

Act No. 14, 1898.

PASTURES AND
STOCK PROTECTION.

An Act to consolidate the Acts for the protection of pastures and live stock from the depredations of noxious animals. [27th July, 1898.]

BE it 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:—

Short title.

1. This Act may be cited as the "Pastures and Stock Protection Act, 1898."

Repeal.
Schedule.

2. (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed.

Officers under Acts
hereby repealed.

(2) All persons appointed or elected under the Acts hereby repealed and holding office at the time of the passing of this Act shall be deemed to have been appointed or elected thereunder

Regulations under
Acts hereby
repealed.

(3) All regulations made under the authority of any Act hereby repealed and being in force at the time of the passing of this Act shall be deemed to have been made under the authority of this Act.

Interpretation.

44 Vic. No. 11, s. 1.

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

"Board" means the board of directors in any district as constituted by this Act.

"District" means any sheep district proclaimed and defined under the Diseases in Sheep Acts in force for the time being.

"Large

Pastures and Stock Protection.

“Large stock” includes bulls, cows, oxen, steers, heifers, calves, horses, mares, geldings, fillies, foals, asses, and mules.

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

“Native dog” includes any dingo or native dog, or any dog whatever which has become wild.

“Noxious animals” includes marsupials and native dogs as hereinbefore defined, and any animal to which the provisions of this Act are extended in pursuance of section twenty-seven hereof.

“Owner” includes the person for the time being in the authorised possession or charge of land, or large stock or sheep.

“Scalp” means a portion of the skin of the head to which both ears are attached.

“Sheep” includes rams, ewes, wethers, and lambs.

4. Trustees of all commons and of public reserves shall for the purpose of this Act be deemed 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. Trustees of commons. 45 Vic. No. 23, s. 11

5. (1) The several sheep districts as defined and proclaimed under the Diseases in Sheep Acts shall be districts for the purposes of this Act : Districts. 44 Vic. No. 11, s. 2.

Provided that the Governor may, by notification published in the Gazette, declare that any named sheep district shall be exempt from the operation of this Act, and may cancel such notification in any case where it appears to him that such exemption should be discontinued.

(2) Within every such sheep district, unless exempted as hereinbefore provided, the provisions of the Act sixteenth Victoria number forty-four shall, so far as the said Act authorises any assessments or charges to be made for the purpose thereof, be suspended so long as the board of such district carries 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.

6. In every district there shall be a board of eight directors composed of the sheep directors for the district for the time being, and of three owners of large stock to be elected annually, such election to take place at the same times and places and in the same manner as the election of sheep directors. Any vacancy in the office of any such elected director caused by death, resignation, or otherwise shall be filled up by the board at a special meeting, of which not less than ten clear days' notice shall be given to the directors. Three members of the board at any meeting shall be a quorum. Board of directors how composed. 44 Vic. No. 11, ss. 3, 4.

Pastures and Stock Protection.

Qualifications of
directors and voters.
45 Vic. No. 23, s. 3.

7. Any owner of not less than ten head of large stock or the duly authorised 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. The number of votes to be given by any such owner or superintendent shall be in accordance with the scale contained in the Second Schedule hereto. And 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 are elected, the Minister may appoint a sufficient number of persons to be directors whether possessed of the aforesaid qualification or not.

Chairman and
officers.
44 Vic. No. 11, s. 6.

8. The board shall appoint a secretary, and shall annually, at the first meeting, 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.

All proceedings against or by the board may be taken in the name of its chairman or secretary.

Powers of board.
45 Vic. No. 23, s. 4.

9. Every board shall have power to take all proper and lawful measures to ensure the destruction within its district of all noxious animals, and for that purpose may, out of the money raised under this Act, pay 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 clear days' notice has 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.

Noxious animals to
be destroyed by
owner or lessee or on
default by board.
Ibid. s. 5.

10. 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 wild state upon such land. If any owner fails to perform such duty the board is hereby empowered to serve a notice upon such owner in the form of the Third Schedule hereto, requiring him to destroy such animals, and if after twenty-eight days from the date of the service of such notice such owner fails to take steps, to the satisfaction of the justices before whom any prosecution is 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 authorise 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 deems necessary for taking and destroying such animals, and removing the carcasses or any portion thereof :

Provided that every person so authorised as aforesaid shall be liable for any damage done by any dog, engine, material, or process
whatsoever

Pastures and Stock Protection.

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.

11. The costs and expenses incurred by the board or by any person so authorised 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 are 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.

Board may recover expenses.
44 Vic. No. 11, s. 9.

12. Any person authorised in writing in that behalf by the board of any district may enter any land within such district, whether enclosed or not, at any reasonable hour in the day-time 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 was occasioned by his wilful act or gross negligence :

Persons authorised may enter upon land to search for noxious animals, &c.
Ibid. s. 11.

Provided that every person so authorised 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.

13. 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 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.
45 Vic. No. 23, s. 6.

14. Notice of the rate so made as aforesaid shall be forthwith published in the 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 showing 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.
44 Vic. No. 11, s. 15.

15. 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

Rate-book.

Access to returns of stock.
Ibid. s. 16.

Pastures and Stock Protection.

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.

Notice of amount of rates.
44 Vic. No. 11, s. 17.

16. 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.
Ibid. s. 18.

17. Any owner who considers 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. The 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 that the person so appealing shall give 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 shall before the hearing of such appeal pay into the hands of such chairman the full amount of such assessment, and shall enter into a bond with two sureties approved by such chairman conditioned to prosecute such appeal, and to pay such costs as may on such appeal be awarded against him.

Enforcement of rates.
Ibid. s. 19.

18. If no such notice of appeal is given within the time hereinbefore specified, the board may enforce payment of such assessment in manner hereinafter provided, and if such appeal is 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.
Ibid. s. 20.

19. 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.
Ibid. s. 21.

20. A "Noxious Animals Destruction Account" shall be opened in the name of the board with some bank in each district, and if there is 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.
45 Vic. No. 23, s. 7.

21. From the funds standing to the credit of the "Noxious Animals Destruction Account" the Treasurer shall pay, by cheque signed by himself and the chairman of the board, or some other member specially authorised in that behalf, the amounts certified to be due for the destruction

Pastures and Stock Protection.

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.

22. 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 authorised by such board to receive the same, a certificate in the form of the Fourth Schedule hereto, signed by such secretary or authorised person, and also by some member of the board, or by some person duly authorised by the board in that behalf, 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 scalp.
44 Vic. No. 11, s. 12.
45 Vic. No. 23, s. 4.
Scalps to be destroyed by fire.

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

Rewards, how payable.
44 Vic. No. 11, s. 13.

24. The board of each district shall, in January in each year, cause an account to be prepared of the 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.

Accounts to be prepared.
Ibid. s. 23.

25. If in a district any board neglects to carry out the provisions of this Act, and to take proper measures to ensure the destruction of noxious animals within such district, the respective boards of two or more adjoining districts may 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.

On neglect of board, adjoining boards may put Act in force.
Ibid. s. 10.

If within three months after the publication of such notice the defaulting board does not proceed to carry out the requirement of such notice, the boards of such adjoining districts may present a petition to the Governor setting out the facts and praying the Governor to annex such defaulting district to the districts of the petitioners for the purpose of this Act.

Upon receipt of such petition the Governor shall cause the substance and prayer thereof to be published in the Gazette, and 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 is so declared to be annexed.

Pastures and Stock Protection.

Sheep inspectors
to be inspectors
under this Act.
44 Vic. No. 11, s. 32.

26. 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, possess and exercise (so far as the same are applicable) all the powers possessed by them as inspectors under the Diseases in Sheep Acts.

Proclamations.
Ibid. s. 30.

27. Upon receipt of a petition in that behalf from the board of any district, the Governor may, by proclamation published in the Gazette, 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 pasture thereof 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 districts as fully and to the same effect as if the animals named in such proclamation had been mentioned in the interpretation section to this Act.

Regulations.

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 is then in session, and if not then within fourteen days after the commencement of the next ensuing session.

Exemption of
animals kept on
enclosed land in
certain cases.
45 Vic. No. 23, s. 12.

28. 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 Act shall be 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 next preceding section as may be necessary for limiting and enclosing the land on which such person desires 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. All hares and such other animals so securely enclosed shall be exempt from this Act.

Offences and
penalties.
44 Vic. No. 11, s. 24.

29. All offences against this Act may be heard and determined, and 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 regulating summary proceedings 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.

All

Pastures and Stock Protection.

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."

30. Any person who procures or obtains a certificate for scalps, knowing that a certificate has been previously granted for the same, or wilfully makes 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.
44 Vic. No. 11, s. 25.

31. Any person who obstructs, hinders, or interrupts 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 threatens or assaults any such person whilst in the performance of his duty under this Act, shall, for every such offence, forfeit and pay a penalty not exceeding twenty pounds:

Obstructing persons authorised under this Act.
Ibid. s. 26.

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.

32. Any person who neglects or delays 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 gives any incorrect or misleading information with respect thereto, shall, on conviction for every such offence, be liable to a penalty not exceeding twenty pounds.

Penalty for not making return or giving information.
Ibid. s. 27.

33. Notwithstanding anything hereinbefore contained the Minister 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 the Third Schedule thereof, and if after the expiry of twenty-eight days from the date of the service of such notice the said owner fails or neglects 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 liable to a like penalty, but no two convictions shall take place within a period of two months:

Provision in case of neglect to destroy noxious animals by owner of land or board of district.
45 Vic. No. 23, s. 9.

Provided 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.

Pastures and Stock Protection.

Penalty for attempt-
ing to obtain pay-
ment for scalps from
adjoining colonies.
45 Vic. No. 23, s. 10.

34. 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 misdemeanour, 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.

General penalty.
44 Vic. No. 11, s. 29.

35. Every person who commits 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.

Definition of notice.
Ibid. s. 31.

36. 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.

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

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 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 have been taken.

Section 2.

FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
44 Vic. No. 11..	Pastures and Stock Protection Act	The unrepealed portion.
45 Vic. No. 23..	Pastures and Stock Protection Act Amend- ment Act of 1881.	The unrepealed portion.

Section 7.

SECOND 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 votes.
Owners or superintendents of more than 5,000	4 votes.

THIRD

Pastures and Stock Protection.

THIRD SCHEDULE.

Sections 10, 33.

PASTURES AND STOCK PROTECTION ACT, 1898.

Notice to owner to destroy noxious animals.

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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, 1898, on the land of which you are the owner or occupier or person in possession or charge, 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 authorise some person to enter upon the said land and take such other measures in accordance with the above-named Act as may be deemed necessary to ensure the complete destruction of such animals.

Secretary.

FOURTH SCHEDULE.

Section 22.

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 payments 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 above-named Act.

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

Dated at _____, this _____ day of _____, 18 _____.

Schedule of scalps delivered as above.

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

I hereby authorise _____ 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.)