

PASTURES AND
STOCK PROTECTION.

No. XI.

**An Act to protect the Pastures and Live Stock
of the Colony from the depredations of
certain noxious Animals. [12th July, 1880.]**

WHEREAS the depredations of Rabbits Native Dogs and Marsupials in many Districts of this Colony have inflicted serious damage and loss on stockowners and it is necessary as well in the interest of owners and lessees of land as in that of the Crown to encourage the destruction of such animals and of such others as may be found detrimental to Live Stock Pastures or Crops Be it therefore enacted by the Queen's Most Excellent Majesty by and with the

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the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act shall be styled the “Pastures and Stock Protection Act” and in its construction the following expressions in inverted commas shall unless the context otherwise indicate bear the meanings and include the animals set against them respectively—

Short title and interpretation.

“Board”—The Board of Directors in any district as constituted by this Act.

“District”—Any sheep district proclaimed and defined under the Diseases in Sheep Acts in force for the time being

“Governor”—The Governor with the advice of the Executive Council.

“Large Stock”—Any bulls cows oxen steers heifers or calves or any horses mares geldings fillies foals asses or mules.

“Marsupial”—Any kangaroo wallaroo wallaby or paddamelon.

“Native Dog”—Any dingo or native dog or any dog whatever which has become wild.

“Noxious Animals”—Marsupials or native dogs as hereinbefore defined rabbits at large and any animal to which the provisions of this Act shall have been extended in pursuance of the thirtieth section hereof.

“Owner”—Includes the person for the time being in the authorized possession or charge of land or large stock or sheep.

“Scalp”—A portion of the skin of the head to which both ears are attached.

“Sheep”—Any rams ewes wethers or lambs.

2. The several Sheep Districts as defined and proclaimed under the Diseases in Sheep Acts in force for the time being shall be districts for the purposes of this Act Provided that it shall be lawful for the Governor to declare by notification published in the *Gazette* that any named Sheep District shall be exempt from the operation of this Act and to cancel such notification in any case where it shall appear to him that such exemption should be discontinued Provided further that within every such Sheep District not exempted as hereinbefore provided the provisions of the Act sixteenth Victoria number forty-four intituled “*An Act to facilitate and encourage the destruction of Native Dogs*” shall so far as the said Act authorizes any assessments or charges to be made for the purpose thereof be suspended so long as the Board of such District shall carry out the provisions of this Act in respect to the destruction of native dogs but nothing in this Act contained shall affect the provisions of the Act thirty-ninth Victoria number fifteen.

Sheep Districts to be Districts under this Act.

3. In every district there shall be a Board of eight directors which shall be composed of the sheep directors for the district for the time being and of three owners of large stock to be elected as hereinafter provided All vacancies in the office of any such elected director caused by death resignation or otherwise shall be filled up by the Board at special meetings at which not less than ten clear days notice shall be given to the directors And at all meetings of the Board three members shall be a quorum.

Board of directors how composed.

4. The first election of directors shall take place at a time and place to be notified in the *Gazette* by the Minister charged with the administration of this Act and thereafter such election shall take place annually at the same times and places and in the same manner as the election of sheep directors.

Elected directors.

5. Any owner of not less than one hundred head of large stock shall be qualified to be elected a director and any owner of not less than one hundred head thereof or the duly authorized superintendent of any owner of not less than two thousand head thereof may vote at the election

Qualifications of directors and voters.

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of directors under this Act And the number of votes to be given by any such owner or superintendent shall be in accordance with the scale contained in Schedule A hereto All questions as to the qualification of such owners as candidates or electors shall be settled by reference to the rate-book If in any district no directors or an insufficient number of directors be elected the Governor may appoint a sufficient number of persons to be directors whether possessed of the aforesaid qualification or not.

Board may appoint chairman and secretary.

6. The Board shall appoint a secretary and shall annually at the first meeting thereof elect one of its members as chairman and another member as treasurer In the absence of the chairman the Board may at any meeting from the members then present elect a chairman for the time being And all proceedings against or by the Board may be taken in the name of the chairman or secretary thereof.

Powers of Board.

7. The Board shall have power to take all proper and lawful measures to ensure the destruction within its district of all noxious animals within the operation of this Act and for that purpose may out of the moneys raised under this Act pay as rewards for such destruction such sums by way of bonus for the scalps of such animals as the said Board may from time to time determine at meetings specially called for that purpose of which not less than fourteen days clear notice shall have been given [such rates to be published in the *Gazette* and in one or more newspapers circulating in the district.]

Noxious animals to be destroyed by owner or lessee or on default by Board.

8. It shall be the duty of every owner of land to make effective provision for and to ensure the destruction of all noxious animals at large in a wild state upon such land And upon the failure of such owner to perform such duty to the satisfaction of the Board of the district wherein the land is situated such Board is hereby empowered to serve a notice upon such owner in the form of Schedule B hereto requiring him to destroy such animals And if after twenty-eight days from the date of the service of such notice such owner shall fail to comply with the same it shall be lawful for any person authorized in writing in that behalf by the Board to enter upon the said land to use all such lawful means as he may deem necessary for taking and destroying such animals and removing the carcasses or any portion thereof And for that purpose such person may stop up any rabbit burrows or holes and with the sanction of the Board and after forty-eight hours notice to the owner and to adjoining owners (if any) he may burn or destroy any brush wood or log fence on such land which shall be found to harbour rabbits or under which such burrows shall be found to run Provided always that every person so authorized as aforesaid shall be liable for any damage done by any dog engine material or process whatsoever used by him or by any person in his employment unless where such damage is caused by the lawful exercise of any power hereby conferred.

Board may recover expenses.

9. The costs and expenses incurred by the Board or by any person so authorized in carrying out the destruction of any such animals as aforesaid shall be paid by the owner of such land to the Board and if the same be not so paid within fourteen days after demand in writing signed by the chairman or secretary of the Board may be recovered in a summary way as hereinafter provided.

On neglect of Board adjoining Board may put Act in force.

10. If in any district any Board shall neglect to carry out the provisions of this Act and to take proper measures to ensure the destruction of noxious animals within such district it shall be lawful for the respective Boards of two or more adjoining districts to require such Defaulting Board to proceed within thirty days after the publication of a notice in the *Gazette* addressed to such Board to take the proper measures under this Act to ensure the destruction of such animals within its district And if within three months after the publication of such notice such Defaulting Board shall not proceed to carry out the requirements of such notice then it shall be lawful for the

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the Boards of such adjoining districts to present a petition to the Governor setting out the facts and praying the said Governor to annex such defaulting district to the districts of the petitioners for the purposes of this Act And upon receipt of such petition the Governor shall cause the substance and prayer thereof to be published in the *Gazette* And he may upon the expiry of thirty days after such publication by proclamation in the *Gazette* declare that such defaulting district shall be annexed to the districts of such Petitioning Boards and for the purposes of this Act but not otherwise shall form part thereof whereupon the owners and lessees of land within such annexed district shall be liable to assessment and to all other the provisions of this Act as if such lands were contained in the districts to which the said district shall be so declared to be annexed.

11. It shall be lawful for any person authorized in writing in that behalf by the Board of any district to enter any land within such district whether enclosed or not at any reasonable hour in the daytime for the purpose of ascertaining if any noxious animals are thereupon And no such person shall be deemed a trespasser by reason of such entry or be liable for any damage thereby occasioned unless the same shall be occasioned by his wilful act or gross negligence Provided that every person so authorized upon being so required by the owner of such land shall exhibit such authority or on default he shall be liable to be dealt with as a trespasser.

Persons authorized may enter upon land to search for noxious animals &c.

12. When the scalps of any noxious animals killed within a district are delivered to the secretary of the Board thereof or to any person duly authorized by such Board to receive the same a certificate in the form of Schedule C hereto signed by such secretary or authorized person and also by some member of the Board shall be granted to the person delivering such scalps And all such scalps shall be forthwith destroyed by fire in the presence of the persons granting such certificate who shall deliver to the secretary a certificate in writing to that effect.

Certificates for scalps.

Scalps to be destroyed by fire.

13. The amount specified in any certificate granted in conformity with this Act shall be payable on presentation to the treasurer or other person authorized by the Board.

Rewards how payable.

14. For the purpose of raising a fund within each district for carrying into effect the provisions of this Act to be called the "Noxious Animals Destruction Account" the Board shall within thirty days of its first meeting and thereafter at some meeting to be held in the month of January in each year of which not less than ten clear days notice shall be given make and assess an annual rate not exceeding five shillings for every hundred head of large stock or portion of one hundred and one shilling for every hundred sheep or portion of one hundred but no rate shall be levied upon any owner of less than five hundred sheep or one hundred head of large stock.

Rate to be levied on stock.

15. Notice of the rate so made as aforesaid shall be forthwith published in the *Government Gazette* and in one or more newspapers circulating in the district And the Board shall within one month thereafter at a meeting specially called in the manner hereinbefore provided fix and determine the amount of assessment payable by each owner and shall cause a rate-book to be prepared shewing the assessments payable by every owner to which book ratepayers shall at all reasonable times have access.

Notice to be given of rate and owners to be assessed by Board.

Rate-book.

16. For the purposes of this Act the chairman or secretary of any Board shall be entitled at all reasonable times to inspect the returns of sheep made by the owners in the district to the Clerks of Petty Sessions and to Inspectors of Sheep under the Diseases in Sheep or any other Acts and also to inspect the returns of horses cattle and sheep collected by the police or others for statistical or other purposes.

Access to returns of stock.

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Notice of amount
of rates.

17. Upon the assessment being fixed and determined as hereinbefore provided the same shall thereupon be payable by the owners so assessed and the secretary shall forthwith give them notice of the amounts of their respective assessments and of the time and place of the payment thereof.

Appeal.

18. Any owner who may consider himself aggrieved by reason of the amount of his assessment or for any other reason in connection with such assessment may appeal against the same to a special sitting of the Board duly convened for the purpose of hearing appeals from assessments within the district which sittings shall be held within sixty days but not before fourteen days after the making of the assessment appealed from And such Board at such special sitting shall have power to hear and determine the matter And their decision shall be final and conclusive in respect to the subject matter of such appeal Provided always that the person so appealing shall have given written notice not later than seven days after the service of notice of such assessment so appealed from of his intention to appeal and stating the grounds thereof to the chairman of the Board of such district And provided also that such person shall before the hearing of such appeal have paid into the hands of such chairman the full amount of such assessment and shall also have entered into a bond with two sureties approved by such chairman conditioned to prosecute such appeal and to pay the full amount of all such costs as may on such appeal be awarded against him.

Enforcement of rates.

19. If no such notice of appeal shall have been given within the time hereinbefore specified it shall be lawful for the Board to enforce payment of such assessment in manner hereinafter provided and if such appeal shall be dismissed the chairman shall pay over the amount lodged by the appellant as hereinbefore provided to the Treasurer of the Board to be by him carried to the credit of the "Noxious Animals Destruction Account."

Proper books to be
kept.

20. The Board of every district shall cause books to be provided and true and regular accounts to be entered therein of moneys received and paid under the authority of this Act and the ratepayers in such district shall have access at all reasonable times to such books.

Bank account to be
opened.

21. A "Noxious Animals Destruction Account" shall be opened in the name of the Board with some Bank in each district and if there be no Bank in the district then with the nearest Bank and all moneys received under this Act shall be paid to the credit of the said account.

Board to pay bonuses
and expenses.

22. From the funds standing to the credit of the "Noxious Animals Destruction Account" the treasurer shall pay by cheques signed by himself and the chairman of the Board or some other member specially authorized in that behalf the amount certified to be due by the certificates granted as hereinbefore provided and any other expenses lawfully incurred by the Board in carrying out the provisions of this Act.

Accounts to be
prepared.

23. The Board of each district shall each year in the month of January cause an account to be prepared of the whole receipts and expenditure under this Act for the year preceding under distinct heads with a statement of the balance of such account duly audited and certified and a copy of such account shall be published in the *Gazette* and in one or more newspapers circulating in such district.

Mode of recovering
penalties &c.

24. All offences against this Act may be heard and determined at all rates costs and expenses and all moneys due or payable hereunder may be recovered in a summary way on the complaint of a member or of the secretary of the Board of any district or of an inspector under this Act before any two or more Justices of the Peace in accordance with the provisions of the Acts in force for the time being regulating summary procedure before Justices and payment of any such rates or other moneys and of any penalty incurred hereunder may be enforced by distress and sale of the offender's goods and chattels And all

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all sums recovered under this Act and all fines imposed for any breach thereof shall be paid over to the complainant and be by him carried to the credit of the "Noxious Animals Destruction Account."

25. Any person who shall procure or obtain a certificate for scalps knowing that a certificate has been previously granted for the same or wilfully making any false statement with respect to such scalps or any false statement in any return called for by this Act shall on conviction be liable to a penalty not exceeding ten pounds or to be imprisoned for any term not exceeding two months.

Penalty for false certificate or statement.

26. If any person shall obstruct hinder or interrupt any Inspector or any person appointed by the Board in the exercise of any power or authority vested in any such person by this Act or shall threaten or assault any such person whilst in the performance of his duty under this Act every such person so offending shall for every such offence forfeit and pay a penalty not exceeding twenty pounds Provided that no proceeding for the recovery of any such penalty nor the payment thereof shall be a bar to any action at law for or in respect of any such assault but every such action may be commenced and proceeded with as if this Act had not been passed.

Obstructing persons authorized under this Act.

27. If any person neglect or delay to make any return or to give any information with respect to any large stock or sheep required for the purposes of this Act or shall give any incorrect or misleading information with respect thereto he shall on conviction for every such offence be liable to a penalty not exceeding twenty pounds.

Penalty for not making return or giving information.

28. Any person who shall wilfully liberate any rabbits in any part of the Colony elsewhere than in an enclosure so constructed as to prevent the escape of any rabbit therefrom by burrowing under the same or otherwise shall on conviction forfeit and pay for each offence a penalty not exceeding ten pounds.

Rabbits not to be liberated.

29. Every person who shall commit a breach of any of the provisions of this Act or of any regulation made hereunder for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding ten pounds.

General penalty.

30. Upon receipt of a petition in that behalf from the Board of any district it shall be lawful for the Governor by proclamation to be published in the *Gazette* to declare that this Act shall be applied in any district to the destruction of any wild animals found to be detrimental to the stock or pastures of the Colony for any period to be named in such proclamation and thereupon the provisions of this Act shall be applicable to such animals and within such district as fully and to the same effect as if the animals named in such proclamation had been mentioned in the interpretation clause to this Act The Governor may also from time to time make such regulations as may be deemed advisable for the purpose of carrying out elections of directors for fixing the scale of payments for the destruction of any noxious animals for carrying out assessments and generally for accomplishing the purposes of this Act and such regulations shall have the force of law when published in the *Gazette* and shall be laid before Parliament within fourteen days after the making thereof if Parliament be then in session and if not then within fourteen days after the commencement of the next ensuing session.

Proclamations.

Regulations.

31. Any notice required to be given by this Act shall be held to be duly given if personally delivered to the person to whom it is addressed or left at his usual residence or last known place of abode or if sent to his address by registered letter through the post And all notices of proclamations regulations appointments elections rates bonuses or assessments hereunder or of any other matter or thing done under the authority of this Act and published in the *Gazette* and all entries duly made in any rate-book shall be taken to be evidence of the facts or matters therein stated And in any proceedings under this

Definition of notice.

Notices &c. in *Gazette* to be received as evidence.

Act

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Act it shall not be necessary to prove that the Board for any district has been duly constituted under the provisions hereof or that any district has not been exempted from such provisions or to prove the appointment of the complainant or defendant to the office in the name of which any proceedings may have been taken.

Sheep Inspectors to be Inspectors under this Act.

32. With the view to the effectual enforcement of this Act the Inspectors of Sheep shall in their respective Districts be Inspectors hereunder and shall as such under the direction of the Minister aforesaid possess and exercise (so far as the same are applicable) all the powers possessed by them as Inspectors under the Diseases in Sheep Acts in force for the time being.

SCHEDULES.

SCHEDULE A.

Scale of votes at elections of Directors.

Not less than	100	and not exceeding	500	head of large stock	...	1	vote
Exceeding	500	"	2,000	" "	...	2	votes
"	2,000	"	5,000	" "	...	3	"
"	5,000	"	"	" "	...	4	"

SCHEDULE B.

"PASTURES AND STOCK PROTECTION ACT."

Notice to Owner to Destroy Noxious Animals.

To

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TAKE notice that you are hereby required to take immediate measures to ensure the complete destruction of noxious animals within the meaning of the "Pastures and Stock Protection Act" on the land of which you are the owner or occupier or person in possession or charge and to stop up any rabbit burrows or holes on such land and that if you do not within fourteen days from the date of the service of this notice comply with the same the Board will authorize some person in that behalf to enter upon the said land and take such other measures in accordance with the abovenamed Act as may be deemed necessary to ensure the complete destruction of such animals.

Secretary.

SCHEDULE C.

"PASTURES AND STOCK PROTECTION ACT."

Certificate of Destruction.

WE hereby certify that _____ of _____ in the district of _____ delivered to us the scalps of _____ destroyed within this district and more particularly described below and that he is entitled to receive payment for the same to the amount of _____. And we further certify that such scalps have been duly destroyed in our presence as required by the abovenamed Act.

A.B. Chairman of Board.
C.D. Secretary.

Dated at _____ this _____ day of _____ 188 .

Schedule of Scalps delivered as above.

Description.	Number.	Rate.	Amount.
Kangaroo			
Wallaroo			
Wallaby			
Paddamelon			
Rabbit			
Native Dog			
Total.....			

I hereby authorize _____ of _____ to receive from the Treasurer of the district the amount owing to me as above stated.

(Signature of Claimant.)

Witness—

(Place and Date.)

I HAVE this day received from the said Treasurer on account of _____ the sum of _____ being amount owing to him in accordance with the above certificate

(Signature of Payee.)