

## No. XXIII.

PASTURES AND  
STOCK PROTECTION  
ACT AMENDMENT.

## An Act to amend the "Pastures and Stock Protection Act." [20th December, 1881.]

Preamble.

WHEREAS it is expedient to amend the "Pastures and Stock Protection Act" Be it therefore enacted by the Queen'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:—

1. This Act may be cited as the "Pastures and Stock Protection Act Amendment Act of 1881" and shall be read and construed with the "Pastures and Stock Protection Act" hereinafter termed the Principal Act.

Repeal of certain  
sections of Principal  
Act.

2. The fifth seventh eighth fourteenth twenty-second and twenty-eighth sections and Schedule A of the Principal Act are hereby repealed.

Qualifications of  
Directors and voters

3. Any owner of not less than ten head of large stock or the duly authorized superintendent of any owner of not less than one thousand head thereof may be elected a Director and may vote at the election of Directors under the Principal Act And the number of votes to be given by any such owner or superintendent shall be in accordance with the scale contained in the Schedule hereto All questions as to the qualification of such owners or superintendents 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 Minister charged with the administration of the Act may appoint a sufficient number of persons to be Directors whether possessed of the aforesaid qualification or not.

Powers of Board.

4. The Board three members of which shall form a quorum 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 money raised under this Act pay for that destruction such sums by way of bonus for the scalps of such animals at such rate as the said Board may from time to time determine at meetings specially called for that purpose of which not less than ten days clear notice shall have been given and the rates so determined by the Board shall be published in the *Gazette* and in one or more newspapers circulating in the district Provided that where in any case the Principal Act requires a Director to sign a certificate of the delivery or destruction of scalps it shall be deemed to be sufficient if such certificate be signed by any person duly authorized by the Board in that behalf.

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

5. 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 such Board is hereby empowered to serve a notice upon such owner in the form of Schedule B to the Principal Act 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 take steps to the satisfaction of the Justices before whom any prosecution shall be instituted to comply with the same he shall on conviction for every such offence be liable to a penalty not exceeding fifty pounds And the Board whether it direct proceedings to be taken against such owner for the recovery of the said penalty or not may authorize

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authorize any person in writing to enter by any gate or ordinary opening upon the said land and 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) within a distance of two miles he may burn or destroy any brushwood 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. Provided also that the said Board shall be liable from and out of the moneys at its disposal to make good any claim or part of any claim for damage not recovered from such person aforesaid.

6. 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 May in each year and at such other times during the year as may be necessary of which not less than ten clear days notice shall be given make assessments on stock not exceeding in the annual aggregate three-pence per head of large stock and one half-penny per sheep on sheep but no rate shall be levied upon any owner of less than one hundred sheep or ten head of large stock and shall make assessments on unstocked runs within its district not exceeding in the annual aggregate twice the amount of rent payable for such runs to the Crown.

Rate to be levied on stock.

7. 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 amounts certified to be due for the destruction of noxious animals by bonus or otherwise as hereinbefore provided and any other expenses lawfully incurred by the Board in carrying out the provisions of this Act.

Board to pay bonuses and expenses.

8. Any person who shall introduce or attempt to introduce or assist or be concerned in introducing any live wild rabbits into this Colony or who shall have any live wild rabbits in his possession or charge or shall liberate any rabbits in any part of the Colony shall on conviction for every such offence be imprisoned for any term not exceeding six months or shall in the discretion of the Bench forfeit and pay any sum not less than ten pounds and not more than one hundred pounds. And every person who shall have in his possession or charge any tame rabbits shall keep the same so as to effectually prevent their escape under a penalty not exceeding ten pounds for every failure or neglect.

Penalty on retention or introduction of rabbits.

9. Notwithstanding anything hereinbefore contained the Minister aforesaid upon a representation being made to him in writing by five or more owners liable to be assessed under this Act to the effect that a certain owner therein named is neglecting to destroy the noxious animals on his land and that the Board for the District in which such land is situated has failed to take any steps to promote the destruction of such animals may direct the Inspector for the District to serve the defaulting owner with a notice in the form of Schedule B to the Principal Act and if after the expiry of twenty-eight days from the date of the service of such notice the said owner shall fail or neglect to comply with the same he shall be liable to a penalty not exceeding fifty pounds and for any subsequent neglect as aforesaid he shall be

Provision in case of neglect to destroy noxious animals by owner of land or Board of District.

liable

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liable to a like penalty Provided that no two convictions shall take place within a period of two months and provided also that it shall be held that an owner is not neglecting to destroy the noxious animals aforesaid on proof being adduced that he has expended in the destruction of such animals during the then preceding twelve months a sum of money equal to twice the amount at which he has been rated or might have been rated under this Act during the current year or on proof that being the owner of any unstocked country he has expended in like manner during the preceding twelve months a sum equal to twice the amount of rent payable annually to the Crown for such country.

Penalty for attempting to obtain payment for scalps from adjoining Colonies.

10. Any person destroying noxious animals in any adjoining Colony and obtaining or attempting to obtain payment for scalps or as bonuses for the same under this Act shall on conviction for any such offence be deemed to be guilty of a misdemeanor or in the discretion of the Bench be liable to a penalty not exceeding one hundred pounds with or without imprisonment not exceeding six months.

Trustees of commons owners of the stock land &c.

11. Trustees of all commons and of public reserves shall for the purposes of the Principal Act and of this Act be considered to be the owners of the stock grazing by the authority of such Trustees upon such commons and reserves and to be the owners of the land comprised within such commons and reserves.

Exemption of animals kept on enclosed land in certain cases.

12. Any person desirous of keeping in his possession hares or animals other than rabbits which by reason of their excessive increase may inflict serious loss and damage upon owners or the occupiers of gardens orchards cropped or any cultivated lands and to which the provisions of this and the principal Act shall by reason of such damage and loss be hereafter applied shall make application to the Governor for permission to do so And the Governor may grant such permission and make such regulations in terms of the thirtieth clause of the principal Act as may be necessary for limiting and enclosing the land on which such person shall desire to keep such hares or other animals and for the means by which such hares and other animals shall be prevented from escaping from their enclosures And all hares and such other animals so securely enclosed shall be exempt from this Act.

SCHEDULE.

*Scale of votes at Elections of Directors.*

Owners of not less than 10 and not exceeding 500 head of large stock or superintendents of not less than 1,000 but not exceeding 2,000 head of large stock	...	...	...	...	...	...	...	...	1 vote
Owners of more than 500 and not exceeding 2,000 head of large stock or the superintendents of more than 2,000 and not exceeding 3,000 head of large stock	...	...	...	...	...	...	...	...	2 votes
Owners of more than 2,000 and not exceeding 5,000 head of large stock or the superintendents of more than 3,000 and not exceeding 5,000 head of large stock	...	...	...	...	...	...	...	...	3
Owners or superintendents of more than 5,000	...	...	...	...	...	...	...	...	4