, or marsupial-proof, as the case may be, and may recover 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 board maintains the fence.

(4) If an owner and a board 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.

~~123~~ **127.** 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.

~~124~~ **128.** (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-proof, dog-proof, 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 determination 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—BARRIER FENCES.

~~125~~ **129.** (1) Notwithstanding anything to the contrary in any other Act a board may— Powers of board to erect fences.

(a) erect a rabbit-proof fence, or make rabbit-proof any existing fence, on any land, whether public or private, within or without the district, or across any road or travelling stock route, making gates in such fence for the passage of the public and their stock; No. 35, 1912, s. 37.

(b) erect a by-pass for motor vehicles on any road at the place at which such road intersects any such fence;

(c) co-operate with the board of any other district in any such work.

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

(3) Upon the cancellation of any such notification with regard to a barrier fence erected or made rabbit-proof by or at the expense of the Crown or a board, the owner of any land deriving benefit from such fence shall pay to the Minister for Lands or to the board, as the case may be, the value of so much of such fence as is situated within or is on the boundary of his land. Act No. 49 1918, s. 4.

For the purposes of this subsection the value of the fence where an existing fence was made rabbit-proof by or at the expense of the Crown or a board means the value of the improvements whereby the fence was made rabbit-proof.

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

Any

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

Case where compensation given. No. 35, 1912, s. 38.

~~126~~ **130.** A board shall not be liable to pay or make compensation for anything lawfully done in exercise of the powers conferred by section one hundred and twenty-five except damage by severance caused by the erection upon private land of a barrier fence.

The amount of compensation so payable to any person shall, upon application by him as prescribed, be determined by the local land board, and in determining such compensation such board shall take into consideration and set off any benefit accruing to such person's property by the construction of such fence, and may award costs to or against any party appearing before it.

Contribution for boundary barrier fences. *Ibid.* s. 39.

~~127~~ **131.** Where a board erects a barrier fence or converts any fence into a barrier fence on the common boundary of its district and any adjoining district, the board of such adjoining district shall be liable to pay such first-mentioned board half the cost of erection, maintenance, and repair of the fence.

Payment by purchaser or lessee of Crown lands on which is a barrier fence. *Ibid.* s. 40.

~~128~~ **132.** Where a barrier fence or any portion thereof is situated within or on the boundary of Crown lands, and is owned wholly or in part by the Crown or a board, any person becoming the purchaser or lessee (other than an annual lessee) of any of such lands shall pay the value of so much of such fence as is situated within or is on the boundary of the lands so purchased or leased, such payment to be made to the Crown or the board or other owner of the fence according to their respective interests therein, in accordance with the provisions of the Crown Lands Acts or the Western Lands Acts. The value of any portion of the fence within the boundary of the lands purchased or leased shall be the value thereof to the purchaser or lessee, and the value of any portion on the boundaries of such lands shall be the value at the date of the purchase or lease.

~~129~~ **133.**

~~129~~ **133.** (1) It shall be the duty of a board or boards erecting a barrier fence, or converting a fence into a barrier fence, to maintain it in an effective manner and keep it in good repair. Boards to repair and maintain barrier fences. No. 35, 1912, s. 25.

(2) Where, before or after the commencement of this Act, and at the expense or principally at the expense of the Crown, a barrier fence has been erected, or a fence has been converted into a barrier fence which is wholly or in part within or on the boundaries of a district, the board of such district shall maintain in an effective manner so much of the fence as is within or on the said boundaries and keep it in good repair: *Ibid.* s. 41. No. 49, 1918, s. 4.

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

(3) Provided also that a board or boards may cease to maintain and repair a barrier fence which it or they considers or consider to be unnecessary, or may cause the continuity of the fence to be broken where it or they is or are satisfied that it should be done in the public interests and that the effectiveness of the fence will not thereby be endangered.

~~130~~ **134.** In the case of any dispute between boards as to the payment of any money or the doing of any act required to be paid or done under the provisions of this Part, or as to the carrying out of any agreement between them made under this Part, the matter of the dispute shall be referred to and shall be determined by the Minister: Provided that the Minister before making his award may refer the matter in dispute to the local land board of any land board district for investigation and report; and may thereupon either make such award himself or refer the whole matter, together with such report (if any), to the Land and Valuation Court to make an award. Every such award shall be final and conclusive for all purposes. Arbitration in case of dispute between boards. No. 35, 1912, s. 43.

DIVISION

DIVISION 4.—*Procedure.*

~~131~~ **135.** 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: 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.

~~132~~ **136.** In any proceedings under this Part before a local land board for the determination of any contribution, value, or other sum of money, the local land board may allow time for the payment of such contribution, value, or sum of money, and may determine the instalments by which the same may be paid, and appoint the date on or before which such instalments shall be paid, and such contribution, value, or sum of money shall be payable by the instalments and on the dates so determined. Local land board may allow time for payment. *Ibid.* s. 75.

Where time is so allowed, the local land board may order that interest at a rate not exceeding five per centum per annum be paid on the amount due in respect of such contribution, value, or sum of money.

~~133~~ **137.** 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 the Minister for Lands or such board 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.

~~134~~ **138.** 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 Procedure. *Ibid.* s. 77.

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 like 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.

~~135~~ **139.** (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. 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.

~~136~~ **140.** 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 Register of Causes Writs and Orders affecting land or in any other manner prescribed by regulations made under the Conveyancing Act, 1919-1932, 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 Effect of moneys being charged. cf. *Ibid.* s. 79.

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.

~~137~~ **141.** (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) 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.

~~138~~ **142.** 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 inquired into 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 5.—*Offences.*

~~139~~ **143.** (1) 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 to the cost of repairing the fence. Persons interfering with rabbit-proof, dog-proof, and marsupial-proof fences.

(2)

(2) Any person who leaves any obstruction preventing the use of a by-pass for motor vehicles erected by a board shall on conviction be liable to a penalty not exceeding twenty-five pounds.

PART VIII.

Branding and Earmarking of Sheep.

~~140~~ **144.** 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 **or crutching** at a shearing shed which is not more than twelve miles from the holding upon which such sheep are depastured.

~~141~~ **145.** (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—

(a) in such circumstances and under such conditions as are prescribed; or

(b) with the written permission of the inspector, **or the chairman of the board for the district,**

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.

(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 earmark.

(6)

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

~~142~~ **146.** (1) Application for the registration of a brand and earmark shall be lodged with the board of the district in which the holding or the major part thereof is situate in the prescribed manner, and shall be accompanied by the prescribed fees. Registration of brands and earmarks. cf. No. 35, 1912, ss. 133 134.

(2) Application for the transfer of a brand and earmark shall be lodged with the board of the district in which the holding or the major part thereof is situate 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, as amended by subsequent Acts, shall be deemed to be registered under this Act.

~~143~~ **147.** Every application for the registration of a sheep brand or earmark, or for the transfer of a brand or earmark, shall be forwarded by the board to the Registrar of Brands, who shall decide whether a brand or earmark shall be registered, and whether a transfer shall be registered. Application for brand and earmark. Powers of Registrar. *Ibid.* s. 134.

~~144~~ **148.** (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.

~~145~~ **149.** 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.

~~146~~ **150.** (1) The Registrar of Brands shall, in the prescribed manner keep a register of brands and earmarks and Registration of brands and earmarks.

and the board shall in the prescribed manner keep a register of brands and earmarks registered for use in the district.

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

(3) A certificate from the Registrar of Brands that a brand or earmark is or is not registered at the date of the certificate, and as to any particulars which are contained in the register, shall be evidence of the facts stated therein.

~~147~~ **151.** If the occupier of any holding in respect of which a brand and earmark are registered ceases to occupy the holding and no application for the transfer of the brand and earmark to any subsequent occupier has at the expiration of one month thereafter been received by the board for the district in which the holding is situated, the Registrar of Brands may after the prescribed notice, cancel the registration of the brand and earmark.

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

~~148~~ **152.** (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 death of such occupier.

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.

(4) Where the proprietor of a brand is a company, firm or partnership and the Registrar of Brands is satisfied that such company, firm or partnership has been dissolved, he shall cancel such registration.

~~149~~ **153.**

~~149~~ **153.** Any brand and earmark the registration of which is cancelled under this Part may on application to the Registrar of Brands in the prescribed manner and on payment of the prescribed fee be restored to the register. Restoration to register.

~~150~~ **154.** 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. No. 35, 1912, s. 132 (2).

~~151~~ **155.** (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) Registered brands shall be placed in such positions as are prescribed.

(3) A raddle mark may be placed on any portion of a sheep provided that it does not obliterate or deface any registered brand on the sheep.

(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.

~~152~~ **156.** (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.

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

~~153~~ **157.** (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) alters an earmark on any sheep, or except in the case of distinctive earmarks 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) 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,

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, in respect of which he did not, 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 give the prescribed notice to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

PART IX.

Mustering.

Notice of muster.

cf. No. 35, 1912, s. 165.

~~154~~ **158.** (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 forty-eight 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.

If for any reason the muster cannot be held at the time specified in the notice, the owner shall not less than twelve hours before the time fixed for the muster give to the occupier of the adjoining holding notice of the alteration of the time for the muster or of the abandonment thereof as the case may be.

(2)

(2) Any owner failing to give any notice under subsection one of this section shall, unless he has obtained such consent, for every such offence be liable to a penalty not exceeding fifty pounds.

(3) This section shall not apply to any muster ordered in pursuance of the provisions of the Stock Diseases Act, 1923, or of this Act.

~~155~~ **159.** An inspector may, with the approval of the chairman of the board or the Minister, order an owner or occupier to muster the stock on his holding or any portion thereof for the special purpose named in such order. Power to order owner or occupier to muster.

Any owner or occupier failing to comply with such order shall be liable to a penalty not exceeding fifty pounds.

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

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

PART X.

General Provisions.

~~156~~ **160.** (1) Any proceedings in respect of an offence under this Act, or any regulation made thereunder, shall be heard and determined in a summary way before a court of petty sessions in accordance with the provisions of the Justices Act, 1902. Summary jurisdiction. No. 35, 1912, s. 168 (1).

(2) Any person may take proceedings for the punishment of any offence under this Act, and any penalty imposed for any such offence shall belong and be paid to the Who may proceed: Penalties. *Ibid.* s. 168 (2).

the board of the district in which the offence was committed, any law to the contrary notwithstanding, and the court imposing the penalty shall order accordingly.

Recovery of money. No. 35, 1912, s. 168 (3).

~~157~~ **161.** (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.

(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.

General penalty. *Ibid.* s. 169.

~~158~~ **162.** 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.

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

~~159~~ **163.** (1) 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 forging, etc., permits, etc.

(2) Any person who forges or alters or utters or puts off any permit, renewed permit, license, travelling statement or other document or instrument issued under this Act shall on summary conviction be liable to a penalty not exceeding one hundred pounds.

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

~~160~~ **164.** Any person who obstructs, hinders, interrupts, threatens, or assaults any inspector or other person appointed by the board or the Minister under this Act, or any person acting for the board, whilst in the performance of his duty, shall on summary conviction be liable to a penalty not exceeding fifty pounds.

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

~~161~~ **165.** Any notice, information, complaint, agreement, or other document, shall be sufficiently authenticated if it is signed by the chairman of the board, or by the secretary of the board, purporting to sign the same by authority of the board, and authority in the chairman or secretary so to sign shall be presumed unless and until the contrary is shown. Authentication of documents, etc. No. 35, 1912, s. 172.

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

~~162~~ **166.** (1) Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially provided, be given in any one of the following ways:— Service of notices. *Ibid.* s. 173.

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

(b) by registered letter sent through the post and directed to the last known place of abode or of business in New South Wales of the person to whom the notice is addressed; or

(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.

~~163~~ **167.** For the purpose of any proceeding under this Act or the regulations, the description of any holding or land need not be a description by metes and bounds, but shall be sufficient if it makes such reference to the holding or land either by name, situation, boundaries, or otherwise, as allows of no reasonable doubt as to what holding or land is referred to. General description of land sufficient. *Ibid.* s. 174.

~~164~~ **168.**

~~164~~ **168.** 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 owner 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.

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

~~165~~ **169.** (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.

Notices, etc., in Gazette to be received as evidence. *Ibid.* s. 176.

(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 a dingo destruction board or of a board, proof shall not, until evidence is given to the contrary, be required of—

(a) the appointment of the dingo destruction board or the due constitution of the dingo destruction district;

(b) the boundaries of the dingo destruction district;

(c) the fact that any land or place is within the dingo destruction district;

(d) the incorporation of the board or the due constitution of the district;

(e) the boundaries of the district or of a division of the district;

(f) the fact that any land or place is within the district or the division in question;

(g) the constitution of the board or the election or appointment of the directors or the chairman thereof;

(h) the appointment of any inspector, or permit officer, or of any servant or officer of the board;

(i) 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;

(j) the fact that any land in question is within the jurisdiction of any court or local land board.

~~166~~ **170.** (1) In any legal proceedings under this Act, in addition to any other method of proof available, evidence by a certificate of the Registrar-General or his deputy that any person appears from any registration of any 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 Under Secretary of the Department of Lands that any person appears from the records of that Department to be the holder of land of any tenure under those Acts 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. Ownership.

(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 Under Secretary of the Department of Lands.

~~167~~ **171.** (1) The Governor may make regulations not inconsistent with this Act prescribing any matter or thing which by this Act is required or permitted to be prescribed, or which is necessary or convenient to be prescribed for giving effect to this Act, 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 date on or before which rates shall be made;

(b) the form, manner of service, and time of issue of rate notices;

(c) the manner of appealing against the determination by a board of the carrying capacity of any land;

(d)

(d) form of rate books and the manner of keeping the same;

(e) all other matters incidental to the regulation of rating;

(f) the manner in which the accounts of boards shall be kept and audited;

(g) the qualifications to be held by auditors, and making provisions for audits by persons not holding such qualifications where a qualified person is not available;

(h) the qualifications to be held by inspectors;

(i) examination for the obtaining of qualifications by persons for their appointment as an inspector;

(j) prescribing the reasonable fees for any service or inspection rendered by a board or its officers, or any registration license or permit or other matter done or service rendered under this Act;

(k) the manner of applying for registration, and transfer of brands and earmarks;

(l) the construction and use of branding and earmarking instruments;

(m) the use of brands and earmarks;

(n) the duties of the Registrar of Brands;

(o) the compilation and publication of the brand and earmark directory, and the list of brands and earmarks, and the payment for the compilation and publication of such directory and list.

(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.

~~168~~ **172.** So far as relates to the Western Division— Western Division.

(a) the Minister may depute to the Western Lands Commissioner, or to a chairman of local land boards appointed under the Western Lands Acts any of the powers or duties conferred or imposed upon him by this Act; No. 35, 1912, s. 179.

(b) the provisions of the Western Lands Acts relating to the destruction of rabbits shall not be enforced within any part of that Division which is included in a district constituted under this Act;

(c) the provisions of section forty-three of this Act shall not apply until a date to be fixed by the Governor and notified by proclamation published in the Gazette.

~~169~~ **173.** (1) The Prickly-pear Acts, 1924-1930, is amended— Amendment of various Acts. (Consequential.)

(a) by omitting from subsection ~~one~~ **two** of section twenty-four the words "section eighteen of the Pastures Protection Act, 1912, a special rate in addition to the rate mentioned in section" and by inserting in lieu thereof the words "Part III of the Pastures Protection Act, 1934, a special rate in addition to the rate mentioned in that Part";

(b) by omitting from the same subsection the words "The second proviso to subsection one of the said section" and by inserting in lieu thereof the words "subsections two and three of section twenty-seven of that Act."

(2)

(2) The Local Government Act, 1919, is further amended—

(a) by omitting from paragraph (c) of section four hundred and sixty-six the figures "1912" and by inserting in lieu thereof the figures "1934";

(b) by omitting from paragraph (k) of subsection five of section six hundred and fifty-four the figures "1912" and by inserting in lieu thereof the figures "1934."

(3) The Finances Adjustment Act, 1932, as amended by subsequent Acts, is amended by inserting in subsection (3A) of section three, after the words and figures "Pastures Protection Act, 1912" the words and figures "the Pastures Protection Act, 1934."

SCHEDULE. Sec. 3.

Number of Act.	Title or short title.	Extent of repeal
No. 17, 1900 ...	Public Watering-places Act, 1900	The whole.
No. 35, 1912 ..	Pastures Protection Act, 1912 ...	The whole
No. 49, 1918 ...	Pastures Protection (Amendment) Act, 1918.	The whole
No. 25, 1920 ...	Pastures Protection (Amendment) Act, 1920.	The whole.
No. 41, 1919 ...	Local Government Act, 1919 ...	Section 497 and paragraph (g) of section 513.

Sydney: Alfred James Kent, I.S.O., Government Printer—1934.

[5s.]

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

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 10 *October,* 1934.

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

Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, October, 1934.

New South Wales.

ANNO VICESIMO QUINTO

GEORGII V REGIS.

* *

Act No. , 1934.

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

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

Pastures Protection.

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

PART I.

Preliminary.

Short title and commencement.

1. (1) This Act may be cited as the "Pastures Protection Act, 1934."

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

Division into Parts.

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

PART I.—Preliminary—*ss.* 1–4.

PART II.—Pastures Protection Districts and Boards—*ss.* 5–24.

PART III.—Rates—*ss.* 25–40.

PART IV.—Travelling Stock and Travelling Stock and Camping Reserves—*ss.* 41–67.

PART V.—Public Watering-places—*ss.* 68–78.

PART VI.—Noxious Animals—*ss.* 79–104.

Division 1.—*General*—*ss.* 79–91.

Division 2.—Alsatian dogs—ss. 92-95.

Division ~~2.~~ **3.**—*Dingo destruction districts*—*ss.* ~~92-104.~~ **96-108.**

PART VII.—Rabbit, Marsupial, and Dog-proof Fences—*ss.* ~~105-139.~~ **109-143.**

Division 1.—*Wire netting*—*ss.* ~~105-112.~~ **109-116.**

Division 2.—*Fences*—*ss.* ~~113-124.~~ **117-128.**

Division 3.—*Barrier fences*—*ss.* ~~125-130.~~ **129-134.**

Division 4.—*Procedure*—*ss.* ~~131-138.~~ **135-142.**

Division 5.—*Offences*—*s.* ~~139.~~ **143.**

PART VIII.—Branding and Earmarking of Sheep —*ss.* ~~140-153.~~ **144-157.**

PART

PART IX.—MUSTERING—*ss.* ~~154, 155.~~ **158, 159.**

PART X.—GENERAL PROVISIONS—*ss.* ~~156-169.~~ **160-173.**

SCHEDULE.

Repeal.

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

Continuity of boards and districts.

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

Saving of rights, etc.

(a) boards continued under this Act shall have and enjoy as far as relates to any previous or pending transaction or matter, all rights, powers, protections, and property acquired by them, and be subject to all liabilities incurred or indemnities given by them under the enactments repealed by this Act;

Proclamations, returns, etc.

(b) all proclamations and notifications made, and all sanctions and notices given under the enactments repealed by this Act the operation of which is not exhausted at the commencement of this Act, shall be deemed to have been made and given under the corresponding provisions (if any) of this Act, and shall have and take effect accordingly;

Chairmen and directors of boards.

(c) the chairman and directors of any board elected or appointed under the enactments repealed by this Act and holding office at the commencement of this Act shall continue to hold office until the thirtieth day of April in the year one thousand nine hundred and thirty-~~four~~ **seven;**

Rolls.

(d) all electoral rolls prepared under the provisions of the enactments repealed by this Act and in force at the commencement of this Act shall be rolls of electors under this Act until fresh rolls of electors are compiled and are in force under this Act;

(e)

(e) subject to subsection four of this section all rates, charges, fees, and sums of money which under the enactments repealed by this Act 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 and such rates, charges, fees, and sums of money (including money which by the operation of that subsection is payable to or recoverable by the Minister) shall remain a charge on land until payment; Rates.

(f) all regulations made under the enactments repealed by this Act 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, replaced, or amended by regulations made under this Act; Regulations.

(g) all appointments of officers duly made under the enactments repealed by this Act, and which have not been terminated at the commencement of this Act, shall continue and be of the same force and effect as if made under this Act; Appointments.

(h) 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 enactments repealed by this Act, and in force at the commencement of this Act, shall continue in force for the period for which it was granted, subject to the provisions of this Act; Permits, leases, and licenses.

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

(j) every public watering-place declared or established in accordance with the provisions of the Public Watering-places Act, 1900, or proclaimed in accordance with the provisions of section four hundred and ninety-seven of the Local Government Act, 1919, and in existence at the commencement Public watering-places.

commencement of this Act, shall be deemed to be a public watering-place declared under the provisions of this Act;

(k) every lease of a public watering-place granted under the enactments repealed by this Act and in force at the commencement of this Act shall continue in force for the unexpired portion of the term thereof, and the lessee shall be subject to the same rights, obligations, and liabilities as if the lease had been granted under the provisions of this Act; Lease of public watering-place.

(l) every caretaker of a public watering-place appointed by the Minister or a council under the Public Watering-places Act, 1900, or section four hundred and ninety-seven of the Local Government Act, 1919, and whose appointment has not been terminated before the commencement of this Act, shall be deemed to be appointed by the controlling authority constituted by this Act. Caretaker of public watering-place.

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 of 1897.

(3) (a) Where before the commencement of this Act the council of any municipality or shire has effected improvements on any public watering-place (other than a public watering-place which has been declared to be a town water supply) to which the provisions of paragraph (j) of subsection two of this section apply, such council shall be entitled to compensation for the improvements in accordance with this subsection.

(b) A claim for compensation shall be made to the board which under this Act becomes the controlling authority of the public watering-place.

Such claim shall not be made later than one year after the commencement of this Act.

(c) No such compensation shall be payable unless the Minister for Agriculture has certified in writing under his hand that compensation is properly payable.

(d) The amount payable as compensation shall not in any case exceed the cost of such improvements.

The amount of compensation shall be fixed by agreement between the board and the council.

Where the board and the council fail to agree in regard to the amount of compensation, the amount shall be determined by the local land board.

Any amount payable as compensation may be paid by the board to the council in such instalments as may be agreed upon by the board and the council, and where the board and the council fail to agree then in such instalments as shall be determined by the local land board: Provided that no interest shall be payable by the board to the council on any such amount.

(4) Where pursuant to any enactment repealed by this Act money was voted by Parliament for the purchase of wire-netting or other materials used in the construction of rabbit-proof fences or any machinery, plant, or substances for the destruction of rabbits, and such money was applied or lent in the manner provided in that enactment, the following provisions shall have effect:—

(a) The liability of the board of any district to the Colonial Treasurer in respect of such netting, materials, machinery, plant or substances, shall be reduced by an amount equal to the amount which, by the operation of paragraph (b) of this subsection, becomes payable to and recoverable by the Minister.

(b) All moneys and liquidated and unliquidated claims which, immediately before the commencement of this Act are payable to or recoverable by the board of any district in respect of such netting, materials, machinery, plant or substances sold or let to owners of private land shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Minister.

(c) All suits, actions, and proceedings pending immediately before such commencement at the suit of the board of any district in respect of such netting, materials, machinery, plant or substances sold or let to owners of private land shall respectively be suits, actions, and proceedings pending at the suit of the Minister.

(d)

(d) The Minister 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.

(e) The Minister may enforce and realise any security or charge existing immediately before such commencement in favour of the board, in respect of any such moneys and claims as if such security or charge were existing in favour of the Minister.

(f) The property in any netting or other materials and the right to recover any contribution which, by the operation of any enactment repealed by this Act have passed to and become vested in the board of any district consequent upon the forfeiture or surrender of a holding, and immediately before the commencement of this Act are the property and right of such board shall pass to and vest in the Minister.

In this subsection "the Minister" means the Minister to whom the administration of Part VII of this Act is committed.

Forms under repealed Acts.

(5) 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.

References to repealed Acts.

(6) Where in any Act, ordinance, regulation, or by-law reference is made to the provisions of any enactment repealed by this Act such reference shall be deemed to be to the corresponding provisions (if any) of this Act.

Liabilities incurred under repealed enactments.

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

(8) The provisions of subsections one, two, three and four of section one hundred and five of the Pastures Protection Act, 1912, as amended by the Pastures Protection (Amendment) Act, 1918, and the Pastures Protection (Amendment) Act, 1920, shall as from the date of the commencement of the Pastures Protection (Amendment) Act, 1920, be deemed to have applied and to have been in force in the pastures protection districts enumerated in the notification in the Gazette dated the eighth day of December, one thousand nine hundred and twenty, and published on the seventeenth day of December, one thousand nine hundred and twenty, and shall apply and be in force in such pastures protection districts until altered by notice in the Gazette or until the commencement of this Act, whichever shall first happen, but this subsection shall not affect any legal proceedings pending at the date on which this subsection takes effect.

This subsection shall take effect on whatever date this Act is assented to by or on behalf of His Majesty.

Interpretation. No. 35. 1912, s. 4.

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

"Board" means the pastures protection board for any district constituted or continued by or under this Act.

"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.

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

"Central Division" has the meaning given to the expression in the Crown Lands Acts.

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

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

"Crown Lands Acts" means the Crown Lands Consolidation Act, 1913, and all amending Acts, and includes the Closer Settlement Act, 1904, and all amending Acts, and the Returned Soldiers Settlement Act, 1916, and all amending Acts.

District

"District" means any pastures protection district constituted or continued by or under this Act.

"District Surveyor" means a district surveyor appointed for the purposes of the Crown Lands Consolidation Act, 1913.

"Dog-proof," see "Rabbit-proof."

"Earmark" means a mark cut out of the ear of a sheep.

"Eastern Division" has the meaning given to the expression in the Crown Lands Acts.

"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.

"Large stock" means horses, cattle, and camels.

"Local land board" means local land board as constituted and defined under the Crown Lands Acts, and in relation to the Western Division means local land board constituted and defined 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.

"Occupier"

(a) means the person for the time being entitled to the possession of any land, and except for any purpose of this Act relating to the obligation to pay any rate, expenses or contribution, includes where the person so entitled does not reside on the land, his resident manager or other person in charge of the land; and (b)

(b) for the purposes of Part VI includes the Rural Bank of New South Wales, and the occupier or caretaker of any public watering-place, 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;

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

(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; or

(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

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 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 or deemed to be declared to be a public watering-place under this Act.

"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, as amended by the Registration of Stock Brands (Amendment) Act, 1923.

"Regulations" means 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

"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 or the Western Lands Acts, the notification, reservation, or dedication of which has not been revoked at the commencement of this Act, and any public watering-place.

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

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

"Western Lands Commissioner" means the Western Lands Commissioner appointed under the Western Lands Acts.

"Working large stock" means large stock in use for purposes of transport.

PART II.

Pastures Protection Districts and Boards.

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

5. (1) The Governor may by proclamation published in the Gazette constitute pastures protection 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.

(2) 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.

Board.

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

(2) The first general election of directors under this Act shall be held on such date in the month of April in the year one thousand nine hundred and thirty-seven as shall be appointed by the Minister and notified in the Gazette.

(3) A general election of directors shall be held in the month of April in the year one thousand nine hundred and forty and in each third year thereafter. The date of each such general election shall be appointed by the Minister and notified in the Gazette.

(4) The date appointed by the Minister for the holding of any general election shall be a date not less than four weeks after the date upon which the notification is published in the Gazette.

(5) The directors elected at any such general election shall take office upon the first day of May in the year in which the general election is held and shall cease to hold office upon the thirtieth day of April in the third year thereafter, but shall be eligible for re-election if otherwise qualified.

(6) Where no proper election of directors or of any director takes place upon the date appointed for the holding of a general election the Minister may cause an election to be held on a date to be appointed by him and notified in the Gazette or he may appoint the necessary number of persons eligible to be elected to be directors.

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

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

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

The office of chairman, or deputy-chairman, shall—

(a) commence on the day of his election thereto;

(b) become vacant on the day of the election of his successor or on the occurrence of an extraordinary vacancy in such office.

Where

Where an extraordinary vacancy occurs in the office of chairman or deputy-chairman a successor shall be elected to hold office for the remainder of the term.

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

(8) Four directors shall form a quorum.

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

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

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

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

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

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

Extraordinary vacancy.

8. (1) An extraordinary vacancy in the office of a director, chairman, or deputy-chairman shall occur if the person elected or appointed thereto—

(a) dies; or

(b) resigns his office by writing under his hand directed to the secretary of the board; or

(c) is absent without leave of the board from three consecutive meetings of the board; or

(d) is convicted of a felony or misdemeanour; or

(e) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898; or

(f) ceases for any reason to hold office before the day on which the office would ordinarily become vacant.

(2) If any director, chairman, or deputy-chairman becomes bankrupt within the meaning of the law in force for the time being relating to bankrupts, or if he compounds his affairs with his creditors, he shall thereby cease to hold office, but shall be eligible for re-election if not otherwise disqualified.

(3)

(3) An election to fill an extraordinary vacancy in the office of a director shall be carried out and conducted as prescribed, and the voting shall be by post.

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

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

(5) Where no proper election takes place within two months of the occurrence of an extraordinary vacancy the Governor may appoint a person eligible to be elected to fill the vacancy.

9. The board may allow to any director travelling and hotel expenses as prescribed. Travelling expenses. No. 35, 1912, s. 8.

No fee or other payment shall be allowed or made to any director unless in accordance with the regulations.

10. (1) On the proclamation of a new district the Minister shall, as soon as possible, prepare a roll or rolls showing the names of all persons entitled to vote at the election for directors, and thereafter the secretary of the board shall keep every such roll revised to date. Roll of electors. *Ibid.* s. 9.

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

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

11. (1) The Minister shall by notification published in the Gazette, divide each district which has not been exempted from the operation of this subsection into four divisions, and may in the like manner alter the boundaries of any such division. Division of districts. *Ibid.* s. 10.

Any

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

(2) The Minister may, on the application of a board whose district is situated within the Western Division, by notification published in the Gazette exempt the district from the operation of subsection one of this section.

Where the district of any such board has been divided into divisions the Governor may, on the like application by the same or a subsequent like notification, cancel such division.

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

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

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

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

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

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

(7) Where any district has been divided into divisions no person shall be eligible for election for a division unless his name is on the roll for the division and unless he is otherwise qualified for election or to vote in accordance with the provisions of this Act.

12. (1) Subject to this Act every occupier of ratable land within a division or district shall be entitled to be enrolled for such division or district: Qualification for—(a) enrolment;

Provided that where the occupier is a person for the time being entitled to the possession of any land who does not reside on the land the occupier entitled to be enrolled shall be such person:

Provided

Provided further that such person may nominate in writing his resident manager or other person in charge of the land to be the occupier for the purpose of this section.

(b) voting.

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

(a) is enrolled for the division or district;

(b) is the occupier of land in respect of which—

(i) the return required by section thirty-nine of this Act, if any such is required to be made, has been made; and

(ii) all rates due and payable to the board have been paid,

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

(c) election.

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

(a) is enrolled for the division or district for which the election is held;

(b) is resident in the district;

(c) is the occupier of land in respect of which—

(i) the return required by section thirty-nine of this Act, if any such is required to be made, has been made; and

(ii) all rates due and payable to the board have been paid,

shall be qualified for election as a director.

(4) Where two or more persons holding jointly or in common are the occupiers of ratable land and reside thereon one of such persons shall be enrolled in respect of each ten head of large stock or one hundred sheep carried on the land or estimated by the board to be within the carrying capacity of the land.

The persons who shall be so enrolled shall in any such case be determined by such persons or a majority of them evidenced by an agreement signed by such persons or majority and delivered to the secretary of the board or,

failing such agreement, according to the alphabetical order of their surnames or, where the surnames are the same, of their other names.

Election of directors. No. 35, 1912, s. 11.

13. The election of directors of the board shall be conducted in the prescribed manner and the voting shall be by post.

Incorporation. *Ibid.* s. 12.

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

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

Power of boards to borrow.

(2) A board may borrow by way of limited overdraft on current account in any bank or banks upon the security of the board's funds or of any other assets of the board within such limits, to such extent, and for such purposes as may, from time to time, be approved by the Minister.

Duties of boards. *Ibid.* s. 16.

15. Every board—

(a) shall cause proper minute books to be kept of all its proceedings;

(b) shall cause true and regular accounts to be kept of all moneys received or paid by it under this Act, and shall give the owner or the occupier of any ratable land within the district access to such accounts at all reasonable hours;

(c) shall produce for inspection to any person duly authorised in writing by the Auditor-General or by the Minister all its books, accounts, agreements, vouchers, letters, or other documents which may relate to any matter under this Act.

16.

16. Every board shall, in January in each year, cause an account in the prescribed form to be prepared of its receipts and expenditure for the year preceding under distinct heads, with a statement of the balance. Yearly accounts to be published. No. 35, 1912, s. 17.

Such account shall be duly audited and certified.

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

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

17. A board shall have power to appear and be represented by counsel, solicitor or agent before a local land board in any matter before such local land board relating to the proposed curtailment or revocation of a travelling stock or camping reserve, or to the proposed closure of any road which affects the interests of travelling stock, or to an application for any lease or the conversion of any lease of land within or partly within any such reserve. Board may be represented by counsel before local land board. *Ibid.* s. 17A. No. 49, 1918, s. 4.

18. (1) The Governor may by proclamation published in the Gazette dissolve any board whose district is wholly comprised in a new district or wholly distributed among other districts. Dissolution of board.

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

19. (1) All subsidies, fines, penalties, rates, and other moneys received by a board under this Act, except as otherwise in this Act provided, shall form part of a fund to be called the Pastures Protection Fund of the district. Pastures Protection Fund. No. 35, 1912, s. 24.

(2)

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

(a) the payment of any expenses of or incidental to the election of the board, the execution by the board of its powers, authorities, duties and functions under this Act, or to the payment of any costs or expenses incurred in accordance with the provisions of this Act; and

(b) any other purpose approved by the Minister or which may be prescribed.

(3) The Minister may grant permission to a board to open a special fund in the board's name other than those specified in this Act, and such fund shall only be used for the purpose for which it is opened. Where a board certifies to the Minister that such purpose has been fully accomplished, the Minister may allow any balance of such fund to be transferred to the Pastures Protection Fund of the board. Special fund.

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

Each such auditor shall be a person who possesses the prescribed qualifications or who in accordance with the regulations is approved as an auditor by the Minister.

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

20. The board for each district shall in each year pay to the Colonial Treasurer three per centum of its gross revenue to cover the cost of administering this Act. Board to contribute part of cost. No. 35, 1912, s. 26.

Payment shall be made at the time prescribed.

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

An

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

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

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

An inspector shall for the purposes of the Workers' Compensation Act, 1926–1929, be deemed to be an employee of the board which pays his salary, and where he is paid by the boards of two or more districts he shall be deemed the employee of such district as the Minister directs, but the other district or districts shall contribute in such amounts as the Minister directs towards the cost of the insurance.

The Crown shall contribute one-half of the cost of insurance under the Workers' Compensation Act, 1926–1929, in respect of each inspector.

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

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

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

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

Permit officers.

23. (1) The Minister may appoint permit officers for the purpose of issuing permits for stock to travel and may annul any such appointment. No. 35, 1912, s. 14A.

(2) The board for the district for which any permit officer is appointed may pay such officer such fees or commission as are prescribed. Any fees or commission so payable shall be paid out of the Reserves Improvement Fund of the board. No. 25, 1920, s. 2.

Other officers.

24. (1) The board may appoint a secretary and other officers and pay them out of the Pastures Protection Fund, and, with the approval of the Minister, may pay a proportion of their salaries from any other fund. No. 35, 1912, s. 15.

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

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

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

PART III.

Rates.

Board to levy rate.

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

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

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

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.

Irregularity. Act No. 41, 1919, s. 140.

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

Liability for rates. cf. *Ibid.* s. 143.

27. (1) Every rate shall be due and payable to and recoverable by the board on the expiration of thirty-one days after service of the rate notice.

(2) Any occupier of ratable land may apply to the board for a rebate of rate in accordance with this section.

(3) The board shall grant a rebate of one-half of the amount of the rate levied in respect of any holding or portion of a holding—

(a) on the external boundaries of which there is a fence which, in the opinion of the board, is rabbit-proof; and

(b) which, in the opinion of the board, has been kept reasonably free from rabbits during the period of twelve months ending on the thirty-first day of December immediately preceding the year for which the rate is made.

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

(4) A rebate granted under this section shall not be deemed to be a remission or refund of a rate or part of a rate for the purposes of section thirty-four of this Act.

cf. *Ibid.* s. 144.

(5) Every rate shall, subject to this Act, be paid to the board by the occupier of the land in respect of which the rate was levied.

cf. *Ibid.* s. 147.

(6) Where two or more persons holding jointly or in common are the occupiers of ratable land such persons shall be jointly and severally liable to the board for the rate, but as between themselves each shall only be liable for such part of the rate as is proportionate to his interest in the land and the stock.

If

If any of such persons pays to the board more than his proportionate part, he may recover the excess by way of contribution from the others. cf. Act No. 41, 1919, s. 139 (6).

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

28. (1) Where a person ratable as an occupier ceases to be the occupier of any land in respect of which a rate is payable, he shall nevertheless continue liable to the board for the rate to the same extent as if he had continued to be the occupier of the land, provided that the rate is levied either— Liability where an estate or interest is transferred. cf. *Ibid.* s. 148.

(a) before he ceases to be the occupier of the land; or

(b) before the board has received from him the prescribed notice of his ceasing to be the occupier of the land.

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

(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.

29. (1) A person who becomes the occupier of any land, notwithstanding the fact that he becomes the occupier after the rate was levied, shall be liable to the board for the current rate and for all arrears of the rate owing by any previous occupier in respect of the land. Liability of person becoming occupier. cf. *Ibid.* s. 149 (1).

(2) Any person may apply for a certificate under this section as to the amount (if any) due or payable to the board by the occupier of the land, for rates or otherwise. cf. *Ibid.* s. 160 (1) (2).

Application

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

(3) The production of the certificate shall for all purposes be deemed conclusive proof in favour of a person who becomes an occupier that at the date thereof no rates, charges, or sums other than those stated in the certificate were due or payable to the board in respect of the land. cf. Act No. 41, 1919, s. 160 (4).

(4) For the purposes of this section rates, charges, or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired. cf. *Ibid.* s. 160 (5).

(5) If the occupier of any land pays to the board any rate in respect thereof which was levied before he became the occupier of the land, he may recover a proportion of the amount from the person who was liable to the board for the rate at the time the rate was levied. cf. *Ibid.* s. 149 (2).

30. (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 so owned which were travelling to or 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 taken into account in respect of one of such holdings only.

(2) If, in the opinion of the board, 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 board in the prescribed manner.

(3) Where land has during the calendar year preceding the making of the 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

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

(4) The rate shall not exceed fourpence per head in the case of large stock and two-thirds of a penny per head in the case of sheep.

Ratable land.

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

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

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

shall be ratable, and the land is referred to in this Act as ratable land.

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

Determination of carrying capacity.

32. For the purposes of this Act the carrying capacity shall be the average number of stock which, in the opinion of the board, could have been depastured on the land during the five years immediately preceding the year in which the determination is made.

Appeal.

33. (1) Where the occupier of any land is dissatisfied with the determination of the board as to the carrying capacity of any land other than land used for agricultural purposes, he may within thirty days after service of the rate notice, appeal against such determination to the local land board of the land 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 local land board for the administrative district in which the land or the greater part thereof is situate.

The manner of appeal and the fees to be paid thereon shall be as prescribed.

(2)

(2) On any such appeal the local land board shall have jurisdiction to hear and determine the appeal, and may make such order for the payment of the costs of the appeal by the applicant or the board as seems just in all the circumstances of the case.

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 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 board as to the carrying capacity shall be final.

Remission of rate.

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

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

Rate-book. cf. Act No. 35, 1912, s. 21.

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

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

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

(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)

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

Facilitation of recovery.

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

Any occupier desiring to object to the validity of the rate may subject to section twenty-six of this Act object to such validity in such court and in such manner and upon such conditions and subject to such fees as may be prescribed.

Overdue rates: extra charge.

cf. Act No. 41, 1919, s. 158.

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

(2) If the rates are unpaid at the expiration of three months from the date when the same became due and payable, the amount due shall be increased by a sum calculated at the prescribed rate per centum per annum, 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.

Recovery of rates.

38. (1) 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.

(2) Where the proceedings are taken in a district court or in a court of petty sessions, the proceedings may be taken in the court for the district in which any of the land occupied is situated, or in the court nearest to the

office

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

(3) 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, 1912-1933.

Returns of land and stock. cf. Act No. 35, 1912, s. 19.

39. (1) Every occupier of land and every owner of stock shall, unless exempted by the regulations, furnish to the secretary of the board not later than the prescribed date in each year a return in or to the effect of the prescribed form of his land and stock 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.

(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.

Holdings in two or more districts.

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

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

PART

PART IV.

Travelling Stock and Travelling Stock and Camping Reserves.

Control of travelling stock and camping reserves.

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

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

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

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 board until the lease is terminated in pursuance of such Acts.

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

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

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

Nothing in this section or in the Forestry Act, 1916-1933, shall render a board liable to pay royalty for timber felled or so used.

Nothing

Nothing in this Act shall prevent the Forestry Commission, with the concurrence of the board, issuing licenses to cut or remove timber under the provisions of the Forestry Act, 1916-1933.

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 the Minister for Lands considers that a board has not taken or is not taking proper measures to protect or improve a travelling stock reserve or camping reserve under its control or to suppress and destroy noxious animals thereon, he may in writing notify such board to that effect; and if, after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

(5) Where any such reserve or part thereof which is under the control of a board is held under annual lease or occupation license, the Minister for 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.

Withdrawal of lands from reserves.

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

Where the board declines or omits to give its consent the reserve or part thereof shall not be withdrawn from the control of the board unless such withdrawal has been approved by resolution of both Houses of Parliament and if so approved the board shall be deemed to have consented to the withdrawal of the reserve or part from its control.

(2)

(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 other than for settlement under the Crown Lands Acts. No. 35, 1912, s. 26B.

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

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

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

43. (1) The Governor may by the regulations impose a rate upon all travelling stock which travel along or over travelling stock reserves or camping reserves or roads 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 board or the officer who issues the permit or renewed permit at the time of the issue of the permit or renewed permit and disposed of in the manner prescribed.

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

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

(7) Where travelling stock travel on a journey in respect of the part of which within the district where the permit or renewed permit is issued no rate is payable, a permit fee not exceeding sixpence may be charged for the issue of the permit or renewed permit, in addition to the rate (if any) payable in respect of any part of the journey travelled in any other district.

Fee on working large stock.

44. (1) The Governor by the regulations may authorise every or any board to collect a fee on all working large stock used by a teamster or carrier on any travelling stock reserve in its district under a license from the board, and such regulations may prescribe different fees for different districts.

(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 board may in a particular case think necessary.

Fee on drovers' stock.

(4) A board 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 for a period specified in the permit on payment of the prescribed fee which shall not exceed two shillings per head per month.

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

45. A board 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 board for a period not exceeding one year or such greater period as may in a particular case be approved by the Minister, subject to such rents, terms, and conditions as may be imposed by the board.

Permits for apiary site.

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

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

The permit shall be in such form and subject to such fees, terms, and conditions as may be fixed by the board.

Reserves Improvement Fund.

No. 35, 1912, s. 26c (2).

47. All moneys received by any board under any provision of this Part, and all fines received by a board for any offence against the provisions of this Part, shall be carried to an account in its books to be called the Reserves Improvement Fund.

Use of fund.

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

(a) in carrying out the duties of the board in relation to the reserves under its control;

(b) for any other purpose approved by the Minister or which may be prescribed.

Permits, licenses, and travelling statements.

Ibid. ss. 105, 106 (1).

48. (1) Except in such cases and under such conditions as are prescribed, no person shall move stock along any road or travelling stock reserve or by rail or by air or by water unless—

(a) (i) in the case of travelling stock, a permit in or to the effect of the prescribed form 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)

(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.

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) Any stock travelled on a travelling statement shall not be again moved within a period of one month after reaching the destination mentioned in such statement except upon a permit.

The

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

Stock starting from previous destination to pay travelling charge.

49. (1) If at any time within three months from 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 to the travelling rate pay 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 the chairman or secretary of the board.

(3) Provided also that on the removal by the owner of any such stock offered for sale at a recognised 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.

Change of route.

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

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 on a permit or renewed permit is one which passes through land quarantined under the provisions of the Stock Diseases Act,

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 charges be payable in respect of such changed route.

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

The board may by resolution delegate to the inspector or to the chairman of the board its powers under this subsection and in like manner may revoke any such delegation.

Distribution of travelling charges.

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

Persons in charge of travelling stock to produce permit or statement.

No. 35, 1912, s. 106 (2).

50. The person in charge of travelling stock or working large stock shall on demand by an inspector, permit officer, member of the police force, 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.

Travelling stock to be branded with letter T.

cf. *Ibid*, s. 103.

51. 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 an owner's registered brand and the capital letter T in Roman character not less than two inches in height.

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

Any

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

Travelling stock not using made roads.

52. 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.

Stock not to be driven at night without consent.

53. Any person who, except in such districts as are prescribed, drives or carries stock along any road or reserve during the period between one hour after sunset and one hour before sunrise without the consent of the inspector or a director of the board first obtained, and the permit, renewed permit, or travelling statement so endorsed, shall be liable to a penalty not exceeding ten pounds.

Person in charge of travelling stock to notify inspector.

No. 35, 1912, s. 108.

54. 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.

Stock travelling past holding: notice to occupier.

Ibid.

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

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

(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.

56.

Stock unattended on reserves: depositing rubbish.

56. 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 a travelling stock reserve shall be liable to a penalty not exceeding ten pounds.

Route. No. 35, 1912, s. 107 (1).

57. (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 travelling stock route leading to the place of destination mentioned in the permit, renewed permit or travelling statement where practicable or if not practicable or if there is no such travelling stock route, then by the most direct road ordinarily used for the purpose of travelling stock to the said place of destination.

(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.

Rate of travel.

58. (1) When stock are travelling on any journey occupying more than twenty-four hours, the person in charge shall in each successive period of twenty-four hours, from six o'clock in the morning of one day to six o'clock in the morning of the following day, cause them to travel towards their destination—

(a) if they are large stock, a distance of not less than ten miles;

(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, travelling statement, 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)

(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 board; or

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

Stock camping on reserves.

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

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

Abandonment of travelling stock.

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

(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~~ **board** 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.

Carcases to be destroyed or buried.

cf. No. 35, 1912, s. 111.

61. 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.

Any

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.

Permitting stock to remain on reserve.

62. Any travelling stock may, with the permission of the inspector **or chairman of the board** 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.

cf. No. 35, 1912, s. 107 (4).

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

Lessees of travelling stock reserves and travelling stock.

63. Where the lessee of 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.

Poison on reserves.

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

Structures or fences on reserves—occupation of reserves.

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

(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.

(3) No person other than a person in charge of travelling stock or working large stock shall occupy or use a travelling stock reserve except with the written permission

permission of and subject to the conditions specified by the board or a person authorised by the board in that behalf; or except in pursuance of any lawful authority given under this or any other Act.

Stock unlawfully on a travelling stock reserve.

cf. No. 35, 1912, s. 110.

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

(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 grazing permit from the board;

(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) in the case of a public watering place stock entitled to pasture or water thereon in accordance with the provisions of this Act or the regulations,

shall be deemed to be trespassing stock, and the owner or person ordinarily in charge thereof shall be guilty of an offence and 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.

(2) Any such trespassing stock so found may be impounded by the board on any day of the week and at any time of the day or night. Such impounding may be

be effected by the board or 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 board may detain any animal in like manner and for the like period that a council may so do under the provisions of section four hundred and twenty-six of the Local Government Act, 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 with the approval of the chairman of the board be destroyed by such inspector.

Impounding fee.

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

PART V.

Public Watering-places.

Proclamation of public watering-places.

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

(a) any Crown land, or land acquired under the provisions of section one hundred and ninety-seven of the Crown Lands Acts for a watering-place; or

(b) any land acquired for the purpose by the council of an area under the Local Government Act, 1919, as amended by subsequent Acts,

to be a public watering-place, and may at any time in like manner revoke or vary any such declaration.

(2)

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

(3) The Minister administering this Act may by notification published in the Gazette declare any public watering-place to be a town water supply and may at any time in like manner revoke or vary any such declaration.

Controlling authority.

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

(a) if the public watering-place is one in respect of which a declaration under subsection three of section sixty-eight is in force—the council of the municipality or shire within whose area the public watering-place is situated;

(b) if the public watering-place is not one in respect of which a declaration under subsection three of section sixty-eight is in force—the board of the district within the boundaries of which the public watering-place is situated.

Improvement of public watering-places.

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

(2) Where any public watering-place is situated in the Western Division—

(a) the controlling authority shall not undertake the construction, erection or maintenance of any of the works referred to in subsection one of this section without the prior approval in writing of the Minister;

(b) the cost of the construction, erection and maintenance of any such works shall be met out of the Public Watering Places Fund of the controlling authority, and where there are no moneys or not sufficient moneys in that fund shall be met out of moneys provided by Parliament.

Caretaker.

71. The controlling authority may appoint a caretaker of any public watering-place and may fix the remuneration of such caretaker.

The

The remuneration of a caretaker of a public watering-place situated within the Western Division shall not exceed such amount as may be determined by the Minister, and shall be paid out of moneys provided by Parliament.

A caretaker shall supply water to stock declared by the regulations to be entitled thereto at such rates as may be prescribed.

Leases.

72. (1) The controlling authority may by auction, public tender, or otherwise let any public watering-place on lease for a term not exceeding ten years, and may grant one extension of any lease for a term not exceeding five years at the same or an increased rental without public competition where the controlling authority considers that such an extension is justified by the improvements made by the lessee:

Provided that the controlling authority of a public watering-place within the Western Division shall not let such public watering-place or grant any extension of any lease thereof without the consent in writing of the Minister.

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

(3) A controlling authority and every lessee shall supply water to persons and stock declared by the regulations to be entitled thereto at such rates and during such periods as may be prescribed, and shall allow such stock to depasture on the public watering-place for such period and under such conditions as may be prescribed.

Obstruction.

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

Production of permits, etc.

74. Every person in charge of travelling stock or working large stock on any public watering-place shall, when required by the caretaker, lessee, or person in charge

charge thereof, produce for inspection the permit, renewed permit, or travelling statement issued for the journey on which the stock are travelling, or the license issued in respect of the working large stock, or any order, permit or license issued under the provisions of the Stock Diseases Act, 1923.

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

Impounding.

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

Penalty for injuring watering-places, etc.

76. Any person who wilfully—

(a) destroys or injures any tank, dam, structure, or other work on any public watering-place or any machinery used in connection therewith; or

(b) pollutes, diverts, or interferes with any water flowing into or in or used or intended to be used as the source of supply for any such dam, tank, or other structure,

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

Offences by caretaker, etc.

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

Application of rents, charges, etc.

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

(2)

(2) Any charges received by a board or a caretaker and any rent received by a board shall—

(a) in respect of a public watering-place situated in the Eastern or Central Division, be paid into the Reserves Improvement Fund of the board and out of such fund shall be paid the salary of the caretaker;

(b) in respect of a public watering-place situated in the Western Division, be paid into a special fund of the board to be called the "Public Watering-places Fund," and such fund shall be used in carrying out any of the works specified in section seventy of this Act.

PART VI.

Noxious Animals.

Division 1.—*General.*

Declaration of noxious animals. cf. No. 35, 1912, ss. 58, 67.

79. (1) The rabbit, hare, fox, and native dog shall 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 declaration.

Method for suppression and destruction. cf. *Ibid.* s. 61 (c).

80. (1) The regulations may prescribe methods for 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.

Prohibited methods. *Ibid.* s. 61A (1).

(3) The regulations may provide for the removal or destruction of any harbour of any noxious animal within two chains of a rabbit-proof, dog-proof or marsupial-proof fence and may regulate or prohibit the use of any method for the suppression or destruction of noxious animals.

81.

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

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

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

82. (1) The board may, by notice published in one or more newspapers circulating in the district, require all occupiers of land within the district or part thereof specified in the notice to adopt within a time specified in the notice any one or more of the prescribed methods mentioned in the notice within any specified time for the suppression and destruction of any specified noxious animal, and to continue such method during such occupation of the land unless the land is free of the noxious animals. Power to require destruction. cf. No. 35, 1912, s. 61.

(2) The board ~~or an inspector~~ may, in the prescribed manner, order any occupier of land to adopt any one or more of the prescribed methods specified in the order for the suppression and destruction of any 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 under this section; or

(b)

(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 fifty pounds, and for any subsequent offence to a penalty not exceeding one hundred pounds, and the work may be carried out at his expense.

(4) An inspector or other person authorised by the board 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 any notice or order relating to the suppression and destruction of noxious animals have been carried out and of carrying out the work if it has not been carried out by the occupier.

(5) The expenses incurred in and about any such work shall be recoverable by the board in any court of competent jurisdiction from the occupier of the land, and the fact that such work has been carried out and the amount of such expenses may be evidenced by a certificate in the prescribed form signed by the chairman of the board.

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.

Burning undergrowth, etc.

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

Natural enemies of noxious animals.

No. 35, 1912, s. 69.

84. (1) The Governor may, by proclamation published in the Gazette, declare any animal, bird, or reptile to be a natural enemy of any noxious animal, and may by the same or by any subsequent proclamation prohibit the destruction of any such animal, bird, or reptile within any district specified in the proclamation.

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

Permission to keep noxious animals.

cf. *Ibid.* s. 71.

85. 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 Consolidated Revenue Fund.

Meaning of land.

86. (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—

(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)

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

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

87. (1) Any person who 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 shall be liable on conviction to a penalty of not less than fifty pounds and not exceeding two hundred and fifty pounds.

(2) Any person who—

(a) wilfully or negligently leaves open any gate in such a fence;

(b) 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;

(c) liberates or without the permission of the Minister has in his possession any noxious animal;

(d) 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;

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

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

Bonus for scalps. *Ibid.* s. 65.

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

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

89.

89. Where the scalps of any noxious animals destroyed within a district (together with a strip of skin along the back and the tail if they are dingoes) are delivered to the secretary of the board, or to a person duly authorised by such board to receive the same, a certificate in the prescribed form shall be granted by him to the person delivering the scalps. Powers of board as to certificates and dealing with scalps. No. 35, 1912, s. 66.

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

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

Provided that the scalps of foxes, if attached to the skins, may be indelibly marked for identification purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may be disposed of in such manner as the board may direct.

90. (1) Any person who wilfully claims any bonus for the destruction of any noxious animal in connection with which a bonus has already been paid shall be liable to a penalty not exceeding one hundred pounds. False claims for bonus. *Ibid.* s. 68.

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

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

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

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

(4)

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

DIVISION 2.—Alsatian Dogs.

Application of Division.

92. This Division shall apply to the pastures protection districts of Armidale, Bombala, Casino, Cooma, Glen Innes, Gloucester, Grafton, Gundagai, Hume, Port Macquarie, Tamworth, Tenterfield, Tweed-Lismore and Yass, and to every pastures protection district within the Western Division.

Definition.

93. For the purposes of this Division "Alsatian dog" means a dog, whether male or female, which is wholly or partly of the species or kind commonly known as "Alsatian dog" or "Alsatian wolf hound," or belongs wholly or partly to any variety of the said species by whatever name such variety may be known but does not include any such dog the property of the State used for police purposes.

94. (1) Any person who, after the expiry of three months from the date of the commencement of this Act, keeps or has in his possession or under his control within a district to which this Division applies, any Alsatian dog which is not effectively sterilised, shall be guilty of an offence, and upon conviction shall be liable to a penalty not exceeding fifty pounds.

cf. Act No. 34 1929. (W.A.) s. 5.

(2) On the hearing of any charge of an offence against subsection one of this section the onus of proof that the dog has been effectively sterilised shall be upon the defendant.

(3) The onus of proving effective sterilisation shall not be deemed to have been discharged unless the defendant produces a certificate by a veterinary surgeon registered under the Veterinary Surgeons Act, 1923, to the effect that the dog has been so sterilised.

Destruction of Alsatian dogs in certain events.

95. (1) Where any person has been convicted of an offence against section ninety-four of this Act the board may by order in writing require such person to destroy the dog in respect of which the offence was committed, within a period to be limited in the order unless, before the expiration of such period, the dog has been effectively sterilised or has been permanently removed from the district.

(2)

(2) If any dog mentioned in the order is effectively sterilised, the person to whom such order has been given shall produce to the board a certificate of a veterinary surgeon registered under the Veterinary Surgeons Act, 1923, to the effect that the dog has been so sterilised.

(3) Where any person fails to comply with an order under subsection one of this section, the board may direct an inspector or an officer of the board to destroy the dog mentioned in the order.

(4) The inspector or officer so directed may enter upon any land or premises where such dog is, or is reasonably believed to be; and if the certificate referred to in subsection two of this section is not produced to him on demand, may destroy the dog.

(5) The expenses of the inspector or officer in or about the destruction of any such dog may be recovered as a debt in any court of competent jurisdiction by the board from the person to whom the order was given.

The expenses shall include the cost incurred by the inspector or officer in travelling to and from the land or premises and a proportionate part of the salary or wages of such inspector or officer, having regard to the time occupied by him on the work, and in travelling to and from the land or premises.

DIVISION ~~2.~~ 3.—*Dingo destruction districts.*

~~92.~~ **96.** (1) The Governor may, by proclamation published in the Gazette, constitute dingo destruction districts in the Central and Eastern Divisions. Dingo destruction districts.

(2) The Governor may at any time in like manner revoke or vary any such proclamation.

~~93.~~ **97.** (1) There shall be a dingo destruction board for each dingo destruction district. Dingo destruction board.

(2) A dingo destruction board shall consist of a like number of members as the number of pastures protection districts which are wholly or partly within the dingo destruction district.

(3) The members of the dingo destruction board shall be appointed by the Governor from the persons nominated

nominated in accordance with this section, and shall, subject to subsection five of this section, hold office for a period of three years from the date of appointment.

One such member shall, subject to subsection six of this section, be appointed by the Governor from the persons nominated by the board of each pastures protection district which is wholly or partly within the dingo destruction district.

(4) Each pastures protection board whose district is wholly or partly within the dingo destruction district shall within the time and in the manner prescribed nominate a director or ratepayer of its district for appointment as a member of the dingo destruction board.

(5) Where a vacancy in the office of a member of a dingo destruction board occurs otherwise than by the expiration of the period for which he was appointed, the person appointed to fill such vacancy shall hold office for the balance of his predecessor's period of office.

(6) If any pastures protection board fails to make a nomination, or to make a nomination satisfactory to the Minister within the prescribed time the Governor may appoint any director or ratepayer of the district of that board to be a member of the dingo destruction board.

(7) A dingo destruction board shall in each year elect one of its members as chairman.

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

~~94.~~ **98.** (1) The dingo destruction board may appoint a secretary. The salary to be paid to the secretary shall be subject to the approval of the Minister. Secretary and office.

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

(3) The Minister may specify at what place the office of the dingo destruction board shall be situate.

~~95.~~ **99.** Any person authorised by a dingo destruction board may enter upon any land at any time, and remain upon such land, and take all such steps as are necessary for Power of entry upon land.

for the purpose of ascertaining whether the requirements of this Act relating to the destruction of native dogs are being carried out.

~~96.~~ **100.** (1) Where a dingo destruction board has reason to believe that there are native dogs upon any land they may, by notice in writing, require the occupier of such land to do such acts, and take such steps as are specified in the notice, within the time specified therein for the more effective destruction of native dogs upon such land. Notice to occupier.

(2) Any occupier who— Failure to comply with notice.

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

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

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

~~97.~~ **101.** (1) Where a dingo destruction board is satisfied that an occupier has failed to comply with a notice under section ninety-six, any person authorised by it may— Powers of authorised person.

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

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

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

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

~~98.~~ **102.** Any reasonable expense incurred or paid by a dingo destruction board, or on its behalf upon or in relation to any land in the exercise of any of the powers Recovery of expenses incurred.

conferred

conferred by section ninety-seven, shall be a debt due by the occupier of the said land to such board, and may be recovered by the secretary of such board in any court of competent jurisdiction.

~~99.~~ **103.** (1) A dingo destruction board shall at the prescribed time in each year frame estimates of its expenditure in the forthcoming year, and may by resolution require the pastures protection boards within the dingo destruction district to provide such amount, and to make same available at such times and in such instalments as are specified in the resolution. Provision for expenditure.

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

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

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

Any such proceedings may be taken in the name of the secretary, or if there be no secretary, the chairman on behalf of the dingo destruction board.

~~100.~~ **104.** (1) Each pastures protection board may, for the purpose of providing the amount required by a dingo destruction board and the cost of collecting the rate, levy a special rate in the manner prescribed upon all land ratable for pastures protection rates. Special rate.

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

~~101~~ **105.**

~~101.~~ **105.** (1) The dingo destruction board for the southern tablelands district as constituted at the commencement of this Act shall be deemed to have been constituted under this Act and the members thereof shall hold office until the thirtieth day of June, one thousand nine hundred and thirty-five. Southern Tablelands dingo destruction board.

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

(3) All acts of the Southern Tablelands Dingo Destruction Board done or performed before the commencement of this Act, which would have been valid if this Act had then been in force are hereby validated. Validation.

~~102.~~ **106.** Each dingo destruction board shall open a trust account in such bank and town as may be decided upon, into which shall be paid all amounts provided by the pastures protection boards and such account shall be operated upon by the chairman, one other member of the board, and the secretary, or any two of them. Trust account.

~~103.~~ **107.** All moneys received by a dingo destruction board shall be expended on the destruction of native dogs in its district and in otherwise carrying out the provisions of this Division of this Part of this Act. How funds to be expended.

~~104.~~ **108.** All moneys advanced to the Southern Tablelands Dingo Destruction Board by the Crown prior to the commencement of this Act shall be repaid to the Colonial Treasurer from the amounts provided by the pastures protection boards within the Southern Tablelands Dingo Destruction District within a period of four years from the first day of October, one thousand nine hundred and thirty-three, in such instalments as the Colonial Treasurer directs: Provided that the Colonial Treasurer may extend such period for such time and from time to time as he thinks fit. Repayment of loan.

PART

PART VII.

Rabbit, Marsupial, and Dog-proof Fences.

Division 1.—*Wire Netting.*

~~105.~~ **109.** (1) Where money is voted by Parliament for the purchase of netting or other materials used in the construction of rabbit-proof, dog-proof, or marsupial-proof fences, or any machinery, plant, or substances for the destruction of noxious animals, the Minister may apply the same to such purposes. Supplying netting, etc. No. 35, 1912, s. 30. No. 25, 1920, s. 3.

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

(3) The cost of any such netting, materials, machinery, plant and substances so sold, and all expenses in connection with the same, shall be repaid by such 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 other than those in favour of the Crown with which such charge shall rank pari passu.

(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, 1919-1932.

~~106.~~ **110.** (1) A board shall within its district and as agent for the Minister collect all moneys due and payable to the Minister for netting, material, machinery, plant or substances sold or let to an owner within such district by Boards to act as agents for the Minister.

the

the board pursuant to any enactment repealed by this Act or by the Minister pursuant to this Act, and shall pay such moneys to the Minister at such times as are prescribed.

(2) If the board fails to pay such moneys to the Minister at the times prescribed the Minister may forthwith take possession of any moneys or other property vested in the board and may make assessments and levy rates under this Act, and for that purpose shall have and may exercise the powers of the board.

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

~~107.~~ **111.** 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.

Provided that in any case where the Minister is satisfied that the circumstances warrant it, he may direct that the whole or part of such interest shall not be charged or may grant an extension of time for the payment of all or any part of such interest.

Payment to the Minister by adjoining owner of cost of netting supplied. *Ibid.* s. 32.

~~108.~~ **112.** (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 board as agent for 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.

Assessment at request of the Minister.

(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.

Notice to the Minister of assessment.

(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 any person duly appointed in that behalf by the Minister may attend at such assessment, and shall be heard.

(4)

(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.

~~109.~~ **113.** (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, shall be prima facie evidence of such cost. Certificate as evidence.

~~110.~~ **114.** 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, etc., 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.

~~111.~~ **115.** 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 and materials and any right which such owner may have to recover contribution in respect of same shall pass to and vest in the Minister. Where holding forfeited or abandoned or surrendered to the Crown, netting to vest in the Crown. cf. *Ibid.* s. 35.

~~112.~~ **116.** Any person who— Penalty for misuse of netting, etc. cf. *Ibid.* s. 36.

(a) wilfully uses or disposes of any netting, materials, machinery, plant, or substances supplied

supplied by the Minister under this Act, 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.

DIVISION 2.—*Fences.*

~~113.~~ **117.** 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.

~~114.~~ **118.** (1) The board of the district within which any fence alleged to be rabbit-proof, dog-proof, or marsupial-proof is situated shall, if so required in writing by the owner of the fence, cause the said fence to be inspected, and may charge for such inspection the prescribed fees. Certificate by board that fence is rabbit-proof, dog-proof, or marsupial-proof. cf. No. 35, 1912, s. 45.

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

(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.

~~115.~~ **119.** (1) Where any lands are divided or bounded by a road or travelling stock reserve or public lands, the local land board may, upon application in the prescribed manner and payment of the prescribed fee, grant to the occupiers or owners of such lands, or any of such owners or occupiers, permission to carry a rabbit-proof, dog-proof, or marsupial-proof fence across such road, reserve, route, or public lands. Rabbit, dog, or marsupial proof fence may cross road. *Ibid.* s. 46.

(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 dispenses with the erection of the same.

(3)

(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 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, as amended by subsequent Acts, shall apply to and in respect of such gate.

(5) The Local Government Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 41, 1919, s. 251A. (By-passes for motor vehicles.)

(a) by omitting from subsection two of section 251A the words "rabbit-proof or dog-proof enclosure" and by inserting in lieu thereof the words "rabbit-proof, dog-proof, or marsupial-proof fence";

(b) by omitting from subsection nine of the same section the words "enclosure of which it forms part is made rabbit-proof or dog-proof" and by inserting in lieu thereof the words "fence of which it forms part is made rabbit-proof, dog-proof or marsupial-proof."

~~116.~~ **120.** 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. Act No. 35, 1912, s. 47.

~~117~~ **121.**

~~117.~~ **121.** (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 such holding rabbit-proof, dog-proof, or marsupial-proof by erecting a rabbit-proof, dog-proof, or marsupial-proof fence, or converting a fence into a rabbit-proof, dog-proof, or marsupial-proof fence. Notice of intention to fence occupation license or annual lease, etc. No. 35, 1912, s. 48.

(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.

~~118.~~ **122.** If any holding, or portion of a holding, is bounded in part by a natural feature along which, in the opinion of the local land board or the board, it is unnecessary to erect a rabbit-proof, dog-proof, or 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.

~~119.~~ **123.** (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 Contribution to the cost of rabbit, dog or marsupial proof fence. cf. *Ibid.* s. 49.

the holding and adjoining the rabbit-proof, dog-proof, or marsupial-proof fence to the occupier or owner who has incurred such expense.

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

(a) that the rabbit-proof, dog-proof, or marsupial-proof fence has been erected, or the fence has been made rabbit-proof, dog-proof, or marsupial-proof, otherwise than bona fide for the purpose of excluding or destroying rabbits, native dogs, or marsupials; or

(b) that no benefit is derived from the fence by the holding from the owner of which a contribution is demanded; or

(c) that the nature of such holding is such that it cannot be kept rabbit-proof, dog-proof, or marsupial-proof by the erection and reasonable maintenance and repair of a rabbit-proof, dog-proof, or marsupial-proof fence.

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

(4) Notwithstanding that the local land board has in any case decided that no benefit was derived from the fence by the holding from the owner of which a contribution 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) 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, 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, as from the date upon which the prescribed notice of demand is given and until payment, be and remain a charge on the land in respect of which such contribution is payable.

Rental in lieu of contribution.

(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

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.

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 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 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

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 or annual rental payable, a copy of the notice of demand or of the claim in writing, as the case may be, 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 Western Lands Commissioner.

~~120~~ **124.** (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, the Pastures Protection Act, 1902, or the Pastures Protection Act, 1912, and the local land board shall have power to assess and determine the amount of any such contribution.

~~121~~ **125.**

~~121~~ **125.** (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 repealed by this Act or the Pastures Protection Act, 1902, or by a rabbit board under the Rabbit Act, 1901), forms a common boundary fence between private and public lands, and before or after the commencement of this Act particulars of such fence have been furnished to the Minister, and he has consented to the erection of the fence or to the making of a boundary fence rabbit-proof, dog-proof, or marsupial-proof, the same contribution shall be payable by the Crown in respect of erecting the fence or making it rabbit-proof, dog-proof, or marsupial-proof as would be payable by any private owner.

The Crown to contribute in certain cases.

No. 35, 1912, s. 51.

(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.

~~122~~ **126.** (1) The board may, where it considers it necessary for the proper protection or improvement of a travelling stock reserve, by notice in writing require the owner of any land adjoining the reserve within the time specified in the notice—

Fencing reserves.

Ibid. s. 52A.

No. 49, 1918, s. 3.

(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;

Stock-proof fence: erection.

(b)

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

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

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

(3) If the owner fails to comply with the terms of the notice within the time specified therein the board may cause the fence to be erected, altered, repaired, or rendered rabbit-proof, dog-proof, or marsupial-proof, as the case may be, and may recover 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 board maintains the fence.

(4) If an owner and a board 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.

~~123~~ **127.** 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.

~~124~~ **128.** (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-proof, dog-proof, 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 determination has been made by a local land board for the original cost of making the same rabbit-proof, dog-proof, or marsupial-proof, and nothing herein contained shall affect the rights to contribution for maintenance otherwise conferred by this Act.

DIVISION

DIVISION 3—BARRIER FENCES.

~~125~~ **129.** (1) Notwithstanding anything to the contrary in any other Act a board may— Powers of board to erect fences. No. 35, 1912, s. 37.

(a) erect a rabbit-proof fence, or make rabbit-proof any existing fence, on any land, whether public or private, within or without the district, or across any road or travelling stock route, making gates in such fence for the passage of the public and their stock;

(b) erect a by-pass for motor vehicles on any road at the place at which such road intersects any such fence;

(c) co-operate with the board of any other district in any such work.

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

(3) Upon the cancellation of any such notification with regard to a barrier fence erected or made rabbit-proof by or at the expense of the Crown or a board, the owner of any land deriving benefit from such fence shall pay to the Minister for Lands or to the board, as the case may be, the value of so much of such fence as is situated within or is on the boundary of his land. Act No. 49 1918, s. 4.

For the purposes of this subsection the value of the fence where an existing fence was made rabbit-proof by or at the expense of the Crown or a board means the value of the improvements whereby the fence was made rabbit-proof.

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

Any

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

~~126~~ **130.** A board shall not be liable to pay or make compensation for anything lawfully done in exercise of the powers conferred by section one hundred and twenty-five except damage by severance caused by the erection upon private land of a barrier fence. Case where compensation given. No. 35, 1912, s. 38.

The amount of compensation so payable to any person shall, upon application by him as prescribed, be determined by the local land board, and in determining such compensation such board shall take into consideration and set off any benefit accruing to such person's property by the construction of such fence, and may award costs to or against any party appearing before it.

~~127~~ **131.** Where a board erects a barrier fence or converts any fence into a barrier fence on the common boundary of its district and any adjoining district, the board of such adjoining district shall be liable to pay such first-mentioned board half the cost of erection, maintenance, and repair of the fence. Contribution for boundary barrier fences. *Ibid.* s. 39.

~~128~~ **132.** Where a barrier fence or any portion thereof is situated within or on the boundary of Crown lands, and is owned wholly or in part by the Crown or a board, any person becoming the purchaser or lessee (other than an annual lessee) of any of such lands shall pay the value of so much of such fence as is situated within or is on the boundary of the lands so purchased or leased, such payment to be made to the Crown or the board or other owner of the fence according to their respective interests therein, in accordance with the provisions of the Crown Lands Acts or the Western Lands Acts. The value of any portion of the fence within the boundary of the lands purchased or leased shall be the value thereof to the purchaser or lessee, and the value of any portion on the boundaries of such lands shall be the value at the date of the purchase or lease. Payment by purchaser or lessee of Crown lands on which is a barrier fence. *Ibid.* s. 40.

~~129~~ **133.**

~~129~~ **133.** (1) It shall be the duty of a board or boards erecting a barrier fence, or converting a fence into a barrier fence, to maintain it in an effective manner and keep it in good repair. Boards to repair and maintain barrier fences. No. 35, 1912, s. 25.

(2) Where, before or after the commencement of this Act, and at the expense or principally at the expense of the Crown, a barrier fence has been erected, or a fence has been converted into a barrier fence which is wholly or in part within or on the boundaries of a district, the board of such district shall maintain in an effective manner so much of the fence as is within or on the said boundaries and keep it in good repair: *Ibid.* s. 41. No. 49, 1918, s. 4.

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

(3) Provided also that a board or boards may cease to maintain and repair a barrier fence which it or they considers or consider to be unnecessary, or may cause the continuity of the fence to be broken where it or they is or are satisfied that it should be done in the public interests and that the effectiveness of the fence will not thereby be endangered.

~~130~~ **134.** In the case of any dispute between boards as to the payment of any money or the doing of any act required to be paid or done under the provisions of this Part, or as to the carrying out of any agreement between them made under this Part, the matter of the dispute shall be referred to and shall be determined by the Minister: Provided that the Minister before making his award may refer the matter in dispute to the local land board of any land board district for investigation and report; and may thereupon either make such award himself or refer the whole matter, together with such report (if any), to the Land and Valuation Court to make an award. Every such award shall be final and conclusive for all purposes. Arbitration in case of dispute between boards. No. 35, 1912, s. 43

DIVISION

DIVISION 4.—*Procedure.*

~~131~~ **135.** 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: 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.

~~132~~ **136.** In any proceedings under this Part before a local land board for the determination of any contribution, value, or other sum of money, the local land board may allow time for the payment of such contribution, value, or sum of money, and may determine the instalments by which the same may be paid, and appoint the date on or before which such instalments shall be paid, and such contribution, value, or sum of money shall be payable by the instalments and on the dates so determined. Local land board may allow time for payment. *Ibid.* s. 75.

Where time is so allowed, the local land board may order that interest at a rate not exceeding five per centum per annum be paid on the amount due in respect of such contribution, value, or sum of money.

~~133~~ **137.** 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 the Minister for Lands or such board 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.

~~134~~ **138.** 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 Procedure. *Ibid.* s. 77.

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 like 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.

~~135~~ **139.** (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. 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.

~~136~~ **140.** 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 Register of Causes Writs and Orders affecting land or in any other manner prescribed by regulations made under the Conveyancing Act, 1919-1932, 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 Effect of moneys being charged. cf. *Ibid.* s. 79.

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.

~~137~~ **141.** (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) 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.

~~138~~ **142.** 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 inquired into 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 5.—*Offences.*

~~139~~ **143.** (1) 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 to the cost of repairing the fence. Persons interfering with rabbit-proof, dog-proof, and marsupial-proof fences.

(2)

(2) Any person who leaves any obstruction preventing the use of a by-pass for motor vehicles erected by a board shall on conviction be liable to a penalty not exceeding twenty-five pounds.

PART VIII.

Branding and Earmarking of Sheep.

~~140~~ **144.** 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 **or crutching** at a shearing shed which is not more than twelve miles from the holding upon which such sheep are depastured.

~~141~~ **145.** (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—

(a) in such circumstances and under such conditions as are prescribed; or

(b) with the written permission of the inspector, **or the chairman of the board for the district,**

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.

(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 earmark.

(6)

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

~~142~~ **146.** (1) Application for the registration of a brand and earmark shall be lodged with the board of the district in which the holding or the major part thereof is situate in the prescribed manner, and shall be accompanied by the prescribed fees. Registration of brands and earmarks. cf. No. 35, 1912, ss. 133 134.

(2) Application for the transfer of a brand and earmark shall be lodged with the board of the district in which the holding or the major part thereof is situate 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, as amended by subsequent Acts, shall be deemed to be registered under this Act.

~~143~~ **147.** Every application for the registration of a sheep brand or earmark, or for the transfer of a brand or earmark, shall be forwarded by the board to the Registrar of Brands, who shall decide whether a brand or earmark shall be registered, and whether a transfer shall be registered. Application for brand and earmark. Powers of Registrar. *Ibid.* s. 134.

~~144~~ **148.** (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.

~~145~~ **149.** 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.

~~146~~ **150.** (1) The Registrar of Brands shall, in the prescribed manner keep a register of brands and earmarks and Registration of brands and earmarks.

and the board shall in the prescribed manner keep a register of brands and earmarks registered for use in the district.

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

(3) A certificate from the Registrar of Brands that a brand or earmark is or is not registered at the date of the certificate, and as to any particulars which are contained in the register, shall be evidence of the facts stated therein.

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

~~147~~ **151.** If the occupier of any holding in respect of which a brand and earmark are registered ceases to occupy the holding and no application for the transfer of the brand and earmark to any subsequent occupier has at the expiration of one month thereafter been received by the board for the district in which the holding is situated, the Registrar of Brands may after the prescribed notice, cancel the registration of the brand and earmark.

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

~~148~~ **152.** (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 death of such occupier.

(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.

(4) Where the proprietor of a brand is a company, firm or partnership and the Registrar of Brands is satisfied that such company, firm or partnership has been dissolved, he shall cancel such registration.

~~149~~ **153.**

~~149~~ **153.** Any brand and earmark the registration of which is cancelled under this Part may on application to the Registrar of Brands in the prescribed manner and on payment of the prescribed fee be restored to the register. Restoration to register.

~~150~~ **154.** 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. No. 35, 1912, s. 132 (2).

~~151~~ **155.** (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) Registered brands shall be placed in such positions as are prescribed.

(3) A raddle mark may be placed on any portion of a sheep provided that it does not obliterate or deface any registered brand on the sheep.

(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.

~~152~~ **156.** (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.

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

~~153~~ **157.** (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) alters an earmark on any sheep, or except in the case of distinctive earmarks 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) 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,

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, in respect of which he did not, 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 give the prescribed notice to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

PART IX.

MUSTERING.

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

~~154~~ **158.** (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 forty-eight 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.

If for any reason the muster cannot be held at the time specified in the notice, the owner shall not less than twelve hours before the time fixed for the muster give to the occupier of the adjoining holding notice of the alteration of the time for the muster or of the abandonment thereof as the case may be.

(2)

(2) Any owner failing to give any notice under subsection one of this section shall, unless he has obtained such consent, for every such offence be liable to a penalty not exceeding fifty pounds.

(3) This section shall not apply to any muster ordered in pursuance of the provisions of the Stock Diseases Act, 1923, or of this Act.

~~155~~ **159.** An inspector may, with the approval of the chairman of the board or the Minister, order an owner or occupier to muster the stock on his holding or any portion thereof for the special purpose named in such order. Power to order owner or occupier to muster.

Any owner or occupier failing to comply with such order shall be liable to a penalty not exceeding fifty pounds.

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

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

PART X.

General Provisions.

~~156~~ **160.** (1) Any proceedings in respect of an offence under this Act, or any regulation made thereunder, shall be heard and determined in a summary way before a court of petty sessions in accordance with the provisions of the Justices Act, 1902. Summary jurisdiction. No. 35, 1912, s. 168 (1).

(2) Any person may take proceedings for the punishment of any offence under this Act, and any penalty imposed for any such offence shall belong and be paid to the Who may proceed: Penalties. *Ibid.* s. 168 (2).

the board of the district in which the offence was committed, any law to the contrary notwithstanding, and the court imposing the penalty shall order accordingly.

Recovery of money. No. 35, 1912, s. 168 (3).

~~157~~ **161.** (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.

(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.

General penalty. *Ibid.* s. 169.

~~158~~ **162.** 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.

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

~~159~~ **163.** (1) 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 forging, etc., permits, etc.

(2) Any person who forges or alters or utters or puts off any permit, renewed permit, license, travelling statement or other document or instrument issued under this Act shall on summary conviction be liable to a penalty not exceeding one hundred pounds.

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

~~160~~ **164.** Any person who obstructs, hinders, interrupts, threatens, or assaults any inspector or other person appointed by the board or the Minister under this Act, or any person acting for the board, whilst in the performance of his duty, shall on summary conviction be liable to a penalty not exceeding fifty pounds.

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

~~161~~ **165.**

~~161~~ **165.** Any notice, information, complaint, agreement, or other document, shall be sufficiently authenticated if it is signed by the chairman of the board, or by the secretary of the board, purporting to sign the same by authority of the board, and authority in the chairman or secretary so to sign shall be presumed unless and until the contrary is shown. Authentication of documents, etc. No. 35, 1912, s. 172.

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

~~162~~ **166.** (1) Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially provided, be given in any one of the following ways:— Service of notices. *Ibid.* s. 173.

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

(b) by registered letter sent through the post and directed to the last known place of abode or of business in New South Wales of the person to whom the notice is addressed; or

(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.

~~163~~ **167.** For the purpose of any proceeding under this Act or the regulations, the description of any holding or land need not be a description by metes and bounds, but shall be sufficient if it makes such reference to the holding or land either by name, situation, boundaries, or otherwise, as allows of no reasonable doubt as to what holding or land is referred to. General description of land sufficient. *Ibid.* s. 174.

~~164~~ **168.**

~~164~~ **168.** 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 owner 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.

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

~~165~~ **169.** (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.

Notices, etc., in Gazette to be received as evidence. *Ibid.* s. 176.

(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 a dingo destruction board or of a board, proof shall not, until evidence is given to the contrary, be required of—

(a) the appointment of the dingo destruction board or the due constitution of the dingo destruction district;

(b) the boundaries of the dingo destruction district;

(c) the fact that any land or place is within the dingo destruction district;

(d) the incorporation of the board or the due constitution of the district;

(e) the boundaries of the district or of a division of the district;

(f) the fact that any land or place is within the district or the division in question;

(g) the constitution of the board or the election or appointment of the directors or the chairman thereof;

(h) the appointment of any inspector, or permit officer, or of any servant or officer of the board;

(i) 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;

(j) the fact that any land in question is within the jurisdiction of any court or local land board.

~~166~~ **170.** (1) In any legal proceedings under this Act, in addition to any other method of proof available, evidence by a certificate of the Registrar-General or his deputy that any person appears from any registration of any 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 Under Secretary of the Department of Lands that any person appears from the records of that Department to be the holder of land of any tenure under those Acts 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. Ownership.

(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 Under Secretary of the Department of Lands.

~~167~~ **171.** (1) The Governor may make regulations not inconsistent with this Act prescribing any matter or thing which by this Act is required or permitted to be prescribed, or which is necessary or convenient to be prescribed for giving effect to this Act, 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 date on or before which rates shall be made;

(b) the form, manner of service, and time of issue of rate notices;

(c) the manner of appealing against the determination by a board of the carrying capacity of any land;

(d)

(d) form of rate books and the manner of keeping the same;

(e) all other matters incidental to the regulation of rating;

(f) the manner in which the accounts of boards shall be kept and audited;

(g) the qualifications to be held by auditors, and making provisions for audits by persons not holding such qualifications where a qualified person is not available;

(h) the qualifications to be held by inspectors;

(i) examination for the obtaining of qualifications by persons for their appointment as an inspector;

(j) prescribing the reasonable fees for any service or inspection rendered by a board or its officers, or any registration license or permit or other matter done or service rendered under this Act;

(k) the manner of applying for registration, and transfer of brands and earmarks;

(l) the construction and use of branding and earmarking instruments;

(m) the use of brands and earmarks;

(n) the duties of the Registrar of Brands;

(o) the compilation and publication of the brand and earmark directory, and the list of brands and earmarks, and the payment for the compilation and publication of such directory and list.

(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.

~~168~~ **172.** So far as relates to the Western Division— Western Division.

(a) the Minister may depute to the Western Lands Commissioner, or to a chairman of local land boards appointed under the Western Lands Acts any of the powers or duties conferred or imposed upon him by this Act; No. 35, 1912, s. 179.

(b) the provisions of the Western Lands Acts relating to the destruction of rabbits shall not be enforced within any part of that Division which is included in a district constituted under this Act;

(c) the provisions of section forty-three of this Act shall not apply until a date to be fixed by the Governor and notified by proclamation published in the Gazette.

~~169~~ **173.** (1) The Prickly-pear Acts, 1924-1930, is amended— Amendment of various Acts. (Consequential.)

(a) by omitting from subsection ~~one~~ **two** of section twenty-four the words "section eighteen of the Pastures Protection Act, 1912, a special rate in addition to the rate mentioned in section" and by inserting in lieu thereof the words "Part III of the Pastures Protection Act, 1934, a special rate in addition to the rate mentioned in that Part";

(b) by omitting from the same subsection the words "The second proviso to subsection one of the said section" and by inserting in lieu thereof the words "subsections two and three of section twenty-seven of that Act."

(2)

(2) The Local Government Act, 1919, is further amended—

(a) by omitting from paragraph (c) of section four hundred and sixty-six the figures "1912" and by inserting in lieu thereof the figures "1934";

(b) by omitting from paragraph (k) of subsection five of section six hundred and fifty-four the figures "1912" and by inserting in lieu thereof the figures "1934."

(3) The Finances Adjustment Act, 1932, as amended by subsequent Acts, is amended by inserting in subsection (3A) of section three, after the words and figures "Pastures Protection Act, 1912" the words and figures "the Pastures Protection Act, 1934."

SCHEDULE. Sec. 3.

Number of Act.	Title or short title.	Extent of repeal
No. 17, 1900 ...	Public Watering-places Act, 1900	The whole.
No. 35, 1912 ..	Pastures Protection Act, 1912 ...	The whole
No. 49, 1918 ...	Pastures Protection (Amendment) Act, 1918.	The whole
No. 25, 1920 ...	Pastures Protection (Amendment) Act, 1920.	The whole.
No. 41, 1919 ...	Local Government Act, 1919 ..	Section 497 and paragraph (g) of section 513.

Sydney: Alfred James Kent, I.S.O., Government Printer—1934.

[5s.]

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

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 10 *October,* 1934.

New South Wales.

ANNO VICESIMO QUINTO

GEORGII V REGIS.

* *

Act No. , 1934.

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

Pastures Protection.

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

PART I.

Preliminary.

Short title and commencement.

1. (1) This Act may be cited as the "Pastures Protection Act, 1934."

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

Division into Parts.

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

PART I.—Preliminary—*ss.* 1–4.

PART II.—Pastures Protection Districts and Boards—*ss.* 5–24.

PART III.—Rates—*ss.* 25–40.

PART IV.—Travelling Stock and Travelling Stock and Camping Reserves—*ss.* 41–67.

PART V.—Public Watering-places—*ss.* 68–78.

PART VI.—Noxious Animals—*ss.* 79–104.

Division 1.—*General*—*ss.* 79–91.

Division 2.—*Dingo destruction districts*—*ss.* 92-104.

PART VII.—Rabbit, Marsupial, and Dog-proof Fences—*ss.* 105-139.

Division 1.—*Wire netting*—*ss.* 105-112.

Division 2.—*Fences*—*ss.* 113-124.

Division 3.—*Barrier fences*—*ss.* 125-130.

Division 4.—*Procedure*—*ss.* 131-138.

Division 5.—*Offences*—*s.* 139.

PART VIII.—Branding and Earmarking of Sheep —*ss.* 140-153.

PART

PART IX.—MUSTERING—*ss.* 154, 155.

PART X.—GENERAL PROVISIONS—*ss.* 156-169.

SCHEDULE.

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

(2) The repeal of any enactment by this Act shall not operate to break the continuity of existence of a pastures protection district or of a board existing at the commencement of this Act, and— Continuity of boards and districts.

(a) boards continued under this Act shall have and enjoy as far as relates to any previous or pending transaction or matter, all rights, powers, protections, and property acquired by them, and be subject to all liabilities incurred or indemnities given by them under the enactments repealed by this Act; Saving of rights, etc.

(b) all proclamations and notifications made, and all sanctions and notices given under the enactments repealed by this Act the operation of which is not exhausted at the commencement of this Act, shall be deemed to have been made and given under the corresponding provisions (if any) of this Act, and shall have and take effect accordingly; Proclamations, returns, etc.

(c) the chairman and directors of any board elected or appointed under the enactments repealed by this Act and holding office at the commencement of this Act shall continue to hold office until the thirtieth day of April in the year one thousand nine hundred and thirty-four; Chairmen and directors of boards.

(d) all electoral rolls prepared under the provisions of the enactments repealed by this Act and in force at the commencement of this Act shall be rolls of electors under this Act until fresh rolls of electors are compiled and are in force under this Act; Rolls.

(e)

(e) subject to subsection four of this section all rates, charges, fees, and sums of money which under the enactments repealed by this Act 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 and such rates, charges, fees, and sums of money (including money which by the operation of that subsection is payable to or recoverable by the Minister) shall remain a charge on land until payment; Rates.

(f) all regulations made under the enactments repealed by this Act 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, replaced, or amended by regulations made under this Act; Regulations.

(g) all appointments of officers duly made under the enactments repealed by this Act, and which have not been terminated at the commencement of this Act, shall continue and be of the same force and effect as if made under this Act; Appointments.

(h) 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 enactments repealed by this Act, and in force at the commencement of this Act, shall continue in force for the period for which it was granted, subject to the provisions of this Act; Permits, leases, and licenses.

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

(j) every public watering-place declared or established in accordance with the provisions of the Public Watering-places Act, 1900, or proclaimed in accordance with the provisions of section four hundred and ninety-seven of the Local Government Act, 1919, and in existence at the commencement Public watering-places.

commencement of this Act, shall be deemed to be a public watering-place declared under the provisions of this Act;

(k) every lease of a public watering-place granted under the enactments repealed by this Act and in force at the commencement of this Act shall continue in force for the unexpired portion of the term thereof, and the lessee shall be subject to the same rights, obligations, and liabilities as if the lease had been granted under the provisions of this Act; Lease of public watering-place.

(l) every caretaker of a public watering-place appointed by the Minister or a council under the Public Watering-places Act, 1900, or section four hundred and ninety-seven of the Local Government Act, 1919, and whose appointment has not been terminated before the commencement of this Act, shall be deemed to be appointed by the controlling authority constituted by this Act. Caretaker of public watering-place.

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 of 1897.

(3) (a) Where before the commencement of this Act the council of any municipality or shire has effected improvements on any public watering-place (other than a public watering-place which has been declared to be a town water supply) to which the provisions of paragraph (j) of subsection two of this section apply, such council shall be entitled to compensation for the improvements in accordance with this subsection.

(b) A claim for compensation shall be made to the board which under this Act becomes the controlling authority of the public watering-place.

Such claim shall not be made later than one year after the commencement of this Act.

(c) No such compensation shall be payable unless the Minister for Agriculture has certified in writing under his hand that compensation is properly payable.

(d) The amount payable as compensation shall not in any case exceed the cost of such improvements.

The amount of compensation shall be fixed by agreement between the board and the council.

Where the board and the council fail to agree in regard to the amount of compensation, the amount shall be determined by the local land board.

(4) Where pursuant to any enactment repealed by this Act money was voted by Parliament for the purchase of wire-netting or other materials used in the construction of rabbit-proof fences or any machinery, plant, or substances for the destruction of rabbits, and such money was applied or lent in the manner provided in that enactment, the following provisions shall have effect:—

(a) The liability of the board of any district to the Colonial Treasurer in respect of such netting, materials, machinery, plant or substances, shall be reduced by an amount equal to the amount which, by the operation of paragraph (b) of this subsection, becomes payable to and recoverable by the Minister.

(b) All moneys and liquidated and unliquidated claims which, immediately before the commencement of this Act are payable to or recoverable by the board of any district in respect of such netting, materials, machinery, plant or substances sold or let to owners of private land shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Minister.

(c) All suits, actions, and proceedings pending immediately before such commencement at the suit of the board of any district in respect of such netting, materials, machinery, plant or substances sold or let to owners of private land shall respectively be suits, actions, and proceedings pending at the suit of the Minister.

(d) The Minister 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.

(e) The Minister may enforce and realise any security or charge existing immediately before such commencement in favour of the board, in respect of any such moneys and claims as if such security or charge were existing in favour of the Minister.

(f) The property in any netting or other materials and the right to recover any contribution which, by the operation of any enactment repealed by this Act have passed to and become vested in the board of any district consequent upon the forfeiture or surrender of a holding, and immediately before the commencement of this Act are the property and right of such board shall pass to and vest in the Minister.

In this subsection "the Minister" means the Minister to whom the administration of Part VII of this Act is committed.

Forms under repealed Acts.

(5) 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.

References to repealed Acts.

(6) Where in any Act, ordinance, regulation, or by-law reference is made to the provisions of any enactment repealed by this Act such reference shall be deemed to be to the corresponding provisions (if any) of this Act.

Liabilities incurred under repealed enactments.

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

Interpretation. No. 35. 1912, s. 4.

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

"Board" means the pastures protection board for any district constituted or continued by or under this Act.

"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.

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

"Central Division" has the meaning given to the expression in the Crown Lands Acts.

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

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

"Crown Lands Acts" means the Crown Lands Consolidation Act, 1913, and all amending Acts, and includes 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 or continued by or under this Act.

"District Surveyor" means a district surveyor appointed for the purposes of the Crown Lands Consolidation Act, 1913.

"Dog-proof," see "Rabbit-proof."

"Earmark" means a mark cut out of the ear of a sheep.

"Eastern Division" has the meaning given to the expression in the Crown Lands Acts.

"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.

"Large

" Large stock " means horses, cattle, and camels.

" Local land board " means local land board as constituted and defined under the Crown Lands Acts, and in relation to the Western Division means local land board constituted and defined 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.

" Occupier "

(a) means the person for the time being entitled to the possession of any land, and except for any purpose of this Act relating to the obligation to pay any rate, expenses or contribution, includes where the person so entitled does not reside on the land, his resident manager or other person in charge of the land; and

(b) for the purposes of Part VI includes the Rural Bank of New South Wales, and the occupier or caretaker of any public watering-place, 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;

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

(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; or

(d)

(d) the person in whom is vested any land taken or appropriated under authority of any statute authorizing land to be taken or appropriated for the purpose of any private undertaking.

"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 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 or deemed to be declared to be a public watering-place under this Act.

"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, as amended by the Registration of Stock Brands (Amendment) Act, 1923.

"Regulations" means 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 or the Western Lands Acts, the notification, reservation, or dedication of which has not been revoked at the commencement of this Act, and any public watering-place.

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

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

"Western Lands Commissioner" means the Western Lands Commissioner appointed under the Western Lands Acts.

"Working large stock" means large stock in use for purposes of transport.

PART II.

Pastures Protection Districts and Boards.

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

5. (1) The Governor may by proclamation published in the Gazette constitute pastures protection 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.

(2) 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.

Board.

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

(2) The first general election of directors under this Act shall be held on such date in the month of April in the year one thousand nine hundred and thirty-seven as shall be appointed by the Minister and notified in the Gazette.

(3) A general election of directors shall be held in the month of April in the year one thousand nine hundred and forty and in each third year thereafter. The date of each such general election shall be appointed by the Minister and notified in the Gazette.

(4) The date appointed by the Minister for the holding of any general election shall be a date not less than four weeks after the date upon which the notification is published in the Gazette.

(5) The directors elected at any such general election shall take office upon the first day of May in the year in which the general election is held and shall cease

to

to hold office upon the thirtieth day of April in the third year thereafter, but shall be eligible for re-election if otherwise qualified.

(6) Where no proper election of directors or of any director takes place upon the date appointed for the holding of a general election the Minister may cause an election to be held on a date to be appointed by him and notified in the Gazette or he may appoint the necessary number of persons eligible to be elected to be directors.

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

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

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

The office of chairman, or deputy-chairman, shall—

(a) commence on the day of his election thereto;

(b) become vacant on the day of the election of his successor or on the occurrence of an extraordinary vacancy in such office.

Where an extraordinary vacancy occurs in the office of chairman or deputy-chairman a successor shall be elected to hold office for the remainder of the term.

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

(8) Four directors shall form a quorum.

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

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

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

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

7. The Governor, after such open inquiry as he thinks proper, may by proclamation published in the Gazette for sufficient cause remove any director. Vacancy in office. No. 35, 1912, s. 7.

8. (1) An extraordinary vacancy in the office of a director, chairman, or deputy-chairman shall occur if the person elected or appointed thereto— Extraordinary vacancy.

(a) dies; or

(b) resigns his office by writing under his hand directed to the secretary of the board; or

(c) is absent without leave of the board from three consecutive meetings of the board; or

(d) is convicted of a felony or misdemeanour; or

(e) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898; or

(f) ceases for any reason to hold office before the day on which the office would ordinarily become vacant.

(2) If any director, chairman, or deputy-chairman becomes bankrupt within the meaning of the law in force for the time being relating to bankrupts, or if he compounds his affairs with his creditors, he shall thereby cease to hold office, but shall be eligible for re-election if not otherwise disqualified.

(3) An election to fill an extraordinary vacancy in the office of a director shall be carried out and conducted as prescribed, and the voting shall be by post.

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

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

(5)

(5) Where no proper election takes place within two months of the occurrence of an extraordinary vacancy the Governor may appoint a person eligible to be elected to fill the vacancy.

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

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

No fee or other payment shall be allowed or made to any director unless in accordance with the regulations.

Roll of electors. *Ibid.* s. 9.

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

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

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

Division of districts. *Ibid.* s. 10.

11. (1) The Minister shall by notification published in the Gazette, divide each district which has not been exempted from the operation of this subsection into four divisions, and may in the like manner alter the boundaries of any such division.

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

(2) The Minister may, on the application of a board whose district is situated within the Western Division, by notification published in the Gazette exempt the district from the operation of subsection one of this section.

Where the district of any such board has been divided into divisions the Governor may, on the like application by the same or a subsequent like notification, cancel such division.

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

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

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

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

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

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

(7) Where any district has been divided into divisions no person shall be eligible for election for a division unless his name is on the roll for the division and unless he is otherwise qualified for election or to vote in accordance with the provisions of this Act.

Qualification for—

(a) enrolment;

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

Provided that where the occupier is a person for the time being entitled to the possession of any land who does not reside on the land the occupier entitled to be enrolled shall be such person:

Provided further that such person may nominate in writing his resident manager or other person in charge of the land to be the occupier for the purpose of this section.

(b) voting;

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

(a) is enrolled for the division or district;

(b) is the occupier of land in respect of which—

(i) the return required by section thirty-nine of this Act, if any such is required to be made, has been made; and

(ii)

(ii) all rates due and payable to the board have been paid,

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

(3) Every person who at the date appointed for nominations for the election— (c) election.

(a) is enrolled for the division or district for which the election is held;

(b) is resident in the district;

(c) is the occupier of land in respect of which—

(i) the return required by section thirty-nine of this Act, if any such is required to be made, has been made; and

(ii) all rates due and payable to the board have been paid,

shall be qualified for election as a director.

(4) Where two or more persons holding jointly or in common are the occupiers of ratable land and reside thereon one of such persons shall be enrolled in respect of each ten head of large stock or one hundred sheep carried on the land or estimated by the board to be within the carrying capacity of the land.

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

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

14. (1) Each board shall be a corporate body under the style or title directed by the Governor and notified by proclamation published in the Gazette, and under such style or title shall have perpetual succession and a common seal, and be capable in law of suing and being sued in its corporate name, and subject to this Act be capable of purchasing, holding, granting, demising, disposing Incorporation. *Ibid.* s. 12.

disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

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

Power of boards to borrow.

(2) A board may borrow by way of limited overdraft on current account in any bank or banks upon the security of the board's funds or of any other assets of the board within such limits, to such extent, and for such purposes as may, from time to time, be approved by the Minister.

Duties of boards. No. 35, 1912, s. 16.

15. Every board—

(a) shall cause proper minute books to be kept of all its proceedings;

(b) shall cause true and regular accounts to be kept of all moneys received or paid by it under this Act, and shall give the owner or the occupier of any ratable land within the district access to such accounts at all reasonable hours;

(c) shall produce for inspection to any person duly authorised in writing by the Auditor-General or by the Minister all its books, accounts, agreements, vouchers, letters, or other documents which may relate to any matter under this Act.

Yearly accounts to be published. *Ibid.* s. 17.

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

Such account shall be duly audited and certified.

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

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

17.

17. A board shall have power to appear and be represented by counsel, solicitor or agent before a local land board in any matter before such local land board relating to the proposed curtailment or revocation of a travelling stock or camping reserve, or to the proposed closure of any road which affects the interests of travelling stock, or to an application for any lease or the conversion of any lease of land within or partly within any such reserve. Board may be represented by counsel before local land board. No. 35, 1912, s. 17A. No. 49, 1918, s. 4.

18. (1) The Governor may by proclamation published in the Gazette dissolve any board whose district is wholly comprised in a new district or wholly distributed among other districts. Dissolution of board.

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

19. (1) All subsidies, fines, penalties, rates, and other moneys received by a board under this Act, except as otherwise in this Act provided, shall form part of a fund to be called the Pastures Protection Fund of the district. Pastures Protection Fund. No. 35, 1912, s. 24.

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

(a) the payment of any expenses of or incidental to the election of the board, the execution by the board of its powers, authorities, duties and functions under this Act, or to the payment of any costs or expenses incurred in accordance with the provisions of this Act; and

(b) any other purpose approved by the Minister or which may be prescribed.

(3)

(3) The Minister may grant permission to a board to open a special fund in the board's name other than those specified in this Act, and such fund shall only be used for the purpose for which it is opened. Where a board certifies to the Minister that such purpose has been fully accomplished, the Minister may allow any balance of such fund to be transferred to the Pastures Protection Fund of the board. Special fund.

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

Each such auditor shall be a person who possesses the prescribed qualifications or who in accordance with the regulations is approved as an auditor by the Minister.

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

20. The board for each district shall in each year pay to the Colonial Treasurer three per centum of its gross revenue to cover the cost of administering this Act. Board to contribute part of cost. No. 35, 1912, s. 26.

Payment shall be made at the time prescribed.

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

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

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

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

An

An inspector shall for the purposes of the Workers' Compensation Act, 1926–1929, be deemed to be an employee of the board which pays his salary, and where he is paid by the boards of two or more districts he shall be deemed the employee of such district as the Minister directs, but the other district or districts shall contribute in such amounts as the Minister directs towards the cost of the insurance.

The Crown shall contribute one-half of the cost of insurance under the Workers' Compensation Act, 1926–1929, in respect of each inspector.

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

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

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

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

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

23. (1) The Minister may appoint permit officers for the purpose of issuing permits for stock to travel and may annul any such appointment.

(2) The board for the district for which any permit officer is appointed may pay such officer such fees or commission as are prescribed. Any fees or commission so payable shall be paid out of the Reserves Improvement Fund of the board.

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

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

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

Such

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

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

PART III.

Rates.

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

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

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

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.

26. If for any reason any rate is not made within or by the time prescribed under this Act, or if any irregularity in making or levying the rate affects, or may be considered to affect the validity of any rate, the Minister may extend the time for the making of the rate and may authorise the doing by the board of such acts as may be necessary to cure the irregularity, and to validate the rate. Irregularity. Act No. 41, 1919, s. 140.

27. (1) Every rate shall be due and payable to and recoverable by the board on the expiration of thirty-one days after service of the rate notice. Liability for rates. cf. *Ibid.* s. 143.

(2)

(2) Any occupier of ratable land may apply to the board for a rebate of rate in accordance with this section.

(3) The board shall grant a rebate of one-half of the amount of the rate levied in respect of any holding or portion of a holding—

(a) on the external boundaries of which there is a fence which, in the opinion of the board, is rabbit-proof; and

(b) which, in the opinion of the board, has been kept reasonably free from rabbits during the period of twelve months ending on the thirty-first day of December immediately preceding the year for which the rate is made.

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

(4) A rebate granted under this section shall not be deemed to be a remission or refund of a rate or part of a rate for the purposes of section thirty-four of this Act.

(5) Every rate shall, subject to this Act, be paid to the board by the occupier of the land in respect of which the rate was levied. cf. Act No. 41, 1919, s. 144.

(6) Where two or more persons holding jointly or in common are the occupiers of ratable land such persons shall be jointly and severally liable to the board for the rate, but as between themselves each shall only be liable for such part of the rate as is proportionate to his interest in the land and the stock. cf. *Ibid.* s. 147.

If any of such persons pays to the board more than his proportionate part, he may recover the excess by way of contribution from the others.

(7) Where the name of the occupier liable to pay the rate is not known to the board, it shall be sufficient to rate such occupier by the designation of "occupier" without stating his name. cf. *Ibid.* s. 139 (6).

28. (1) Where a person ratable as an occupier ceases to be the occupier of any land in respect of which a rate is payable, he shall nevertheless continue liable to the board for the rate to the same extent as if he had continued to be the occupier of the land, provided that the rate is levied either— Liability where an estate or interest is transferred. cf. Act No. 41, 1919, s. 148.

(a) before he ceases to be the occupier of the land; or

(b) before the board has received from him the prescribed notice of his ceasing to be the occupier of the land.

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

(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.

29. (1) A person who becomes the occupier of any land, notwithstanding the fact that he becomes the occupier after the rate was levied, shall be liable to the board for the current rate and for all arrears of the rate owing by any previous occupier in respect of the land. Liability of person becoming occupier. cf. *Ibid.* s. 149 (1).

(2) Any person may apply for a certificate under this section as to the amount (if any) due or payable to the board by the occupier of the land, for rates or otherwise. cf. *Ibid.* s. 160 (1) (2).

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 a person who becomes an occupier that at the date thereof no rates, charges, or sums other than those stated in the certificate were due or payable to the board in respect of the land. cf. Act No. 41, 1919, s. 160 (4).

(4) For the purposes of this section rates, charges, or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired. cf. *Ibid.* s. 160 (5).

(5) If the occupier of any land pays to the board any rate in respect thereof which was levied before he became the occupier of the land, he may recover a proportion of the amount from the person who was liable to the board for the rate at the time the rate was levied. cf. *Ibid.* s. 149 (2).

30. (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 so owned which were travelling to or 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 taken into account in respect of one of such holdings only.

(2) If, in the opinion of the board, 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 board in the prescribed manner.

(3) Where land has during the calendar year preceding the making of the 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 crops or grasses for pasture.

(4)

(4) The rate shall not exceed fourpence per head in the case of large stock and two-thirds of a penny per head in the case of sheep.

Ratable land.

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

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

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

shall be ratable, and the land is referred to in this Act as ratable land.

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

Determination of carrying capacity.

32. For the purposes of this Act the carrying capacity shall be the average number of stock which, in the opinion of the board, could have been depastured on the land during the five years immediately preceding the year in which the determination is made.

Appeal.

33. (1) Where the occupier of any land is dissatisfied with the determination of the board as to the carrying capacity of any land other than land used for agricultural purposes, he may within thirty days after service of the rate notice, appeal against such determination to the local land board of the land 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 local land board for the administrative district in which the land or the greater part thereof is situate.

The manner of appeal and the fees to be paid thereon shall be as prescribed.

(2) On any such appeal the local land board shall have jurisdiction to hear and determine the appeal, and may make such order for the payment of the costs of the appeal by the applicant or the board as seems just in all the circumstances of the case.

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 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 board as to the carrying capacity shall be final.

Remission of rate.

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

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

Rate-book. cf. Act No. 35, 1912, s. 21.

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

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

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

(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)

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

Facilitation of recovery.

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

Overdue rates: extra charge.

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

cf. Act No. 41, 1919, s. 158.

(2) If the rates are unpaid at the expiration of three months from the date when the same became due and payable, the amount due shall be increased by a sum calculated at the prescribed rate per centum per annum, 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.

Recovery of rates.

38. (1) 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.

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

(3)

(3) 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, 1912-1933.

Returns of land and stock. cf. Act No. 35, 1912, s. 19.

39. (1) Every occupier of land and every owner of stock shall, unless exempted by the regulations, furnish to the secretary of the board not later than the prescribed date in each year a return in or to the effect of the prescribed form of his land and stock 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.

(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.

Holdings in two or more districts.

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

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

PART

PART IV.

Travelling Stock and Travelling Stock and Camping Reserves.

Control of travelling stock and camping reserves.

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

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

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

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 board until the lease is terminated in pursuance of such Acts.

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

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

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

Nothing in this section or in the Forestry Act, 1916-1933, shall render a board liable to pay royalty for timber felled or so used.

Nothing

Nothing in this Act shall prevent the Forestry Commission, with the concurrence of the board, issuing licenses to cut or remove timber under the provisions of the Forestry Act, 1916-1933.

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 the Minister for Lands considers that a board has not taken or is not taking proper measures to protect or improve a travelling stock reserve or camping reserve under its control or to suppress and destroy noxious animals thereon, he may in writing notify such board to that effect; and if, after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

(5) Where any such reserve or part thereof which is under the control of a board is held under annual lease or occupation license, the Minister for 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.

Withdrawal of lands from reserves.

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

Where the board declines or omits to give its consent the reserve or part thereof shall not be withdrawn from the control of the board unless such withdrawal has been approved by resolution of both Houses of Parliament and if so approved the board shall be deemed to have consented to the withdrawal of the reserve or part from its control.

(2)

(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 other than for settlement under the Crown Lands Acts. No. 35, 1912, s. 26B.

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

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

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

43. (1) The Governor may by the regulations impose a rate upon all travelling stock which travel along or over travelling stock reserves or camping reserves or roads 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 board or the officer who issues the permit or renewed permit at the time of the issue of the permit or renewed permit and disposed of in the manner prescribed.

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

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

(7) Where travelling stock travel on a journey in respect of the part of which within the district where the permit or renewed permit is issued no rate is payable, a permit fee not exceeding sixpence may be charged for the issue of the permit or renewed permit, in addition to the rate (if any) payable in respect of any part of the journey travelled in any other district.

Fee on working large stock.

44. (1) The Governor by the regulations may authorise every or any board to collect a fee on all working large stock used by a teamster or carrier on any travelling stock reserve in its district under a license from the board, and such regulations may prescribe different fees for different districts.

(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 board may in a particular case think necessary.

Fee on drovers' stock.

(4) A board 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 for a period specified in the permit on payment of the prescribed fee which shall not exceed two shillings per head per month.

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

45. A board 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

reserve, or part thereof under the control of the board for a period not exceeding one year or such greater period as may in a particular case be approved by the Minister, subject to such rents, terms, and conditions as may be imposed by the board.

Permits for apiary site.

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

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

The permit shall be in such form and subject to such fees, terms, and conditions as may be fixed by the board.

Reserves Improvement Fund.

No. 35, 1912, s. 26c (2).

47. All moneys received by any board under any provision of this Part, and all fines received by a board for any offence against the provisions of this Part, shall be carried to an account in its books to be called the Reserves Improvement Fund.

Use of fund.

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

(a) in carrying out the duties of the board in relation to the reserves under its control;

(b) for any other purpose approved by the Minister or which may be prescribed.

Permits, licenses, and travelling statements.

Ibid. ss. 105, 106 (1).

48. (1) Except in such cases and under such conditions as are prescribed, no person shall move stock along any road or travelling stock reserve or by rail or by air or by water unless—

(a) (i) in the case of travelling stock, a permit in or to the effect of the prescribed form 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)

(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.

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) Any stock travelled on a travelling statement shall not be again moved within a period of one month after reaching the destination mentioned in such statement except upon a permit.

The

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

Stock starting from previous destination to pay travelling charge.

49. (1) If at any time within three months from 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 to the travelling rate pay 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 the chairman or secretary of the board.

(3) Provided also that on the removal by the owner of any such stock offered for sale at a recognised 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.

Change of route.

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

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 on a permit or renewed permit is one which passes through land quarantined under the provisions of the Stock Diseases Act,

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 charges be payable in respect of such changed route.

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

The board may by resolution delegate to the inspector or to the chairman of the board its powers under this subsection and in like manner may revoke any such delegation.

Distribution of travelling charges.

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

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

50. The person in charge of travelling stock or working large stock shall on demand by an inspector, permit officer, member of the police force, 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.

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

51. 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 an owner's registered brand and the capital letter T in Roman character not less than two inches in height.

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

Any

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

Travelling stock not using made roads.

52. 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.

Stock not to be driven at night without consent.

53. Any person who, except in such districts as are prescribed, drives or carries stock along any road or reserve during the period between one hour after sunset and one hour before sunrise without the consent of the inspector or a director of the board first obtained, and the permit, renewed permit, or travelling statement so endorsed, shall be liable to a penalty not exceeding ten pounds.

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

54. 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.

Stock travelling past holding: notice to occupier. *Ibid.*

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

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

(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.

56.

Stock unattended on reserves: depositing rubbish.

56. 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 a travelling stock reserve shall be liable to a penalty not exceeding ten pounds.

Route. No. 35, 1912, s. 107 (1).

57. (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 travelling stock route leading to the place of destination mentioned in the permit, renewed permit or travelling statement where practicable or if not practicable or if there is no such travelling stock route, then by the most direct road ordinarily used for the purpose of travelling stock to the said place of destination.

(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.

Rate of travel.

58. (1) When stock are travelling on any journey occupying more than twenty-four hours, the person in charge shall in each successive period of twenty-four hours, from six o'clock in the morning of one day to six o'clock in the morning of the following day, cause them to travel towards their destination—

(a) if they are large stock, a distance of not less than ten miles;

(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, travelling statement, 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)

(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 board; or

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

Stock camping on reserves.

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

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

Abandonment of travelling stock.

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

(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.

Carcases to be destroyed or buried.

cf. No. 35, 1912, s. 111.

61. 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.

Any

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.

Permitting stock to remain on reserve.

62. 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.

cf. No. 35, 1912, s. 107 (4).

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

Lessees of travelling stock reserves and travelling stock.

63. Where the lessee of 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.

Poison on reserves.

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

Structures or fences on reserves—occupation of reserves.

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

(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.

(3) No person other than a person in charge of travelling stock or working large stock shall occupy or use a travelling stock reserve except with the written permission

permission of and subject to the conditions specified by the board or a person authorised by the board in that behalf; or except in pursuance of any lawful authority given under this or any other Act.

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

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

(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 grazing permit from the board;

(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) in the case of a public watering place stock entitled to pasture or water thereon in accordance with the provisions of this Act or the regulations,

shall be deemed to be trespassing stock, and the owner or person ordinarily in charge thereof shall be guilty of an offence and 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.

(2) Any such trespassing stock so found may be impounded by the board on any day of the week and at any time of the day or night. Such impounding may be

be effected by the board or 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 board may detain any animal in like manner and for the like period that a council may so do under the provisions of section four hundred and twenty-six of the Local Government Act, 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 with the approval of the chairman of the board be destroyed by such inspector.

Impounding fee.

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

PART V.

Public Watering-places.

Proclamation of public watering-places.

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

(a) any Crown land, or land acquired under the provisions of section one hundred and ninety-seven of the Crown Lands Acts for a watering-place; or

(b) any land acquired for the purpose by the council of an area under the Local Government Act, 1919, as amended by subsequent Acts,

to be a public watering-place, and may at any time in like manner revoke or vary any such declaration.

(2)

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

(3) The Minister administering this Act may by notification published in the Gazette declare any public watering-place to be a town water supply and may at any time in like manner revoke or vary any such declaration.

Controlling authority.

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

(a) if the public watering-place is one in respect of which a declaration under subsection three of section sixty-eight is in force—the council of the municipality or shire within whose area the public watering-place is situated;

(b) if the public watering-place is not one in respect of which a declaration under subsection three of section sixty-eight is in force—the board of the district within the boundaries of which the public watering-place is situated.

Improvement of public watering-places.

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

(2) Where any public watering-place is situated in the Western Division—

(a) the controlling authority shall not undertake the construction, erection or maintenance of any of the works referred to in subsection one of this section without the prior approval in writing of the Minister;

(b) the cost of the construction, erection and maintenance of any such works shall be met out of the Public Watering Places Fund of the controlling authority, and where there are no moneys or not sufficient moneys in that fund shall be met out of moneys provided by Parliament.

Caretaker.

71. The controlling authority may appoint a caretaker of any public watering-place and may fix the remuneration of such caretaker.

The

The remuneration of a caretaker of a public watering-place situated within the Western Division shall not exceed such amount as may be determined by the Minister, and shall be paid out of moneys provided by Parliament.

A caretaker shall supply water to stock declared by the regulations to be entitled thereto at such rates as may be prescribed.

Leases.

72. (1) The controlling authority may by auction, public tender, or otherwise let any public watering-place on lease for a term not exceeding ten years, and may grant one extension of any lease for a term not exceeding five years at the same or an increased rental without public competition where the controlling authority considers that such an extension is justified by the improvements made by the lessee:

Provided that the controlling authority of a public watering-place within the Western Division shall not let such public watering-place or grant any extension of any lease thereof without the consent in writing of the Minister.

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

(3) A controlling authority and every lessee shall supply water to persons and stock declared by the regulations to be entitled thereto at such rates and during such periods as may be prescribed, and shall allow such stock to depasture on the public watering-place for such period and under such conditions as may be prescribed.

Obstruction.

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

Production of permits, etc.

74. Every person in charge of travelling stock or working large stock on any public watering-place shall, when required by the caretaker, lessee, or person in charge

charge thereof, produce for inspection the permit, renewed permit, or travelling statement issued for the journey on which the stock are travelling, or the license issued in respect of the working large stock, or any order, permit or license issued under the provisions of the Stock Diseases Act, 1923.

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

Impounding.

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

Penalty for injuring watering-places, etc.

76. Any person who wilfully—

(a) destroys or injures any tank, dam, structure, or other work on any public watering-place or any machinery used in connection therewith; or

(b) pollutes, diverts, or interferes with any water flowing into or in or used or intended to be used as the source of supply for any such dam, tank, or other structure,

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

Offences by caretaker, etc.

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

Application of rents, charges, etc.

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

(2)

(2) Any charges received by a board or a caretaker and any rent received by a board shall—

(a) in respect of a public watering-place situated in the Eastern or Central Division, be paid into the Reserves Improvement Fund of the board and out of such fund shall be paid the salary of the caretaker;

(b) in respect of a public watering-place situated in the Western Division, be paid into a special fund of the board to be called the "Public Watering-places Fund," and such fund shall be used in carrying out any of the works specified in section seventy of this Act.

PART VI.

Noxious Animals.

Division 1.—*General.*

79. (1) The rabbit, hare, fox, and native dog shall be noxious animals for the purposes of this Act. Declaration of noxious animals. cf. No. 35, 1912, ss. 58, 67.

(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 declaration.

80. (1) The regulations may prescribe methods for the suppression and destruction of any noxious animal. Method for suppression and destruction. cf. *Ibid.* s. 61 (c).

(2) Such methods may include methods for preventing the spread of any noxious animal and for removing or destroying any harbour thereof.

(3) The regulations may provide for the removal or destruction of any harbour of any noxious animal within two chains of a rabbit-proof, dog-proof or marsupial-proof fence and may regulate or prohibit the use of any method for the suppression or destruction of noxious animals. Prohibited methods. *Ibid.* s. 61A (1).

81.

Duty of occupiers to destroy noxious animals.

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

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

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

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

82. (1) The board may, by notice published in one or more newspapers circulating in the district, require all occupiers of land within the district or part thereof specified in the notice to adopt within a time specified in the notice any one or more of the prescribed methods mentioned in the notice within any specified time for the suppression and destruction of any specified noxious animal, and to continue such method during such occupation of the land unless the land is free of the noxious animals.

(2) The board or an inspector may, in the prescribed manner, order any occupier of land to adopt any one or more of the prescribed methods specified in the order for the suppression and destruction of any 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 under this section; or

(b)

(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 fifty pounds, and for any subsequent offence to a penalty not exceeding one hundred pounds, and the work may be carried out at his expense.

(4) An inspector or other person authorised by the board 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 any notice or order relating to the suppression and destruction of noxious animals have been carried out and of carrying out the work if it has not been carried out by the occupier.

(5) The expenses incurred in and about any such work shall be recoverable by the board in any court of competent jurisdiction from the occupier of the land, and the fact that such work has been carried out and the amount of such expenses may be evidenced by a certificate in the prescribed form signed by the chairman of the board.

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.

Burning undergrowth, etc.

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

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

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

85. The Minister may grant permission to keep 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 Consolidated Revenue Fund. Permission to keep noxious animals. cf. *Ibid.* s. 71.

86. (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)

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

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

87. (1) Any person who 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 shall be liable on conviction to a penalty of not less than fifty pounds and not exceeding two hundred and fifty pounds.

(2) Any person who—

(a) wilfully or negligently leaves open any gate in such a fence;

(b) 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;

(c) liberates or without the permission of the Minister has in his possession any noxious animal;

(d) 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;

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

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

Bonus for scalps. *Ibid.* s. 65.

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

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

89.

Powers of board as to certificates and dealing with scalps. No. 35, 1912, s. 66.

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

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

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

Provided that the scalps of foxes, if attached to the skins, may be indelibly marked for identification purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may be disposed of in such manner as the board may direct.

False claims for bonus. *Ibid.* s. 68.

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

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

Special rate

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

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

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

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

DIVISION 2.—*Dingo destruction districts.*

Dingo destruction districts.

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

(2) The Governor may at any time in like manner revoke or vary any such proclamation.

Dingo destruction board.

93. (1) There shall be a dingo destruction board for each dingo destruction district.

(2) A dingo destruction board shall consist of a like number of members as the number of pastures protection districts which are wholly or partly within the dingo destruction district.

(3) The members of the dingo destruction board shall be appointed by the Governor from the persons nominated in accordance with this section, and shall, subject to subsection five of this section, hold office for a period of three years from the date of appointment.

One such member shall, subject to subsection six of this section, be appointed by the Governor from the persons nominated by the board of each pastures protection district which is wholly or partly within the dingo destruction district.

(4) Each pastures protection board whose district is wholly or partly within the dingo destruction district shall within the time and in the manner prescribed nominate a director or ratepayer of its district for appointment as a member of the dingo destruction board.

(5) Where a vacancy in the office of a member of a dingo destruction board occurs otherwise than by the expiration of the period for which he was appointed, the person appointed to fill such vacancy shall hold office for the balance of his predecessor's period of office.

(6)

(6) If any pastures protection board fails to make a nomination, or to make a nomination satisfactory to the Minister within the prescribed time the Governor may appoint any director or ratepayer of the district of that board to be a member of the dingo destruction board.

(7) A dingo destruction board shall in each year elect one of its members as chairman.

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

94. (1) The dingo destruction board may appoint a secretary. The salary to be paid to the secretary shall be subject to the approval of the Minister. Secretary and office.

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

(3) The Minister may specify at what place the office of the dingo destruction board shall be situate.

95. Any person authorised by a dingo destruction board 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 destruction of native dogs are being carried out. Power of entry upon land.

96. (1) Where a dingo destruction board has reason to believe that there are native dogs upon any land they may, by notice in writing, require the occupier of such land to do such acts, and take such steps as are specified in the notice, within the time specified therein for the more effective destruction of native dogs upon such land. Notice to occupier.

(2) Any occupier who— Failure to comply with notice.

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

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

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

97.

Powers of authorised person.

97. (1) Where a dingo destruction board is satisfied that an occupier has failed to comply with a notice under section ninety-six, any person authorised by it may—

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

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

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

Authorised person not to be deemed a trespasser.

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

Recovery of expenses incurred.

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

Provision for expenditure.

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

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

(3)

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

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

Any such proceedings may be taken in the name of the secretary, or if there be no secretary, the chairman on behalf of the dingo destruction board.

Special rate.

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

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

Southern Tablelands dingo destruction board.

101. (1) The dingo destruction board for the southern tablelands district as constituted at the commencement of this Act shall be deemed to have been constituted under this Act and the members thereof shall hold office until the thirtieth day of June, one thousand nine hundred and thirty-five.

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

Validation.

(3) All acts of the Southern Tablelands Dingo Destruction Board done or performed before the commencement of this Act, which would have been valid if this Act had then been in force are hereby validated.

Trust account.

102. Each dingo destruction board shall open a trust account in such bank and town as may be decided upon, into which shall be paid all amounts provided by the

the pastures protection boards and such account shall be operated upon by the chairman, one other member of the board, and the secretary, or any two of them.

How funds to be expended.

103. All moneys received by a dingo destruction board shall be expended on the destruction of native dogs in its district and in otherwise carrying out the provisions of this Division of this Part of this Act.

Repayment of loan.

104. All moneys advanced to the Southern Tablelands Dingo Destruction Board by the Crown prior to the commencement of this Act shall be repaid to the Colonial Treasurer from the amounts provided by the pastures protection boards within the Southern Tablelands Dingo Destruction District within a period of four years from the first day of October, one thousand nine hundred and thirty-three, in such instalments as the Colonial Treasurer directs: Provided that the Colonial Treasurer may extend such period for such time and from time to time as he thinks fit.

PART

PART VII.

Rabbit, Marsupial, and Dog-proof Fences.

Division 1.—*Wire Netting.*

Supplying netting, etc. No. 35, 1912, s. 30. No. 25, 1920, s. 3.

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

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

(3) The cost of any such netting, materials, machinery, plant and substances so sold, and all expenses in connection with the same, shall be repaid by such 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 other than those in favour of the Crown with which such charge shall rank pari passu.

(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, 1919-1932.

Boards to act as agents for the Minister.

106. (1) A board shall within its district and as agent for the Minister collect all moneys due and payable to the Minister for netting, material, machinery, plant or substances sold or let to an owner within such district by the

board

board pursuant to any enactment repealed by this Act or by the Minister pursuant to this Act, and shall pay such moneys to the Minister at such times as are prescribed.

(2) If the board fails to pay such moneys to the Minister at the times prescribed the Minister may forthwith take possession of any moneys or other property vested in the board and may make assessments and levy rates under this Act, and for that purpose shall have and may exercise the powers of the board.

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

107. 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.

Provided that in any case where the Minister is satisfied that the circumstances warrant it, he may direct that the whole or part of such interest shall not be charged or may grant an extension of time for the payment of all or any part of such interest.

Payment to the Minister by adjoining owner of cost of netting supplied. *Ibid.* s. 32.

108. (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 board as agent for 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.

Assessment at request of the Minister.

(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.

Notice to the Minister of assessment.

(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 any person duly appointed in that behalf by the Minister may attend at such assessment, and shall be heard.

(4)

(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.

109. (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.

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.

Maintenance of netting and material in respect of which moneys are payable. No. 35, 1912, s. 33.

(2) A certificate in the prescribed form, signed by the Minister, shall be prima facie evidence of such cost.

Certificate as evidence.

110. 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.

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.

Supplying of netting, etc., to occupiers of holdings. *Ibid.* s. 34.

111. 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 and materials and any right which such owner may have to recover contribution in respect of same shall pass to and vest in the Minister.

Where holding forfeited or abandoned or surrendered to the Crown, netting to vest in the Crown. cf. *Ibid.* s. 35.

112. Any person who—

(a) wilfully uses or disposes of any netting, materials, machinery, plant, or substances supplied

Penalty for misuse of netting, etc. cf. *Ibid.* s. 36.

supplied by the Minister under this Act, 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.

DIVISION 2.—*Fences.*

Proof-fencing.

113. 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.

Certificate by board that fence is rabbit-proof, dog-proof, or marsupial-proof.

cf. No. 35, 1912, s. 45.

114. (1) The board of the district within which any fence alleged to be rabbit-proof, dog-proof, or marsupial-proof is situated shall, if so required in writing by the owner of the fence, cause the said fence to be inspected, and may charge for such inspection the prescribed fees.

Where the board is satisfied that the fence is rabbit-proof, dog-proof, or marsupial-proof, it shall grant a certificate accordingly in the prescribed form.

Certificate prima facie evidence.

(2) In any proceeding before a local land board in respect of a rabbit-proof, dog-proof, or marsupial-proof fence, or in a court to recover money by way of contribution in respect of any such fence, such certificate shall be prima facie evidence of the matters stated therein.

Rabbit, dog, or marsupial proof fence may cross road.

Ibid. s. 46.

115. (1) Where any lands are divided or bounded by a road or travelling stock reserve or public lands, the local land board may, upon application in the prescribed manner and payment of the prescribed fee, grant to the occupiers or owners of such lands, or any of such owners or occupiers, permission to carry a rabbit-proof, dog-proof, or marsupial-proof fence across such road, reserve, route, or public lands.

(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 dispenses with the erection of the same.

(3)

(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 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, as amended by subsequent Acts, shall apply to and in respect of such gate.

(5) The Local Government Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 41, 1919, s. 251A. (By-passes for motor vehicles.)

(a) by omitting from subsection two of section 251A the words "rabbit-proof or dog-proof enclosure" and by inserting in lieu thereof the words "rabbit-proof, dog-proof, or marsupial-proof fence";

(b) by omitting from subsection nine of the same section the words "enclosure of which it forms part is made rabbit-proof or dog-proof" and by inserting in lieu thereof the words "fence of which it forms part is made rabbit-proof, dog-proof or marsupial-proof."

116. 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. Act No. 35, 1912, s. 47.

117.

Notice of intention to fence occupation license or annual lease, etc. No. 35, 1912, s. 48.

117. (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 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.

Exemption from fencing boundary in certain cases.

118. If any holding, or portion of a holding, is bounded in part by a natural feature along which, in the opinion of the local land board or the board, it is unnecessary to erect a rabbit-proof, dog-proof, or 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.

Contribution to the cost of rabbit, dog or marsupial proof fence. cf. *Ibid.* s. 49.

119. (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

the holding and adjoining the rabbit-proof, dog-proof, or marsupial-proof fence to the occupier or owner who has incurred such expense.

(2) Such a contribution shall not be payable where the local land board is of opinion—

(a) that the rabbit-proof, dog-proof, or marsupial-proof fence has been erected, or the fence has been made rabbit-proof, dog-proof, or marsupial-proof, otherwise than bona fide for the purpose of excluding or destroying rabbits, native dogs, or marsupials; or

(b) that no benefit is derived from the fence by the holding from the owner of which a contribution is demanded; or

(c) that the nature of such holding is such that it cannot be kept rabbit-proof, dog-proof, or marsupial-proof by the erection and reasonable maintenance and repair of a rabbit-proof, dog-proof, or marsupial-proof fence.

(3) Where the owner of such holding at any time makes use of such fence as part of a rabbit-proof, dog-proof, or marsupial-proof enclosure, such owner shall be liable for payment of a contribution in respect of so much of the fence as forms the boundary of such enclosure.

(4) Notwithstanding that the local land board has in any case decided that no benefit was derived from the fence by the holding from the owner of which a contribution 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

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) 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, 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, as from the date upon which the prescribed notice of demand is given and until payment, be and remain a charge on the land in respect of which such contribution is payable.

Rental in lieu of contribution.

(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

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.

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 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 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

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 or annual rental payable, a copy of the notice of demand or of the claim in writing, as the case may be, 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 Western Lands Commissioner.

Adjoining holding to contribute half cost of maintenance. No. 35, 1912, s. 50.

120. (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.

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, the Pastures Protection Act, 1902, or the Pastures Protection Act, 1912, and the local land board shall have power to assess and determine the amount of any such contribution.

121.

The Crown to contribute in certain cases.

No. 35, 1912, s. 51.

121. (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 repealed by this Act or the Pastures Protection Act, 1902, or by a rabbit board under the Rabbit Act, 1901), forms a common boundary fence between private and public lands, and before or after the commencement of this Act particulars of such fence have been furnished to the Minister, and he has consented to the erection of the fence or to the making of a boundary fence rabbit-proof, dog-proof, or marsupial-proof, the same contribution shall be payable by the Crown in respect of erecting the fence or making it rabbit-proof, dog-proof, or marsupial-proof as would be payable by any private owner.

(2) Where the Crown erects or makes rabbit-proof, dog-proof, or marsupial-proof a fence which forms a common boundary between public and private lands, the like contributions towards the cost and the maintenance and repair of the fence shall be payable by the owner or occupier of the private lands to the Crown as would have been payable had the public lands been private lands.

The notice of demand may be given by the Colonial Treasurer, and the contributions when received by him shall be paid to the account from which the expenditure upon the fence was made.

(3) The amount of contributions payable under this section shall be determined by the local land board.

Fencing reserves.

Ibid. s. 52A.

No. 49, 1918, s. 3.

122. (1) The board may, where it considers it necessary for the proper protection or improvement of a travelling stock reserve, by notice in writing require the owner of any land adjoining the reserve within the time specified in the notice—

Stock-proof fence: erection.

(a) to erect on the common boundary of the land and the travelling stock reserve a fence sufficient to prevent the passage of any kind of stock (including pigs or goats) specified in the notice;

(b)

(b) to alter or repair any fence already on the common boundary so as to render it sufficient for the purpose aforesaid; or Stock-proof fence: repair.

(c) to erect on the common boundary a rabbit-proof, dog-proof, or marsupial-proof fence, or to render rabbit-proof, dog-proof, or marsupial-proof any fence already thereon. Rabbit-proof, dog-proof or marsupial-proof fence.

(2) If the owner is required in pursuance of subsection one of this section to erect a rabbit-proof, dog-proof, or marsupial-proof fence or to render any fence rabbit-proof, dog-proof, or marsupial-proof he shall be entitled to claim and recover from the board for the district a contribution not exceeding half the reasonable cost of erecting the fence or rendering it rabbit-proof, dog-proof, or marsupial-proof as the case may be, and thereafter half the cost of maintaining same. Work done by owner.

(3) If the owner fails to comply with the terms of the notice within the time specified therein the board may cause the fence to be erected, altered, repaired, or rendered rabbit-proof, dog-proof, or marsupial-proof, as the case may be, and may recover 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 board maintains the fence.

(4) If an owner and a board 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.

Roads or watercourses intervening between holdings.
No. 35, 1912, s. 52B.
No. 49, 1918, s. 3.

123. The intervention of a road or watercourse between two holdings shall not prevent holdings or lands being taken to be adjoining, or prevent a claim for contribution for erection, netting, or maintenance being brought in respect of a fence on either side of such road or watercourse—

(a) if such fence has been used as a common boundary fence by the owners or occupiers of the holdings on either side thereof; or

(b) if in the opinion of the local land board such fence can be reasonably used as a common boundary fence by the owners or occupiers of the holdings on either side thereof.

Contribution towards cost of rabbit-proof, dog-proof, and marsupial-proof fences.
No. 35, 1912, s. 52C.
No. 49, 1918, s. 3.

124. (1) In any case where a rabbit-proof, dog-proof, or marsupial-proof fence is used as a boundary or part of a boundary between two holdings, and expense is incurred by the owner or occupier of either of such holdings in the work of maintenance and repair of such fence, the owner or occupier who has incurred such expense may serve the prescribed notice of demand on the owner or occupier of the holding on the other side of such fence, and shall be entitled thereafter to recover from him a contribution towards the cost of such work.

The amount of such contribution shall be assessed by the local land board, and shall be one-half the reasonable cost of the work.

(2) If any boundary fence is not being maintained as an effective rabbit-proof, dog-proof, or marsupial-proof fence, and such maintenance of the fence is necessary, the owner or occupier of the holding on either side of each fence may, for the purpose of the effective maintenance of such fence, by himself or his agents or servants, enter on the land of the adjoining owner or occupier.

(3) This section shall apply only to work effected on fences in respect of which fences no determination 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—BARRIER FENCES.

125. (1) Notwithstanding anything to the contrary in any other Act a board may— Powers of board to erect fences.

(a) erect a rabbit-proof fence, or make rabbit-proof any existing fence, on any land, whether public or private, within or without the district, or across any road or travelling stock route, making gates in such fence for the passage of the public and their stock; No. 35, 1912, s. 37.

(b) erect a by-pass for motor vehicles on any road at the place at which such road intersects any such fence;

(c) co-operate with the board of any other district in any such work.

(2) Any fence, whether erected or made rabbit-proof by a board or boards, or by the Crown, or by any person before or after the commencement of this Act, may be declared by the Governor by notification published in the Gazette to be a "barrier fence," and shall be deemed to be a barrier fence within the meaning and for the purposes of this Act so long as such notification remains in force: Provided that any such notification may be cancelled or amended by the Governor by a like notification.

(3) Upon the cancellation of any such notification with regard to a barrier fence erected or made rabbit-proof by or at the expense of the Crown or a board, the owner of any land deriving benefit from such fence shall pay to the Minister for Lands or to the board, as the case may be, the value of so much of such fence as is situated within or is on the boundary of his land. Act No. 49 1918, s. 4.

For the purposes of this subsection the value of the fence where an existing fence was made rabbit-proof by or at the expense of the Crown or a board means the value of the improvements whereby the fence was made rabbit-proof.

The value of any portion of the fence situated within such land shall be the value thereof to the owner; and the value of any portion on the boundaries of such land shall be the value at the date of the cancellation of such notification.

Any

Any such value shall be that agreed upon by the Minister for Lands and the aforesaid owner. If such value cannot be so agreed upon, it shall be determined by the local land board. Payment shall be made as directed by such Minister or the local land board as the case may be.

Case where compensation given. No. 35, 1912, s. 38.

126. A board shall not be liable to pay or make compensation for anything lawfully done in exercise of the powers conferred by section one hundred and twenty-five except damage by severance caused by the erection upon private land of a barrier fence.

The amount of compensation so payable to any person shall, upon application by him as prescribed, be determined by the local land board, and in determining such compensation such board shall take into consideration and set off any benefit accruing to such person's property by the construction of such fence, and may award costs to or against any party appearing before it.

Contribution for boundary barrier fences. *Ibid.* s. 39.

127. Where a board erects a barrier fence or converts any fence into a barrier fence on the common boundary of its district and any adjoining district, the board of such adjoining district shall be liable to pay such first-mentioned board half the cost of erection, maintenance, and repair of the fence.

Payment by purchaser or lessee of Crown lands on which is a barrier fence. *Ibid.* s. 40.

128. Where a barrier fence or any portion thereof is situated within or on the boundary of Crown lands, and is owned wholly or in part by the Crown or a board, any person becoming the purchaser or lessee (other than an annual lessee) of any of such lands shall pay the value of so much of such fence as is situated within or is on the boundary of the lands so purchased or leased, such payment to be made to the Crown or the board or other owner of the fence according to their respective interests therein, in accordance with the provisions of the Crown Lands Acts or the Western Lands Acts. The value of any portion of the fence within the boundary of the lands purchased or leased shall be the value thereof to the purchaser or lessee, and the value of any portion on the boundaries of such lands shall be the value at the date of the purchase or lease.

129.

Boards to repair and maintain barrier fences.

No. 35, 1912, s. 25.

Ibid. s. 41.

No. 49, 1918, s. 4.

129. (1) It shall be the duty of a board or boards erecting a barrier fence, or converting a fence into a barrier fence, to maintain it in an effective manner and keep it in good repair.

(2) Where, before or after the commencement of this Act, and at the expense or principally at the expense of the Crown, a barrier fence has been erected, or a fence has been converted into a barrier fence which is wholly or in part within or on the boundaries of a district, the board of such district shall maintain in an effective manner so much of the fence as is within or on the said boundaries and keep it in good repair:

Provided that with reference to so much of the fence as is on the common boundary of two districts, the boards of such districts may agree which board shall maintain and repair the fence, and failing such agreement, the board named by the Minister shall maintain and repair the fence and may recover from the other board half the expense so incurred.

(3) Provided also that a board or boards may cease to maintain and repair a barrier fence which it or they considers or consider to be unnecessary, or may cause the continuity of the fence to be broken where it or they is or are satisfied that it should be done in the public interests and that the effectiveness of the fence will not thereby be endangered.

Arbitration in case of dispute between boards.

No. 35, 1912, s. 43.

130. In the case of any dispute between boards as to the payment of any money or the doing of any act required to be paid or done under the provisions of this Part, or as to the carrying out of any agreement between them made under this Part, the matter of the dispute shall be referred to and shall be determined by the Minister: Provided that the Minister before making his award may refer the matter in dispute to the local land board of any land board district for investigation and report; and may thereupon either make such award himself or refer the whole matter, together with such report (if any), to the Land and Valuation Court to make an award. Every such award shall be final and conclusive for all purposes.

DIVISION 4.—*Procedure.*

Jurisdiction of land board or court not to be ousted. No. 35, 1912, s. 74.

131. 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:

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.

Local land board may allow time for payment. *Ibid.* s. 75.

132. 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.

Where time is so allowed, the local land board may order that interest at a rate not exceeding five per centum per annum be paid on the amount due in respect of such contribution, value, or sum of money.

Appeal to Land and Valuation Court. *Ibid.* s. 76.

133. 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.

The Minister or such board shall have the like powers of reference to such court as the Minister for Lands or such board 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.

Procedure. *Ibid.* s. 77.

134. 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

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 like authorities and powers as are conferred by the Crown Lands Acts and the Western Lands Acts for the purposes of proceedings under the said Acts, and in addition thereto the Land and Valuation Court (on appeal) and a local land board shall have power to make such orders as to the costs of any proceedings before the local land board or the court as may appear just.

Case may be stated for Supreme Court.

No. 35, 1912, s. 78.

135. (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.

(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.

Effect of moneys being charged.

cf. *Ibid.* s. 79.

136. 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 Register of Causes Writs and Orders affecting land or in any other manner prescribed by regulations made under the Conveyancing Act, 1919-1932, 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

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.

Mortgagees and trustees.

137. (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.

(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.

Powers of Minister.

138. 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 inquired into for the administration of this Part of this Act; and such board shall hear, examine, and report thereon to the Minister.

DIVISION 5.—*Offences.*

Persons interfering with rabbit-proof, dog-proof, and marsupial-proof fences.

139. (1) 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 to the cost of repairing the fence.

(2)

(2) Any person who leaves any obstruction preventing the use of a by-pass for motor vehicles erected by a board shall on conviction be liable to a penalty not exceeding twenty-five pounds.

PART VIII.

Branding and Earmarking of Sheep.

Sheep to be branded and earmarked.

cf. No. 35, 1912, s. 131.

140. 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:

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 from the holding upon which such sheep are depastured.

Owner of sheep to register brand and earmark.

cf. *Ibid.* s. 132.

141. (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.

(2) No person shall, except—

(a) in such circumstances and under such conditions as are prescribed; or

(b) with the written permission of the inspector,

brand or earmark any sheep except upon the holding in respect of which the brand or earmark is registered.

(3) The same brand or earmark shall not be registered as the brand or earmark of more than one owner in the same district.

Transfer of brand and earmark.

(4) A brand or earmark may be transferred to a subsequent owner or occupier of the holding in respect of which the brand or earmark is registered, or by way of mortgage to a mortgagee of the holding, but not otherwise, and any transfer shall be in the prescribed form.

One fire brand, one colour brand and one 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.

(6)

(6) The capital letter T in Roman character shall not be registered as a brand.

Registration of brands and earmarks.

142. (1) Application for the registration of a brand and earmark shall be lodged with the board of the district in which the holding or the major part thereof is situate in the prescribed manner, and shall be accompanied by the prescribed fees.

cf. No. 35, 1912, ss. 133 134.

(2) Application for the transfer of a brand and earmark shall be lodged with the board of the district in which the holding or the major part thereof is situate 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, as amended by subsequent Acts, shall be deemed to be registered under this Act.

Application for brand and earmark.

Powers of Registrar.

143. Every application for the registration of a sheep brand or earmark, or for the transfer of a brand or earmark, shall be forwarded by the board to the Registrar of Brands, who shall decide whether a brand or earmark shall be registered, and whether a transfer shall be registered.

Ibid. s. 134.

Similar brands and earmarks.

144. (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.

cf. *Ibid.* s. 134 (2).

Modifying brands and earmarks.

(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.

Ibid. s. 136.

Certificate.

145. 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.

Registration of brands and earmarks.

146. (1) The Registrar of Brands shall in the prescribed manner keep a register of brands and earmarks and

and the board shall in the prescribed manner keep a register of brands and earmarks registered for use in the district.

(2) The Governor may by notification published in the Gazette, direct that a district be divided into subdistricts for the purposes of this Part, and where a district is so divided a separate register shall be kept for each subdistrict, and each subdistrict shall for the purposes of this Part be deemed to be a district.

(3) A certificate from the Registrar of Brands that a brand or earmark is or is not registered at the date of the certificate, and as to any particulars which are contained in the register, shall be evidence of the facts stated therein.

Cancellation of registration. No. 35, 1912, s. 132 (5).

147. If the occupier of any holding in respect of which a brand and earmark are registered ceases to occupy the holding and no application for the transfer of the brand and earmark to any subsequent occupier has at the expiration of one month thereafter been received by the board for the district in which the holding is situated, the Registrar of Brands may after the prescribed notice, cancel the registration of the brand and earmark.

Death of proprietor. *Ibid.* s. 132 (6).

148. (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 death of such occupier.

(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.

(4) Where the proprietor of a brand is a company, firm or partnership and the Registrar of Brands is satisfied that such company, firm or partnership has been dissolved, he shall cancel such registration.

149.

Restoration to register.

149. Any brand and earmark the registration of which is cancelled under this Part may on application to the Registrar of Brands in the prescribed manner and on payment of the prescribed fee be restored to the register.

Distinctive brands and earmarks. No. 35, 1912, s. 132 (2).

150. The proprietor of a registered brand and earmark may use distinctive earmarks to denote the age or class of his sheep.

Size and positions of brands and earmarks.

151. (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.

(2) Registered brands shall be placed in such positions as are prescribed.

(3) A raddle mark may be placed on any portion of a sheep provided that it does not obliterate or deface any registered brand on the sheep.

(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.

Directory and quarterly lists.

152. (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.

(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.

(3) Each board shall provide the secretary and inspector with a copy of each quarterly list and each directory.

153.

Offences. No 35, 1912, s. 140.

153. (1) Every person who—

(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) alters an earmark on any sheep, or except in the case of distinctive earmarks 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) 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, in respect of which he did not, 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 give the prescribed notice to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

PART IX.

MUSTERING.

154. (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 forty-eight 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.

If for any reason the muster cannot be held at the time specified in the notice, the owner shall not less than twelve hours before the time fixed for the muster give to the occupier of the adjoining holding notice of the alteration of the time for the muster or of the abandonment thereof as the case may be.

(2)

(2) Any owner failing to give any notice under subsection one of this section shall, unless he has obtained such consent, for every such offence be liable to a penalty not exceeding fifty pounds.

(3) This section shall not apply to any muster ordered in pursuance of the provisions of the Stock Diseases Act, 1923, or of this Act.

Power to order owner or occupier to muster.

155. An inspector may, with the approval of the chairman of the board or the Minister, order an owner or occupier to muster the stock on his holding or any portion thereof for the special purpose named in such order.

Any owner or occupier failing to comply with such order shall be liable to a penalty not exceeding fifty pounds.

If the owner or occupier does not comply with such order, the board or Minister may have such muster carried out at the expense of such owner or occupier, and, in such event, the inspector and such other persons as the inspector may deem necessary may enter such holding with such horses, dogs, and vehicles as he may consider necessary to give effect to such order.

The expenses of the muster may be recovered as a debt in any court of competent jurisdiction by the board or the Minister from the owner or occupier failing to comply with the order.

PART X.

General Provisions.

Summary jurisdiction. No. 35, 1912, s. 168 (1).

156. (1) Any proceedings in respect of an offence under this Act, or any regulation made thereunder, shall be heard and determined in a summary way before a court of petty sessions in accordance with the provisions of the Justices Act, 1902.

Who may proceed: Penalties. *Ibid.* s. 168 (2).

(2) Any person may take proceedings for the punishment of any offence under this Act, and any penalty imposed for any such offence shall belong and be paid to the

the board of the district in which the offence was committed, any law to the contrary notwithstanding, and the court imposing the penalty shall order accordingly.

Recovery of money. No. 35, 1912, s. 168 (3).

157. (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.

(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.

General penalty. *Ibid.* s. 169.

158. 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.

Penalty for not giving information. *Ibid.* s. 170.

159. (1) 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 forging, etc., permits, etc.

(2) Any person who forges or alters or utters or puts off any permit, renewed permit, license, travelling statement or other document or instrument issued under this Act shall on summary conviction be liable to a penalty not exceeding one hundred pounds.

Obstructing persons authorised under this Act. *Ibid.* s. 171.

160. Any person who obstructs, hinders, interrupts, threatens, or assaults any inspector or other person appointed by the board or the Minister under this Act, or any person acting for the board, whilst in the performance of his duty, shall on summary conviction be liable to a penalty not exceeding fifty pounds.

No proceeding for the recovery of any such penalty shall be a bar to any action at law for or in respect of any such assault.

161.

161. Any notice, information, complaint, agreement, or other document, shall be sufficiently authenticated if it is signed by the chairman of the board, or by the secretary of the board, purporting to sign the same by authority of the board, and authority in the chairman or secretary so to sign shall be presumed unless and until the contrary is shown. Authentication of documents, etc. No. 35, 1912, s. 172.

Any notice or other document to be given to or served upon a board may be given to or served upon the secretary or chairman of such board.

162. (1) Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially provided, be given in any one of the following ways:— Service of notices. *Ibid.* s. 173.

(a) personally to the person to whom the notice is addressed; or

(b) by registered letter sent through the post and directed to the last known place of abode or of business in New South Wales of the person to whom the notice is addressed; or

(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.

163. For the purpose of any proceeding under this Act or the regulations, the description of any holding or land need not be a description by metes and bounds, but shall be sufficient if it makes such reference to the holding or land either by name, situation, boundaries, or otherwise, as allows of no reasonable doubt as to what holding or land is referred to. General description of land sufficient. *Ibid.* s. 174.

164.

164. 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 owner 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.

Proceedings when occupier or owner unknown. No. 35, 1912, s. 175.

165. (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.

Notices, etc., in Gazette to be received as evidence. *Ibid.* s. 176.

(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 a dingo destruction board or of a board, proof shall not, until evidence is given to the contrary, be required of—

(a) the appointment of the dingo destruction board or the due constitution of the dingo destruction district;

(b) the boundaries of the dingo destruction district;

(c) the fact that any land or place is within the dingo destruction district;

(d) the incorporation of the board or the due constitution of the district;

(e) the boundaries of the district or of a division of the district;

(f) the fact that any land or place is within the district or the division in question;

(g) the constitution of the board or the election or appointment of the directors or the chairman thereof;

(h) the appointment of any inspector, or permit officer, or of any servant or officer of the board;

(i) 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;

(j) the fact that any land in question is within the jurisdiction of any court or local land board.

Ownership.

166. (1) In any legal proceedings under this Act, in addition to any other method of proof available, evidence by a certificate of the Registrar-General or his deputy that any person appears from any registration of any 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 Under Secretary of the Department of Lands that any person appears from the records of that Department to be the holder of land of any tenure under those Acts 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 Under Secretary of the Department of Lands.

Regulations.

167. (1) The Governor may make regulations not inconsistent with this Act prescribing any matter or thing which by this Act is required or permitted to be prescribed, or which is necessary or convenient to be prescribed for giving effect to this Act, and without limiting the generality of the foregoing power, may make regulations for the purpose of carrying this Act into effect for and with respect to—

(a) the date on or before which rates shall be made;

(b) the form, manner of service, and time of issue of rate notices;

(c) the manner of appealing against the determination by a board of the carrying capacity of any land;

(d)

(d) form of rate books and the manner of keeping the same;

(e) all other matters incidental to the regulation of rating;

(f) the manner in which the accounts of boards shall be kept and audited;

(g) the qualifications to be held by auditors, and making provisions for audits by persons not holding such qualifications where a qualified person is not available;

(h) the qualifications to be held by inspectors;

(i) examination for the obtaining of qualifications by persons for their appointment as an inspector;

(j) prescribing the reasonable fees for any service or inspection rendered by a board or its officers, or any registration license or permit or other matter done or service rendered under this Act;

(k) the manner of applying for registration, and transfer of brands and earmarks;

(l) the construction and use of branding and earmarking instruments;

(m) the use of brands and earmarks;

(n) the duties of the Registrar of Brands;

(o) the compilation and publication of the brand and earmark directory, and the list of brands and earmarks, and the payment for the compilation and publication of such directory and list.

(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

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.

Western Division.

168. So far as relates to the Western Division—

No. 35, 1912, s. 179.

(a) the Minister may depute to the Western Lands Commissioner, or to a chairman of local land boards appointed under the Western Lands Acts any of the powers or duties conferred or imposed upon him by this Act;

(b) the provisions of the Western Lands Acts relating to the destruction of rabbits shall not be enforced within any part of that Division which is included in a district constituted under this Act;

(c) the provisions of section forty-three of this Act shall not apply until a date to be fixed by the Governor and notified by proclamation published in the Gazette.

Amendment of various Acts. (Consequential.)

169. (1) The Prickly-pear Acts, 1924-1930, is amended—

(a) by omitting from subsection one of section twenty-four the words "section eighteen of the Pastures Protection Act, 1912, a special rate in addition to the rate mentioned in section" and by inserting in lieu thereof the words "Part III of the Pastures Protection Act, 1934, a special rate in addition to the rate mentioned in that Part";

(b) by omitting from the same subsection the words "The second proviso to subsection one of the said section" and by inserting in lieu thereof the words "subsections two and three of section twenty-seven of that Act."

(2) The Local Government Act, 1919, is further amended—

(a) by omitting from paragraph (c) of section four hundred and sixty-six the figures "1912" and by inserting in lieu thereof the figures "1934";

(b) by omitting from paragraph (k) of subsection five of section six hundred and fifty-four the figures "1912" and by inserting in lieu thereof the figures "1934."

(3) The Finances Adjustment Act, 1932, as amended by subsequent Acts, is amended by inserting in subsection (3A) of section three, after the words and figures "Pastures Protection Act, 1912" the words and figures "the Pastures Protection Act, 1934."

SCHEDULE. Sec. 3.

Number of Act.	Title or short title.	Extent of repeal
No. 17, 1900 ...	Public Watering-places Act, 1900	The whole.
No. 35, 1912 ..	Pastures Protection Act, 1912 ...	The whole
No. 49, 1918 ...	Pastures Protection (Amendment) Act, 1918.	The whole
No. 25, 1920 ...	Pastures Protection (Amendment) Act, 1920.	The whole.
No. 41, 1919 ...	Local Government Act, 1919 ...	Section 497 and paragraph (g) of section 513.

Sydney: Alfred James Kent, I.S.O., Government Printer—1934.

[5s.]