

Act No. 111, 1902.

PASTURES
PROTECTION.

An Act to consolidate and amend the Acts relating to the Rabbit Pest and to the protection of pastures and live stock from the depredations of noxious animals and to diseases in cattle and sheep, and for other purposes incidental thereto. [24th December, 1902.]

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.

1. This Act may be cited as the "Pastures Protection Act, 1902," and is divided into Parts, as follows:—

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—PASTURES PROTECTION BOARDS, DISTRICTS, AND RATES—*ss.* 5-26.

PART III.—DESTRUCTION OF RABBITS AND NOXIOUS ANIMALS—*ss.* 27-71.

PART IV.—DISEASES IN SHEEP—*ss.* 72-158.

PART V.—GENERAL PROVISIONS—*ss.* 159-169.

Repeal.

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 (1) The Acts mentioned in the First Schedule are, to the extent therein expressed, hereby repealed.

Saving.

(2) Notwithstanding such repeal the said Acts shall continue in force to all intents and purposes until the date of the first election of Pastures Protection Boards under the provisions of this Act.

Proclamations,
notifications, and
sanctions.

(3) All proclamations and notifications made, and all sanctions and notices given, under any Act hereby repealed, the operation of which is not exhausted at the passing of this Act, shall be deemed to have been made and given under the corresponding provisions of this Act, and shall have and take effect accordingly.

Quarantine grounds.

(4) Every piece of ground set apart under any enactment hereby repealed as a quarantine ground or station or for purposes of quarantine, and which, at the passing of this Act, remains so set apart shall be deemed to have been so set apart under this Act.

(5)

Pastures Protection.

(5) Where by any proclamation made under any of the Acts hereby repealed any of the provisions of any of the said Acts have been suspended, the corresponding provisions of this Act shall be suspended for the period of suspension which at the time of the passing of this Act remains unexpired.

Suspension of provisions of Acts repealed.

(6) All electoral rolls prepared under the provisions of the Act No. 6, 1902, shall be deemed to have been prepared hereunder.

Electoral Rolls.

3. Nothing in this Act shall be taken to repeal any of the provisions of the Stock Diseases (Tick) Act, 1901, No. 11, 1902, or of the Act No. 19, 1902.

Saving of the Acts.

Nos. 11 and 19, 1902.

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

Interpretation.

No. 6, 1902, s. 4.

“Board” means the Pastures Protection Board for any district as constituted by this Act.

“Brand” means a firebrand on the nose or face in letters, figures, or characters not less than one inch in length, or a brand made with pitch, tar, paint, or pigment in letters, figures, or characters not less than three inches in length, on the ribs, back, shoulder, or rump of any sheep.

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

“Chief inspector” means the chief inspector of sheep appointed or continued under the Act No. 27, 1901, or appointed under this Act.

“Clean sheep” means sheep which have never been infected sheep, or sheep which have been infected sheep, and for which their owner has received from an inspector a clean certificate in the prescribed form.

“Coast district sheep” means any sheep kept or depastured in the coast scab district, or which have been removed inland therefrom within six months.

“Crown Lands Acts” means the Crown Lands Act of 1884 and all amending Acts.

“Destroy” when used in Part IV means to entirely consume by fire, or to bury at a depth of not less than three feet under ground, or having previously consumed by fire the wool and skin, to boil down the remainder of the carcass.

“Disease” means the diseases in sheep known as the scab, influenza, or catarrh.

“District” means any pastures protection district constituted under this Act.

“Dressing” means any dipping, dressing, spotting, rubbing, or applying of a medicament used as a cure for scab.

“Drover” means any person in charge of any travelling stock.

“Flock” means any number of sheep in one lot or in the charge of one person.

“Holding”

Pastures Protection.

- “**Holding**” means any land or collection of lands constituting and worked as one property, whether held under the same title or different titles or under titles of different kinds.
- “**Horse**” means any horse, mare, gelding, colt, filly, foal, ass, or mule.
- “**Imported sheep**” means any sheep brought into any town, port, or place in New South Wales by any sea-going or coasting vessel from any other State or country, or by any lighter or boat from such vessel, and all such sheep for six months after they are so imported.
- “**Infected sheep**” means any sheep suffering from or affected with scab, influenza, or catarrh—or any sheep which have formed part of a flock containing any sheep so suffering from or affected with scab, influenza, or catarrh—or any sheep which have been in direct or indirect contact with, or have been on or carried over the same ground, or have been kept in the same yard as such infected sheep within the next preceding six months, or which have been dressed or dipped within the same period with medicaments commonly used for the cure of scab—and all infected sheep within any of such definitions until declared clean.
- “**Infected run**” means any run on which any infected sheep have been within the next preceding six months, and such run until declared clean by the certificate of an inspector.
- “**Inspector**” means the chief inspector as herein defined or any inspector appointed under this Act.
- “**Introduced sheep**” means any sheep introduced into New South Wales from any adjoining State in any other way than by sea, and all such sheep for six months after they are so introduced.
- “**Justice**” means justice of the peace.
- “**Large stock**” includes bulls, cows, oxen, steers, heifers, calves, horses, mares, geldings, fillies, foals, asses, mules, and camels.
- “**Local land board**” means local land board as constituted and defined under the Crown Lands Acts.
- “**Market value of sheep**” means the value of sheep calculated as upon a sale with delivery on the run where such sheep are when ordered to be destroyed.
- “**Marsupial**” includes any kangaroo, wallaroo, wallaby, or paddy-melon.
- “**Minister**” means the Secretary for Lands.
- “**Native dog**” includes any dingo or native dog, or any dog whatever which has become wild.
- “**Notification**” means notification published in the Gazette.
- “**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 fifty-eight hereof.
- “**Occupier**” t

Pastures Protection.

“Occupier” means the person for the time being entitled to possession of a holding or land, and includes the resident manager of the occupier where the occupier does not reside on the holding or land in relation to which the word is used.

“Owner” means—

- (a) the person registered as the holder of any lease or license, or promise of any lease or license from the Crown ; or
- (b) the person registered as the holder of any purchase, whether conditional or otherwise, from the Crown ; or
- (c) the applicant for a homestead selection whose application has been confirmed ; or
- (d) the person entitled at law to an estate of freehold in possession in any land granted by the Crown for other than public purposes ;
- (e) the person in whom is vested any land taken or appropriated under authority of any statute authorising land to be taken or appropriated for the purposes of any private undertaking ;
- (f) the trustees of commons and public reserves ; and includes
- (g) the person for the time being in the authorised possession or charge of land or large stock or sheep.

“Prescribed” means prescribed by this Act or any regulation made thereunder.

“Private holding” and “private land” mean respectively a holding and land not including or being public land.

“Proprietor” includes any lessee, licensee, occupant, overseer, superintendent, or person in possession or charge of any land.

“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 authorising 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 proclaimed road or any road or way dedicated to the public, or which has been ordinarily used for three years at least by the public.

“Run” includes any land, road, place, or premises.

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

Pastures Protection.

“Sheep” includes rams, ewes, wethers, and lambs, and in Part IV also includes any carcass, skin, wool, horn, hoof, or other portion of a sheep.

“Stock” means any horses, cattle, sheep, or camels.

“This Act” and “this Part” respectively include, in addition to the enactments of such Act or Part, any regulations or proclamations made or issued under any such enactment.

“Travelling sheep” means any sheep whilst being driven or carried by land or water, or which have within one month next preceding been so driven or carried, along or over any place whatsoever other than the run on which they are ordinarily depastured.

“Travelling stock” means any stock travelling to any place upwards of forty miles distant from that on which they were when their permit to travel or travelling statement was granted.

PART II.

PASTURES PROTECTION BOARDS, DISTRICTS, AND RATES.

Districts and Boards.

5. The Governor may, by notification, constitute pastures protection districts, and by like notice amend or revoke such notification.

6. There shall be a pastures protection board for each district. Such board shall consist of seven directors, who shall, ex-officio, be inspectors, six to be elected or established in office under this Act, and one, who shall be chairman, appointed by the Governor from among the persons liable to be rated in the district who shall hold office for four years and who shall be eligible for reappointment. Four shall form a quorum.

7. (1) In every pastures protection district which contains a rabbit board, the four directors elected under the Rabbit Act, 1901, shall be directors of the pastures protection board, and two other directors shall be elected at the first election held under this Act. Three of the rabbit board directors, to be determined by lot, shall retire at the end of one year, and the fourth and the two directors elected under this Act shall continue in office for two years. At every election after the first three directors shall be elected to hold office for two years.

(2) In every pastures protection district which does not contain a rabbit board, six directors shall be elected at the first election under this Act, of whom three, to be determined by lot, shall retire

Constitution of
pastures protection
districts.

No. 6, 1902, s. 7.

Board.

cf. *Ibid.* s. 8.

Terms of office.

Pastures Protection.

retire at the end of one year, and the remaining three shall retire at the end of two years. At every election after the first three directors shall be elected, and shall hold office for a term of two years.

(3) The first election shall be held at such time as the Minister may direct.

8. The Governor may for sufficient cause remove any director, Vacancy in office. and on the death, removal, or resignation of an elected director, a new No. 6, 1902, s. 8 (2). director shall be elected in his place. In the event of no proper election taking place, the Governor may appoint the necessary number to constitute the board.

9. The board may allow travelling expenses to any director, but Travelling expenses. no other fees or payment shall be allowed or made to any director Ibid. s. 8 (3). other than the chairman.

10. On the notification of a district, the Minister, subject to Roll of electors. the provisions of section two subsection six, shall, as soon as possible Ibid. s. 9. and as far as practicable, prepare a roll showing the names of all persons entitled to vote at the election for directors, and thereafter such roll, and any roll under the said subsection, shall be kept and revised as occasion may require by the board.

11. The Minister may divide any district into three divisions, Division of districts. and a separate roll shall be prepared, and one director shall annually thereafter be returned for each division.

12. The election of directors of the board shall take place in the Election of directors. prescribed manner, and provision shall be made for voting by post. Ibid. s. 10. The cost of the election shall be paid out of the pastures protection fund. Every person whose name is on the roll hereinbefore referred to shall be entitled to a vote at such election, and be eligible for election as a director, and the necessary qualification to entitle a person to have his name on the roll shall be that such person has been assessed, or is liable to be assessed, for payment of rates under section eighteen hereof: Provided that any person who is assessed in respect of not less than two thousand nor more than five thousand sheep, or not less than two hundred nor more than five hundred head of large stock, shall be entitled to two votes, and any person who is assessed in respect of more than five thousand sheep or more than five hundred head of large stock shall be entitled to three votes.

13. The directors of a board shall be a corporate body under the Incorporation. style or title of the notified name of the board, and under such style Ibid. s. 11. or title shall have perpetual succession and a common seal, and be capable in law of suing and being sued.

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.

Pastures Protection.

Inspector.
No. 6, 1902, s. 12.

14. The Governor may appoint a chief inspector for New South Wales, and inspectors for any one or more districts. Such inspectors shall be under the control of the Minister, and shall be paid such salaries as he may from time to time determine. When an inspector is appointed for one district only, the board shall pay his salary out of the pastures protection fund, and where an inspector is appointed for two or more districts, the boards of such districts shall pay his salary out of their said funds in such proportions as the Minister directs. The chief inspector and inspectors so appointed shall be inspectors under and within the meaning of the unrepealed provisions of the Stock Act, 1901.

Other officers.
Ibid.

15. The board may appoint a secretary and any other necessary officers, and pay them out of the pastures protection fund; but every such appointment by the board, and the salaries to be paid in every case, shall be subject to the approval of the Minister. Such secretary and other necessary officers shall be under the exclusive control of the board, and subject to dismissal at any time.

Duties of boards.
Ibid. s. 13.

- 16.** 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 of any land or the occupier of any private holding 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 Minister or the Colonial Treasurer all its books, accounts, agreements, vouchers, letters, or other documents which may relate to any matter under this Act.

Yearly accounts to be published.

17. Every board shall, in January in each year, cause an account to be prepared of its receipts and expenditure 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 each district.

Rates.

Rate.
Ibid. s. 14.

18. (1) Every board shall in each year make or cause to be made an estimate of the probable sum which will be required (in addition to fines, penalties, and other revenues) for the effective administration of this Act in its district; and the said sum shall be raised by a rate upon sheep and large stock within the district.

Subject to the provisions hereinafter contained, the amounts levied under the rate shall be determined by the board in respect of the holdings within its district, and the board shall assess and rate every owner or occupier who has ten head or more of large stock or one hundred sheep or more. Such assessment shall not exceed in the annual aggregate fourpence per head of large stock and two-thirds of a penny per head of sheep:

Provided

Pastures Protection.

Provided that in the case of unstocked or partly stocked land, the board shall assess it according to its carrying capacity, to be determined by the board after taking evidence on oath in open court: Provided also that in the case of agricultural land, it shall be assessed at one sheep to three acres:

Provided also that only half rates shall be levied in respect of any holding or portion of a holding enclosed by a fence, erected before or after the commencement of this Act, which, in the opinion of the board, is rabbit-proof.

- (2) The board shall have access as prescribed to— Inspection of returns.
- (a) returns of sheep or large stock made under this or any other Act; and
 - (b) returns collected by the police or other authorised persons for statistical or other purposes.

19. (1) Every owner liable to be rated under this Act shall, on or before the tenth day of January in each year, deliver personally, or send by registered letter to the board of the district in which his run is situate, a return of his land and stock in such district, and of any of his stock travelling in any other district, in the prescribed form. Returns to be made annually.

(2) Any owner failing to make any such return shall be liable to a penalty not exceeding twenty pounds.

20. When the amount payable under the rate in respect of any holding has been determined by the board, the prescribed notice of such amount shall be given to the person liable to pay the same. Notice of amount due under rate to be given.
No. 6, 1902, s. 15.

The amount so determined shall, on such notice being given, be paid to such person or bank, and on or before such date as may be specified in the notice, or, in case of an appeal, within seven days after the determination of the appeal: Provided that the amount may be payable by instalments if the board so directs.

The person liable to pay such amount shall be the occupier of such holding.

21. (1) Every rate and every determination by a board of the amount payable in respect of any holding under such rate shall be entered in a book (to be called the pastures protection rate-book), which shall be kept in the prescribed form and manner, and all persons shall have access thereto at all reasonable times. The said book shall, on the production thereof, be prima facie evidence of the rate and of the amount determined as payable under the rate in respect of the holding. Rate-book.
Ibid. s. 16.

(2) The board may make such amendments and supply such omissions in the entries in such 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 any holding shall be deemed to be a determination by the board of the amount so payable under a rate in respect of the holding.

Pastures Protection.

Appeal from rate
to petty sessions.
No. 6, 1902, s. 17.

22. If any person is aggrieved by the amount determined by the board as payable by him under the rate, he may, within twenty-one days after the aforesaid notice has been given, appeal to a court of petty sessions having jurisdiction within the district in which his holding is situated, by a notice in the prescribed form, accompanied by the prescribed deposit; and the said court shall determine the amount payable under the rate, and may order interest to be paid thereon at the rate of five pounds per centum per annum, calculated from the date for payment specified in the notice.

Recovery of unpaid
rates, &c.

23. Any sum due as a rate in respect of any holding shall be, and until the payment thereof shall remain, a charge upon the lands constituting the holding.

Pastures protection
fund.
Ibid. s. 6.

24. (1) All subsidies, fines, penalties, rates, and other moneys received by a board under this Act shall form part of a fund to be called the pastures protection fund of the district.

(2) Moneys forming part of such fund may be applied by the board of the district to the payment of any expenses of, or incidental to, the administration of this Act by the board, or of any costs or expenses incurred in accordance with the provisions of this Act, and not otherwise.

(3) The Governor may cause the accounts in connection with the pastures protection fund of any district to be audited, and the expenses of the audit shall, if the Governor so requires, be paid out of such fund.

(4) Immediately upon the constitution of any board for any district under this Act, all moneys standing to the credit of any account established or kept under the Pastures and Stock Protection Act, 1898, or by any board in such district, or the Rabbit Act, 1901, shall vest in such board and be transferred to the pastures protection fund, and all moneys thereafter received or paid as and for any payment under the said Acts shall be paid to the credit of such fund.

Proportion of rates
to be paid to credit
of sheep account,
Treasury.

25. Every board shall, so long as any balance remains at debit of the sheep account at the treasury, pay over to the said account twenty per centum of all moneys received for rates under this Act.

Board to contribute
part of cost.

26. The Governor may in any year call upon and require the boards in every district to pay to the Treasury a proportion of their revenue not exceeding three per centum thereof to cover the cost of administering this Act, and all money so paid shall be carried to a special account and applied in payment of such cost.

Pastures Protection.

PART III.

DESTRUCTION OF RABBITS AND NOXIOUS ANIMALS.

DIVISION 1.—*Application and interpretation.*

27. (1) The Governor, by proclamation in the Gazette, may declare any pastures protection district to be rabbit infested, and may revoke or vary any such proclamation. Rabbit infested areas. No. 6, 1902, s. 6.

Except where otherwise in this Part expressly provided, and except so far as it relates to the destruction of noxious animals, this Part shall apply only to the districts so declared to be rabbit infested.

(2) In applying Divisions four, five, and six of this Part to any municipality, the council of the municipality shall be deemed to be the occupier of all land vested in or held by such municipality, and, in respect of commons, the trustees thereof shall be deemed to be the occupiers. Application to municipalities. Ibid.

The provisions of this Part, except so far as the same relate to the destruction of noxious animals, shall not apply to any lands held under any form of lease from the Crown in the Western Division, as defined by the Crown Lands Acts.

28. For the purposes of this Part—

- (a) a fence shall be taken to be on the boundary of any district, holding, or land, or on the common boundary of any districts, holdings, or lands, if it follows the line which is such actual, reputed, or accepted boundary, or where the boundary is inaccessible or incapable of being fenced, if the fence follows such boundary as nearly as possible, having regard to the physical features of the country, or if in any case such fence follows any line which, in the opinion of the person, board, or court by whom or which any matter or proceeding under this Part may be determined, is sufficiently approximate to such boundary; and Definition of "boundary" and "adjoining." Ibid. s. 5.
- (b) the intervention of a road or watercourse (not being a permanent river) shall not prevent holdings or lands being taken to be adjoining, or prevent a fence along either side of any such road or watercourse being taken to be on the common boundary of the holdings or lands on either side of such road or watercourse.

DIVISION 2.—*Payments to boards by Government.*

29. The Governor may cause to be paid out of the Consolidated Revenue Fund to the fund of every district a subsidy in respect of public land in the district. Contribution by Government to fund. Ibid. s. 19.

Pastures Protection.

Supplying netting
and materials.
No. 6, 1902, s. 23.

30. (1) Where money is 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, the Minister may—

- (a) apply the same to such purposes, and distribute the netting, material, machinery, plant, and substances or any of them among the boards; or
- (b) lend the money so voted or any part thereof to the boards for the purchase by such boards of such netting, material, machinery, plant, or substances for use within the respective districts of such boards.

(2) The said boards shall pay to the Colonial Treasurer the cost of such netting, material, machinery, plant, and substances, and any money so lent by instalments spread over not more than twenty years, with interest on the amount due at the rate of five per centum per annum.

(3) If at any time the payment by any such board of any such instalment or interest is in arrear, the Colonial Treasurer 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.

(4) The board may, with the money so lent, purchase any such netting, material, machinery, plant, and substances as aforesaid, and may sell or let the same, and any netting, material, machinery, plant or substances distributed to them under this section to occupiers or owners of private land within their district on such terms as may be agreed upon:

Provided that the cost of any such netting, machinery, materials, plant, and substances so sold, and all expenses in connection with the same shall be repaid by such occupiers and owners to the board in instalments spread over not more than twenty years with interest on the amount due at the rate of five per centum per annum:

Provided also that—

- (a) such purchase money and interest shall be a charge on the holding of the owner or occupier within the district;
- (b) any such netting shall be erected within twelve months after delivery thereof;
- (c) the letting of machinery or other appliances for the destruction of rabbits shall be subject to such terms and conditions as may be agreed upon between the Minister and the boards.

DIVISION 3.—Barrier fences.

31. (1) A board shall have power to—
(a) erect a barrier fence on any land, whether public or private within or without the district; and

(b)

Board may erect and
maintain barrier
fences.
Ibid. s. 22.

Pastures Protection.

- (b) convert into a barrier fence any fence, whether rabbit-proof or not, on any land within or without the district; and
- (c) erect a barrier fence across any road or travelling stock route, making gates in such fence for the passage of members of the public and their stock; and
- (d) place a rabbit-proof gate in any barrier fence; and
- (e) co-operate with the board of any neighbouring district in any such work.

(2) A barrier fence shall be taken to mean a rabbit-proof fence which protects, or will protect, from the incursions of rabbits the district, or any part thereof, whether such fence is erected without or within the district. Definition of barrier fence.

32. A board shall not be liable to pay or make compensation for anything lawfully done in exercise of the powers conferred by the next preceding section except damage by severance caused by the erection upon private land of a barrier fence. Case where compensation given. No. 6, 1902, s. 23.

The amount of compensation so payable to any person shall, upon application by him as prescribed, be determined by a court of petty sessions; and in determining such compensation the court 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.

33. 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. 24.

34. (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. Ibid. s. 25.

(2) Where, except as provided in the next section, 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.

35. Where before or after the commencement of this Act, and at the expense of the Crown, a barrier fence has been erected, or a fence Railway Commissioners to repair and maintain barrier fences. Ibid. s. 26.

Pastures Protection.

fence has been converted into a barrier fence, which is wholly or in part on the boundary of any lands vested in the Railway Commissioners, the Commissioners shall maintain in an effective manner so much of the fence as is on such boundary and keep it in good repair, but the costs of such maintenance and repair shall be paid out of the Consolidated Revenue Fund, and the said Commissioners shall permit any person authorised by the Minister or a board to enter upon any land vested in the Commissioners for the purpose of rabbit destruction.

Arbitration in case
of dispute between
boards.
No. 6, 1902, s. 27.

36. 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 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 appeal court to make an award. Every such award shall be final and conclusive for all purposes.

DIVISION 4.—*Private fences.*

Description of a
rabbit-proof fence.
Ibid. s. 28.

37. For the purposes of this division, a rabbit-proof fence shall be some one of the three kinds of fence herein described, namely, either—

- (a) a substantial fence hung with galvanised wire-netting, at least forty-two inches in width, of a mesh and gauge to be approved of by the board, such fence being furnished with suitable rabbit-proof gates or other appliances at every necessary break in the fence: Provided that all other dimensions of such fence, including the height above ground, the depth below ground of the posts thereof, and of the wire-netting thereon, and all other details in connection therewith shall be in accordance with specifications to be published in the Gazette by the board; or
- (b) a fence erected in accordance with the requirements of the Rabbit Act of 1890 or the Rabbit Act, 1901, while such Acts were in force, and being in a proper state of repair; or
- (c) a fence reasonably sufficient in the opinion of the board for the purpose of excluding rabbits.

Certificate by
board that fence
is rabbit-proof.
Ibid. s. 29.

38. (1) The board of the district within which any fence alleged to be rabbit-proof is situated shall, if so required in writing by the owner of the fence, cause the said fence to be inspected; and when such board is satisfied that the fence is rabbit-proof, it shall grant a certificate to that effect.

(2)

Pastures Protection.

(2) In any proceeding before a local land board in respect of a rabbit-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 fact; and evidence in contradiction shall not be adduced, unless the prescribed notice has been given. Certificate prima facie evidence.

39. Where any lands are divided or bounded by a road or travelling stock reserve or route or public lands, the local land board may grant to the occupiers or owners of such lands, or any of such owners or occupiers, permission to carry a rabbit-proof fence across such road, reserve, route, or public lands: Provided that rabbit-proof gates shall be erected at places where the fence crosses such road or route, unless the local land board dispenses with the erection of the same. Rabbit-proof fence may cross road. No. 6, 1902, s. 30.

Any dispensation granted under this section may be granted for a limited time and subject to conditions, and may be revoked by the board upon reference by the Minister or application by any person interested.

40. Where a rabbit-proof fence on Crown lands, erected or made rabbit-proof before or after the commencement of this Act (not being a barrier fence erected or made rabbit-proof by or principally by the Crown or a board or rabbit board under this Act or the Rabbit Act 1901) in the opinion of the Minister makes rabbit-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. Rabbit-proof fence to be an improvement. Ibid. s. 31.

41. 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 by erecting a rabbit-proof fence, or converting a fence into a rabbit-proof fence; and where such notice has been given, and such holding has been made rabbit-proof in accordance with the terms thereof, such holding shall be deemed to have been made rabbit-proof by a rabbit-proof fence as from the date of such notice, 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 notice: Provided that the rabbit-proof fence shall be completed within one year from the date of such notice or within such further time as such board on application may allow. Notice of intention to fence occupation license or annual lease, &c. Ibid. s. 32.

The provisions of this section shall apply in cases where the proposed fence is a ring fence intended to enclose a group of holdings, in which case the notice may be given by any occupier of a holding proposed to be included in the group.

Pastures Protection.

Adjoining holdings
to contribute half
value of rabbit-proof
fence.

No. 6, 1902, s. 33.

42. (1) Where a boundary, or any part thereof, of any holding is fenced with a rabbit-proof fence, or a fence on such boundary, or part thereof, has been made rabbit-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 section, be payable by the owner of any land outside the holding and adjoining the rabbit-proof fence to the occupier or owner who has incurred such expense :

Provided that a contribution shall not be payable where the local land board is of opinion that the rabbit-proof fence has been erected, or the fence has been made rabbit-proof otherwise than bona fide for the purpose of excluding or destroying rabbits, or unless or until in the opinion of the said board the land from the owner whereof the contribution is demanded derives a benefit therefrom.

The right to receive such contribution shall vest, and the liability to pay the same shall arise, when the then occupier or owner of the holding gives to the then owner of the land outside the holding the prescribed notice of demand ; and from and after the date when such notice is given, the amount of the contribution, or so much thereof as may for the time being be unpaid, shall, until payment, be and remain a charge upon the land in respect of which such contribution is payable.

(2) The following provisions as to contributions shall apply :—

- (a) A contribution shall be payable only in respect of so much of the fence as is on the common boundary.
- (b) The amount of the contribution shall in every case be assessed according to the benefit derived, and to be derived, from the fence, and shall in no case exceed half the value of the fence, or in the case of a fence which does not belong, or does not wholly belong, to the person who makes the same rabbit-proof, shall not exceed half the value of the work of making such fence rabbit-proof ; and such value shall be the value at the date when the aforesaid notice of demand was given. The amount of the contribution shall be determined by the local land board.
- (c) Nothing in the Crown Lands Acts, or in the Dividing Fences Act, No. 63, 1902, shall relieve any person from liability to pay a contribution under this Act.
- (d) It shall be immaterial whether the rabbit-proof fence was erected or the fence was made rabbit-proof before or after the commencement of this Act.

Adjoining holding
to contribute half
cost of maintenance.
Ibid. s. 34.

43. In any case where a contribution towards the cost of a rabbit-proof fence is payable under the provisions of the last preceding section, an annual contribution towards the expenses incurred in the
maintenance

Pastures Protection.

maintenance and repair of the fence shall also be paid; and 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 required by the said section.

The right to receive such annual contribution, and a corresponding duty to maintain and repair the rabbit-proof 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.

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.

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, or the Rabbit Act, 1901, and the local land board shall have power to assess and determine the amount of any such contribution.

44. Where a private rabbit-proof fence, erected before or after the commencement of this Act (not being a barrier fence erected or made rabbit-proof by or principally by the Crown or a board or rabbit board under this Act, or 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, the same contribution shall be payable by the Crown in respect of the erecting the fence or making it rabbit-proof as would be payable by any private owner; and the amount of such contribution shall be determined by the local land board in the same manner as if the said public lands were private lands.

The Crown to contribute in certain cases. No. 6, 1902, s. 35.

45. Where fences within a district have wholly or in part, before the commencement of this Act, been rendered rabbit-proof by the expenditure of moneys voluntarily contributed or paid for the purpose by any persons, the board of the district may repay to the said persons the moneys so contributed or paid by them as aforesaid, or any part thereof, if, in the opinion of such board, the fences are barrier fences within the meaning of this Act.

Barrier fences erected before the passing of this Act may be paid for.

Ibid. s. 36.

Grouping of holdings.

46. When a ring fence enclosing two or more holdings, or any portion thereof is a rabbit-proof fence, made rabbit-proof by or by agreement between the occupiers or owners of such holdings, the lands (including

Formation of groups. *Ibid.* s. 37.

Pastures Protection.

(including all roads) so enclosed shall, with the consent of the board, form a group of holdings within the meaning and for the purposes of this Act.

Any existing fence or portion thereof may form part of the ring fence of any group, but not without the consent of the owner of such fence or portion thereof whose holding thereby forms part of the group.

The Minister may agree that any public lands shall be included within a group, and the Crown shall thereupon become liable in the same way as the occupier or owner of any holding of private lands within the group.

The board may agree that any rabbit-proof fence erected by it, or any barrier fence, may be used for the purpose of the grouping of holdings.

Where any holding is enclosed with a rabbit-proof fence, and any part of the holding becomes the subject of any homestead selection, purchase, or lease from the Crown, and is thereby withdrawn from such holding, the new holding created by such homestead selection, purchase, or lease, and the residue of the original holding, shall be a group of holdings; and any portion subsequently so withdrawn from the residue shall also be a holding within the group.

Any group of holdings constituted under the Rabbit Act of 1890, or the Rabbit Act, 1901, shall be a group of holdings within the meaning and for the purposes of this Act.

Owner not liable for fencing land within rabbit-proof group.
No. 6, 1902. s. 38.

47. When any group of holdings has been made rabbit-proof, the occupiers or owners thereof shall not be liable to contribute towards the cost of erecting or maintaining and repairing a rabbit-proof fence or making rabbit-proof any existing fence around any holding within the group; and it shall be immaterial whether the group has been made rabbit-proof before or after the commencement of this Act.

Grouped holdings.
Ibid. s. 39.

48. (1) A group of holdings shall be deemed to be a single holding so far as regards any contribution towards the cost of the erection, maintenance, or repair of rabbit-proof fencing as payable by or to the occupiers or owners of adjoining holdings or lands outside the group.

Provisions applicable to.

(2) The following provisions shall apply to the holdings forming part of a group, and to the occupiers thereof:—

- (a) The liabilities of such occupiers as between themselves, in respect of sums expended or to be expended for the erection, maintenance, or repair of the ring fence, or of amounts paid, or to be paid, as contributions towards the cost, maintenance, or repair of any portion of such fence, shall be proportionate to the respective areas of their holdings, and in any case of dispute shall be such as may be declared by the local land board; and the amount declared by such board to be payable by any such occupier shall be a charge upon all land forming part of his holding.
- (b)

Pastures Protection.

- (b) The majority in number of the occupiers whose holdings for the time being constitute a group may, from time to time, by an instrument in the prescribed form, appoint any person to be the secretary of the group; and proceedings may be taken under this Act by or against the secretary for the time being of a group, as nominal plaintiff or defendant representing all the occupiers of holdings constituting, or which at the time when the liability arose constituted, the group.
- (c) In any case where a group of holdings is not known to have a duly appointed secretary, or the duly appointed secretary cannot be found, the board of the district in which such group or any portion thereof is situate may designate the occupier of any holding included within the group to be the nominal defendant representing all the occupiers of all the holdings constituting the group for the purposes of any proceedings under this Act proposed to be taken against such group or such occupiers; and proceedings may thereupon be taken against such occupier as nominal defendant in the same way as if he were the duly appointed secretary of the group.
- (d) Where judgment has been recovered against the secretary of a group or other nominal defendant as aforesaid, and has not been satisfied, or where an order for the payment of money has been made against such secretary or nominal defendant, and has not been complied with, the person entitled under such judgment or order may apply to the local land board to settle the respective amounts to be contributed by the occupiers of the holdings within the group for satisfaction of such judgment or compliance with such order; and the local land board shall thereupon settle the said respective amounts in proportion to the respective areas of the holdings; and the person entitled under such judgment or order may take proceedings against each or any of such occupiers for the amount settled by the land board.
- (e) A holding shall not cease to form part of a group, by reason only of any change of ownership of such holding, or of any other holding; but any occupier may, with the permission of the board, and subject to any condition which it may impose, detach his holding from the group of which it formed part if the boundaries of such holding have been made rabbit-proof.
- (f) If at any time it appears to the board that a group of holdings is too large for the effective destruction of rabbits, and that the occupiers of not less than one-half of the grouped lands desire that such group may be subdivided, it shall

Pastures Protection.

shall be lawful for the board to authorise the subdivision of such group, and to determine the lines of subdivision. And the subdivision rabbit-proof fence between any two of the groups into which the original group has been subdivided shall, in all respects, be dealt with as if the same formed part of the ring fence of each such group.

DIVISION 5.—*Destruction of rabbits and noxious animals by owners and occupiers.*

Duty of owners and occupiers to destroy rabbits and noxious animals.

No. 6, 1902, s. 40.

49. It shall be the duty of the owner or occupier respectively of any land from time to time to suppress and destroy, by all lawful means, at his own cost, and to the satisfaction of the board, all rabbits and noxious animals which may from time to time be upon such land, or upon any roads bounding or intersecting the same, or any part thereof.

Penalty for default.

Any such owner or occupier who fails to fully and continuously perform such duty as aforesaid shall be liable to a penalty on the first conviction of not more than ten pounds, and on the second conviction of not more than twenty-five pounds, and on the third or any subsequent conviction of not more than fifty pounds.

Any owner or occupier may burn without notice.

Ibid. s. 41.

50. For the purpose of destroying or suppressing rabbits and noxious animals, any owner or occupier may at any time, with the consent of the board first obtained, and notwithstanding anything in any Act contained, burn or ignite any straw, stubble, grass, herbage, scrub, wood, or other inflammable material on his land, subject only to conditions to be imposed by the board.

Authorised person may enter holding.

Ibid. s. 42.

51. (1) Any authorised person may, on the production of his authority (if such production is demanded by any owner or occupier), from time to time enter any land with or without assistants, horses, and vehicles in order to search whether any rabbits or noxious animals are on such land, or to erect or repair barrier fences or gates, or to examine and inspect land, or for any purpose whatsoever under this Part, and may remain thereon so long, and do all such things as may be necessary or reasonable.

Penalty for personating or obstructing authorised person.

(2) Any person who falsely represents himself to be, or personates an authorised person under this Part, shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned with or without hard labour for any period not exceeding six months, or to pay a penalty not exceeding one hundred pounds.

Any person who wilfully assaults, obstructs, hinders, or interrupts, or causes to be assaulted, obstructed, hindered, or interrupted, any authorised person in the exercise of any power or authority vested in him by this Act, shall for every such offence, if no other penalty is specially provided, be liable to a penalty not exceeding

Pastures Protection.

exceeding twenty pounds; but no proceeding for the recovery of such penalty nor the payment thereof shall be a bar to any action at law for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed.

(3) For the purposes of this section an "authorised person" means a person having authority from the Minister or from a board, and such authority may be a general authority.

Meaning of "authorised person."

DIVISION 6.—Destruction of rabbits and noxious animals by boards.

52. A board may, by notice in the Gazette, specify—

- (a) the date or dates (not being less than one month from the date of the notice) on or before which the owners or occupiers of all or any lands within the district shall respectively commence the work of suppressing and destroying rabbits and noxious animals on such lands, or upon any roads bounding or intersecting the same; and
- (b) the period or periods during which the said work shall be continued and systematically carried out; and
- (c) the means (being means previously sanctioned by the Minister) which shall be adopted for carrying out the said work.

Board may require rabbits and noxious animals to be destroyed. No. 6, 1902, s. 43.

Any such notice, or an abstract thereof, shall also be published not less than one month before the date or dates specified in one or more newspapers published or circulating in such district.

The board may also give to the owner or occupier of any land within its district a peremptory notice in writing to take all proper steps in order to suppress and destroy rabbits and noxious animals on such land, and to adopt such means for the purpose as may be specified in the notice. The expression "proper steps" in this section means such steps as may be declared by the board in the notice or by notification to be proper steps for suppressing or destroying rabbits and noxious animals.

53. If any such owner or occupier neglects or fails to comply with the terms of any notice, whether published in the Gazette or given to him in writing as aforesaid, such person may be summoned to appear before the board, and unless he explains his neglect or failure to the satisfaction of the board, or receives an extension of time to comply with the notice, any person authorised by the board may enter upon the land and use such means and take such measures and do and perform such acts or things as to him may appear proper or necessary to be done to ensure the destruction of all or any of the rabbits or noxious animals upon such land, and shall have free right of ingress, egress, and regress into, over, and across such land for such period as may, in his opinion, be necessary for destroying such rabbits or noxious animals:

Powers of board if owner or occupier makes default. *Ibid.* s. 44.

Provided

Pastures Protection.

Provided that where a municipal council is such owner or occupier, the council clerk shall be the person to be summoned on behalf of such council:

Provided also that—

- (a) poison shall not be used unless notice has been given to the occupier of the land of the intention to use poison, and nothing shall be done in contravention of the Noxious Microbes Act, No. 23, 1900; and
- (b) nothing contained in this section shall prejudice any proceedings under this Act for the recovery of any penalty incurred by an owner or occupier of any land.

Owner or occupier to pay expenses incurred by board.
No. 6, 1902, s. 45.

54. All reasonable costs, charges, and expenses incurred by a board under the provisions of the next preceding section in destroying rabbits or noxious animals upon any land shall be repaid by the owner or occupier of the land, and until such repayment shall be and remain a charge upon such land, and shall have priority over all mortgages or other charges thereon, other than debts due to the Crown. In the case of land vested in or held by any municipality, such costs, charges, and expenses shall, until payment, be and remain a charge on the revenues of such municipality, as well as a charge on the land upon which the rabbits or noxious animals were destroyed.

Provision in case of neglect to destroy noxious animals by owner of land or board of district.
Ibid. s. 33.

55. 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 prescribed form; 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.

Bonus for scalps.

Powers of board.
Ibid. s. 9.

56. Every board may out of the pastures protection fund pay such sums by way of bonus for the scalps of noxious animals, at such rate as the board may from time to time determine, and the rates so determined by the board shall be published in the Gazette and in one or more newspapers circulating in the district.

Certificates for scalps.
Ibid. s. 22.

57. 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

Pastures Protection.

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

Scalps to be destroyed by fire.

Rewards, how payable.
No. 6, 1902, ss. 21, 23.

58. 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 Part of 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.

Proclamations.

Ibid. s. 27.

59. (1) 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, shall 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.

Ibid. s. 30.

(2) Any person destroying noxious animals in any adjoining State, 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.

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

Ibid. s. 34.

Natural enemies of rabbits.

60. The Governor, by proclamation in the Gazette, may declare any animal, bird, or reptile to be a natural enemy of the rabbit, and prohibit within any area (whether within a proclaimed rabbit-infested district or not) to be specified in such proclamation the wilful wounding, killing, or capturing, selling, or disposing of any such animal, bird, or reptile, without a special permit in that behalf, and may alter or revoke any such proclamation, or any proclamation to the like effect made under the Rabbit Act of 1890, or the Rabbit Act, 1901.

Natural enemies of rabbits protected.

Ibid. s. 46.

Any proclamation issued under the Rabbit Act of 1890, or the Rabbit Act, 1901, whereby any animal, bird, or reptile has been declared to be a natural enemy of the rabbit, shall continue in force according to the tenor thereof, unless and until revoked under the provisions of this section.

Any person who, within an area or district mentioned in any such proclamation, without lawful authority (the proof of which shall be

Penalty for killing, &c., natural enemy of rabbit.

Pastures Protection.

be on such person), wilfully wounds, kills, captures, or sells or disposes of any animal, bird, or reptile so declared to be a natural enemy of the rabbit, shall be liable to a penalty of not more than five pounds.

DIVISION 7.—*Offences.*

Penalty for miscellaneous offences.
No 6, 1902, s. 47.

- 61.** Any person who—
- (a) wilfully carries, drives, or passes any live rabbit through, under, or over any rabbit-proof fence or gate; or
 - (b) wilfully leaves open any gate in a rabbit-proof fence; or
 - (c) without lawful authority (the proof of which shall be on the person claiming to have the same) wilfully destroys, injures, tears up, depresses, or removes any portion of a rabbit-proof fence or gate, or excavates under, or in any way tampers with any portion of such fence or gate, so as thereby to endanger its effectiveness as a rabbit-proof fence or gate; or
 - (d) attempts to do any such act as is hereinbefore mentioned, or procures the same to be done,

shall be liable to imprisonment, with or without hard labour, for any term not exceeding six months, or to a penalty not exceeding one hundred pounds, or to both imprisonment and penalty.

A rabbit-proof fence or gate, for the purposes of this section, shall mean a fence or gate apparently intended to protect any land from rabbits, and shall include a barrier fence, or gate therein, and it shall be immaterial whether or not such fence or gate is in accordance with the requirements of this Act.

Penalty for keeping, liberating, &c., rabbits.
Ibid. s. 48.

62. Any person who, without lawful authority (the proof of which shall be on the person claiming to have the same) wilfully liberates or attempts to liberate, or has in his possession any live rabbit (whether within a proclaimed rabbit-infested district or not), shall be liable to a penalty not exceeding one hundred pounds for every such offence; but nothing herein contained shall be construed to prohibit any person from keeping live rabbits or hares in any safe enclosure with the permission of the Minister first had and obtained.

Permission to keep rabbits or hares.

Penalty for interfering with traps, &c.
Ibid. s. 49.

63. Any person who, without lawful authority (the proof of which shall be on the person claiming to have the same), wilfully destroys, injures, removes, or interferes with any trap, snare, poison, matter, or thing which is used or required for the purpose of capturing or destroying rabbits, and which is lawfully placed upon any land for such purpose shall be liable to a penalty not exceeding twenty pounds.

Expenditure of public money.

Expenditure by boards of public money on public lands.
Ibid. s. 50.

64. Where money has been voted by Parliament for the purpose of rabbit destruction on public lands, or for the erection or repair of barrier fences, the Minister may authorise a board to apply such money or any part thereof for that purpose, on such terms and conditions as he may think fit.

DIVISION

*Pastures Protection.*DIVISION 8.—*Procedure.*

65. In any proceedings under this Part, the jurisdiction of the local land board or of the court before which the proceedings are had, shall not be ousted on the ground that the case raises any question of title to land, or that the defendant does not reside within the boundaries of the jurisdiction of the board or court: Provided that in such last-mentioned case the land in respect of which the proceedings are had shall be situated within the boundaries of the jurisdiction of such board or court.

Jurisdiction of land board or court not to be ousted.
No. 6, 1902, s. 53.

66. 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 dates 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. 54.

67. Where any proceedings under this Part are had before a local land board, an appeal shall lie to the land appeal court; and the Minister or such board shall have the like powers of reference to such court, so far as practicable, as he or it now has under the Crown Lands Acts; but if there be no appeal or reference, the determination or decision of the local land board shall be final and conclusive.

Appeal to land appeal court.
Ibid. s. 55.

68. The provisions of the Crown Lands Acts regulating proceedings before local land boards, and upon appeals and references to the land appeal court under such Acts shall, as far as practicable, be applied to proceedings, appeals, and references under this Part, and for the purposes of proceedings under this Part, the land appeal court and local land boards and the respective members and officers thereof shall have the same authorities and powers as are conferred by the Crown Lands Acts for the purposes of proceedings under the said Acts, and in addition thereto the land appeal 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 as may appear just.

The provisions of the Crown Lands Acts as to procedure to apply.
Ibid. s. 56.

69. Whenever any question of law arises in a case before the land appeal court, such court shall, if required in writing by any of the parties within the prescribed time and upon the prescribed conditions, 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.
Ibid. s. 57.

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

with

Pastures Protection.

with the decision of the Supreme Court thereon, as the Judges of the said Court, or any two of them may direct. 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.

DIVISION 9.—*General powers.*

Effect of moneys
being charged.
No. 6, 1902, s. 62.

70. Whenever by this Part, any sum of money is expressed to be charged upon any private land, any person thereafter becoming the owner of such land shall be taken to have notice of such charge, and shall be liable to pay the sum so charged or so much thereof as may for the time being be unpaid as if he were the person originally liable; but nothing herein contained shall operate to discharge the liability of any person originally or previously liable: Provided always such charge shall be entered in the rate-book as against such land at the date of transfer, and it shall be the duty of the board when and so often as any land within the district becomes chargeable with any sum under this Part to have an entry of the same made as aforesaid.

Power to raise
money by mortgage.
Ibid. s. 63.

71. It shall be lawful for any person in whom any land is vested as 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 fence, or the converting of a fence into a rabbit-proof fence upon, near, or for the benefit of such land, or for or towards the maintenance or repair of any such fence; and it shall be lawful for any person in whom any land is vested as a trustee to raise the sums required or recovered for any such purpose by mortgage of such land, in the same way as if a power to mortgage for any or all of such purposes had been contained in the instrument creating or declaring the trusts.

PART IV.

DISEASES IN SHEEP.

DIVISION 1.—*Powers, duties and disabilities of inspectors.*

Inspector receiving
information of the
outbreak of disease
to visit the locality.
No. 27, 1901, s. 39.

72. On receiving information of the outbreak, or suspected outbreak of disease in any part of a district, the inspector shall visit the locality in question, and take all necessary steps, and at once report on the matter to the secretary and chairman of the board.

Power of entry, &c.,
to inspector.
Ibid. s. 42.

73. (1) Every inspector is hereby empowered to enter at any time upon any run in order—

- (a) to inspect any sheep;
- (b) to take possession of any sheep in respect of which their owner is committing any breach of this Part, and detain such sheep

Pastures Protection.

- sheep until the requirements of this Part have been complied with or until such sheep are released by order of the directors on appeal as hereinafter provided ;
- (c) to carry out at the expense of the owner of any sheep, when necessary, any of the provisions of this Part with which such owner may fail to comply ; and
 - (d) to exercise and perform the several powers and duties herein authorised and directed.
- (2) Every person who—
- (a) refuses to allow an inspector to enter upon any run in the execution of his duty, or hinders or impedes, or attempts to hinder or impede, him therein ; or
 - (b) refuses or delays when requested to point out to an inspector any sheep, or to disclose whence any sheep have been taken ; or
 - (c) refuses to produce to the inspector when required the flock or sheep book, or to wash or otherwise disinfect any premises, yard, vehicle, or article found or used with or about any infected sheep to the satisfaction of the inspector ; or
 - (d) refuses to drive sheep in his charge to any place when required by an inspector, or to assist an inspector in the examination thereof,

shall for every such offence be liable to a penalty not exceeding one hundred pounds.

74. (1) Every inspector, when acting under the provisions of this Part relating to introduced or imported sheep, or prosecuting for a breach of any of the provisions of this Part in respect of any such sheep, together with all other persons acting in his assistance, shall possess, so far as the same may be applicable to the case, all the powers, rights, privileges, and indemnities possessed by officers of customs or other persons duly authorised in that behalf when engaged in searching for, or seizing or prosecuting for any offence in respect of any uncustomed or prohibited goods.

Inspectors in certain cases to have the same powers as officers of customs. No. 27, 1901, s. 43.

(2) Every person by force or violence resisting or impeding an inspector or his assistants in the execution of his or their duty with respect to such sheep, shall be liable to a penalty of not less than ten pounds and not more than two hundred pounds, or to imprisonment for any term not exceeding three months.

75. (1) In any case except in that of imported sheep where the fact of the infection of any sheep as declared by any inspector's notice is disputed by the owner of such sheep such inspector may kill one sheep in each flock which he considers infected, and shall take possession of the skin or any portion thereof, and having marked and caused the owner to mark the portion thus taken, he shall pack up the same securely in the presence of the owner, sealing the package with his own

Inspectors may kill sheep for evidence. *Ibid.* s. 44.

Pastures Protection.

own and the owner's seal, and such package shall be produced and opened before any court or board as the case may be whenever the fact of any such infection is in issue.

(2) Every person preventing or impeding or attempting to prevent or impede an inspector in carrying out any provision of this section shall be liable to a penalty not exceeding fifty pounds.

Inspectors may place detained sheep on nearest available Crown lands.
No. 27, 1901, s. 45.

76. (1) The board shall at any inspector's request from time to time sanction the occupation of some land being the property of the Crown, and whether the same is then occupied under lease or not as a run, where such inspector may detain any sheep under the provisions of this Part, and where such sheep may be kept and depastured with the greatest safety while so detained.

Compensation to lessee.

(2) The owner of such sheep shall repay and make good to the lessee (if any) of the run on which they are so kept and depastured every loss, damage, or expense he may thereby sustain to be assessed by the directors upon application to them by such lessee.

Penalty.

(3) Every lessee refusing to permit such sheep to be so kept or depastured, or preventing or attempting to prevent them from being so kept or depastured, shall for every such offence be liable to a penalty not exceeding one hundred pounds.

Inspectors may employ assistants.
Ibid. s. 46.

77. An inspector may whenever necessary employ any persons to assist him in carrying out the provisions of this Part, and the owner through whose neglect, omission, or other default, or by reason of the infection or removal of or other dealing with whose sheep the expense of such employment has been incurred, shall repay the same to the inspector on demand.

No inspector to be an owner of or dealer in sheep.
Ibid. s. 47.

78. (1) No inspector shall be either directly or indirectly an owner of or dealer in sheep, or shall act as the agent of an owner of or dealer in sheep.

(2) No inspector shall receive any payment or consideration for the depasturing of any sheep or the performance of any act, matter, or thing directed or authorised by this Part under a penalty not exceeding twenty pounds.

(3) Nothing in this section contained shall prevent any inspector from demanding and receiving any fees and charges so authorised.

DIVISION 2.—*Infected sheep.**Owners' duties.*

Duties of owner of infected sheep.
Ibid. s. 49.

79. Every owner of infected sheep, whether such sheep have been declared infected by an inspector or not, is hereby required and directed—

- (a) to write out, date, sign, affix on some conspicuous place and maintain till his run on which such infected sheep are kept or depastured is declared clean, a notice in distinct legible characters

Pastures Protection.

characters not less than one inch in length at each point of entrance of any road intersecting such run, and at each point where any road commences to form the boundary line of such run, and also at all other points directed by the inspector stating that disease has broken out thereon ;

- (b) to insert a similar notice in the nearest local newspaper for three successive weeks ;
- (c) to send a written notice in the prescribed form to the nearest inspector that his sheep are or are supposed to be infected, containing a correct account of their number, description, brands, or marks, and the places where such sheep are then running ;
- (d) to send a similar notice to the nearest resident director ;
- (e) to send a similar notice to the proprietors of adjoining runs ;
- (f) to cause his infected sheep to be carefully shepherded by day and securely yarded at night (and in no case by an aboriginal) till they are destroyed or declared clean ;
- (g) to brand all his infected sheep above the age of one month with the initials of his name, or with his known station brand, and also in either case with the letter S three inches in length, such letters or brand being branded with paint of a red colour, and when more flocks than one on the same run are infected to use a distinguishing brand or mark for each flock ;

and in default thereof every such owner shall be liable to a penalty not exceeding twenty pounds for each and every day that he neglects or omits to do the same after the day upon which the obligation in each case first attached to him.

80. (1) The obligation imposed upon an owner of infected or suspected sheep by the next preceding section to do each and every act, matter, and thing therein enumerated, and his liability in default thereof shall commence and continue to attach to such owner upon the expiration of twenty-four hours from the time when the fact of such infection or suspected infection, as the case may be, came to his knowledge.

When obligation attaches.
No. 27, 1901, s. 50.

(2) In the absence of direct or other satisfactory evidence to fix such owner with such knowledge, proof that any sheep belonging to such owner have been infected for more than one month shall in all cases be conclusive evidence that the fact of such infection had come to such owner's knowledge.

Quarantine.

81. (1) The inspector on being satisfied that any run or part of a run is infected shall define the boundaries of the same and place it in quarantine by giving written notice to the owner thereof in the prescribed form, and also by posting placards, and by the insertion of a notice in the nearest local paper.

Inspector to define quarantine boundaries.
Ibid. s. 51.

(2)

Pastures Protection.

(2) Such quarantine shall extend for one mile at least in every direction beyond the boundaries of such infected run or part of a run, and shall continue and be in force until such run or part of a run has been released therefrom in manner hereinafter mentioned.

(3) All sheep within the said defined boundaries shall also be included and kept in such quarantine until released in like manner.

Penalty for violation of quarantine.
No. 27, 1901, s. 52.

82. (1) Such quarantine shall be binding on all persons whomsoever.

(2) Every person who removes or causes to be removed or assists or is in any way concerned in removing any sheep beyond such quarantine, or who takes or assists or is in any way concerned in taking any other sheep within such quarantine except as hereinafter provided, shall for every such offence be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

(3) Any person may destroy all sheep taken in or out of such quarantine contrary to the provisions of this Part.

Inspector may move infected sheep back from roads,
Ibid. s. 53.

83. Notwithstanding anything to the contrary hereinbefore contained, every inspector may with the sanction of the board—

(a) remove all infected sheep back for any distance not less than two miles from any road on or near which they are kept or depastured, or to any other ground belonging to or occupied under lease by their owner, where they can be kept with greater safety to other sheep than on the ground where they are so kept or depastured ;

(b) where necessary in order to obtain sufficient feed or water for any sheep placed in quarantine, extend the boundaries thereof;

(c) and with the permission of the proprietor of the run placed in quarantine bring other infected sheep within such quarantine boundaries.

extend quarantine for sake of feed or water,
bring other infected sheep into quarantine.

Mode of releasing from quarantine.
Ibid. s. 54.

84. (1) All runs and sheep placed in quarantine under the provisions of this Part may be released therefrom on the certificate of an inspector that such runs and sheep are clean, and the proprietors or owners thereof may apply for such release to the board in the prescribed form.

(2) Notwithstanding anything hereinbefore contained, any run or part of a run may be released from quarantine upon the sheep running thereon being declared clean.

Destruction of sheep infected with scab.

Diseased sheep and infected sheep in certain cases to be destroyed.
Ibid. s. 55.

85. (1) On notice being given by an owner as hereinbefore directed, or on reasonable ground of suspicion that any sheep are infected, the inspector shall immediately examine such sheep, and if he decides—

(a) that such sheep or any of them are suffering from or actually affected with scab; or
(b)

Pastures Protection.

(b) that they have within the next preceding three months so suffered or been affected ; or

(c) that they have at any time during that period formed part of a flock wholly in or part so affected,

such inspector shall make a memorandum of the market value of such sheep, and shall serve the owner thereof with a written notice in the prescribed form to destroy such sheep.

(2) Unless an appeal is made by their owner as hereinafter provided against such notice, such sheep shall be destroyed by him within the period therein stated to be computed according to the scale in the Second Schedule hereto.

Second Schedule.

(3) Every owner failing to comply with any of the requirements of this section shall incur a penalty not exceeding one hundred pounds.

86. (1) Any such notice to destroy infected sheep shall be held to be duly served upon an owner by being delivered to him personally or left at the head station of the run on which such sheep (not being travelling sheep) shall have been examined as aforesaid.

Mode of service of notice to destroy infected sheep.
No. 27, 1901, s. 56.

(2) When the sheep so required to be destroyed are travelling sheep such notice shall be held to be duly served on their owner on being delivered to the person in charge of such sheep.

(3) If such owner appeals to the board against such notice the giving of a decision by the board confirmatory of such notice shall be deemed equivalent to the service thereof upon the owner so appealing.

87. (1) Such owner may if he feels aggrieved by such notice to destroy appeal therefrom to the board for the district in the form prescribed, and thereupon the board shall make such order in the matter as to them shall seem proper.

Owner may appeal against destruction.
Ibid. s. 57.

(2) If the inspector has not received such notice of appeal within ninety-six hours after service upon the owner of such notice to destroy, such sheep shall be forthwith destroyed by the inspector at such owner's expense.

88. If any sheep are destroyed by an owner under the aforesaid notice to destroy, such owner may at any time within two months thereafter lodge with some one of the directors for the district an application for compensation for the loss he has sustained by their destruction.

Application for compensation for sheep destroyed.
Ibid. s. 58.

89. If after due inquiry by examination of the inspector issuing the notice to destroy, and of such other witnesses as the board may call, the board is satisfied that the required notices have been given with respect to such sheep, and that such sheep were infected, and have been destroyed in compliance with the provisions of this Part, and shall fix and determine the market value of such sheep supposing they had not been infected when destroyed, and upon so doing shall deliver to the owner

Investigation of application for compensation.
Ibid. s. 59.

Pastures Protection.

owner thereof a certificate in the prescribed form, awarding a sum of money equal to two-thirds of such value as aforesaid as compensation for the destruction of such sheep :

Provided that where any of such sheep have been boiled down, the value of the net proceeds thereof shall also be inquired into by the board at the hearing of any such application, and fixed and determined by them, and two-thirds of such proceeds shall be deducted from the amount awarded as aforesaid, and the amount remaining after such deduction shall be paid by the board, upon approval by the Minister, out of the pastures protection fund.

Dressing infected sheep.

Infected sheep not destroyed to be dressed.
No. 27, 1901, s. 61.

90. (1) Whenever sheep have been declared infected by an inspector, but no notice for their destruction has been served on their owner as hereinbefore provided, such owner shall dress such sheep at such times and with such medicaments as the Chief Inspector may direct, and upon such owner's default the inspector shall dress such sheep at such owner's expense.

(2) Any owner failing to comply with any of the requirements of this section shall be liable to a penalty not exceeding one hundred pounds.

(3) No sheep shall be dressed without having been examined by an inspector, under a penalty not exceeding fifty pounds.

DIVISION 3.—*Travelling sheep.*

Travelling sheep starting from infected or suspected district to be certified to be clean.
Ibid. s. 62.

91. (1) Any owner intending to travel sheep—
(a) from any district in which infection exists, or has existed, within a period of twelve months previously ; or
(b) from a district adjoining any district in which infection exists, or has existed, within a like period ; or
(c) from any district adjoining any State notified in the Gazette by the Minister as a State in which infection exists shall, before doing so, apply for and obtain a certificate from an inspector in the prescribed form.

(2) Such owner shall produce such certificate when required to any owner, proprietor, or inspector.

(3) Any owner intending to travel sheep from any other district shall give the inspector notice of such intention, stating the date of departure, route, and destination of such sheep.

(4) Every owner failing to comply with any requirement of this section shall be liable to a penalty not exceeding fifty pounds.

Pastures Protection.

92. (1) Any proprietor may detain and examine travelling sheep approaching, or being upon any part of his run, upon reasonable suspicion of their being infected, and upon his giving the owner of such sheep a written notice to that effect he may detain them until such owner calls in the nearest inspector to examine such sheep and determine whether or not they are infected.

Proprietor may detain and examine travelling sheep, until owner gives inspector notice of detention. No. 27, 1901, s. 63.

(2) If such owner prevents such sheep from being detained or examined as aforesaid, or impedes or hinders such proprietor in detaining or examining them, or does not within twenty-four hours after their detention give the nearest inspector written notice thereof by delivering the same to him personally or at his residence, such owner shall for every such offence be liable to a penalty not exceeding one hundred pounds.

93. (1) Any proprietor so detaining any travelling sheep shall, until the arrival of the inspector, either keep such sheep on his own run or make such arrangements as shall prevent the further spread of the infection under a penalty not exceeding one hundred pounds.

Proprietor detaining sheep to guard against the spread of infection. *Ibid.* s. 64.

(2) If such sheep are declared infected all necessary expenses incurred by such proprietor in the detention and keep of such sheep shall be paid to him by their owner.

Expense of detaining sheep.

(3) If the sheep so detained are found on examination not to be infected, and it is found that such proprietor detaining them had no reasonable grounds for suspecting them to be infected, he shall pay to the owner of such sheep the loss and expense occasioned by such detention.

Proprietor detaining sheep without cause to pay loss and expense.

94. The provisions of this Part relating to quarantine and to the coast district shall not apply to clean travelling sheep while being carried by railway if such sheep did not start from the coast district nor were stopped in an infected place :

Quarantine and coast provisions not to apply to clean sheep while being carried by rail.

Provided that all sheep found to be infected in a railway truck or at a railway station shall at once be removed to a quarantine ground or other proper place and dealt with as provided by this Part.

Ibid. s. 65.

95. Every owner of travelling sheep which are not legibly branded with the letter T, in addition to an owner's recorded brand, shall, for every such sheep so unbranded, be liable to a penalty not exceeding one penny :

Travelling sheep to be branded with the letter T.

Provided that it shall not be necessary to brand with such letter any clean sheep intended to be driven from any one run to any other run not more than forty miles distant belonging to the same owner, nor clean sheep which are intended to be taken on to a neighbouring run or to a pound.

Ibid. s. 66.

Exceptions.

96. The following provisions with respect to travelling sheep shall apply and be in force in such districts as the Governor may at any time declare by notice in the Gazette :—

Regulations for travelling sheep in certain districts.

(1) Every owner intending to travel two hundred or more sheep from any run shall, before leaving the district in which such

Ibid. s. 67.

Owner of travelling sheep to obtain permit from inspector.

Pastures Protection.

such run is situated, forward to the inspector of the district a statement in writing of the number, description, brands, and marks of the said sheep and of their intended route and destination, and shall obtain from the inspector a permit in the prescribed form to travel the said sheep as hereinafter provided to their destination by the route specified in such permit.

Every owner introducing such sheep from any of the adjoining States shall in like manner obtain a permit to travel as aforesaid from the inspector for the district into which such sheep first pass on crossing the border.

Sheep starting from a previous destination to pay travelling charge.

- (2) If at any time within four months from the date of the arrival of any sheep at a destination to which they have travelled under a permit previously granted as aforesaid it is intended to remove any of the said sheep from such destination to any other, their owner shall obtain from the inspector for the district in which such sheep then are a renewed permit for every second or subsequent removal, for which the owner shall pay to the said inspector a travelling charge at the rate of twopence per one hundred sheep per mile for the distance between the two destinations.

Sheep returning to the same district to pay charge for whole distance.

- (3) If any travelling sheep are brought back to the run from which they started to travel, or to any run in the same district, the owner of such sheep shall pay to the inspector for such district the travelling charges fixed by the next preceding subsection for the whole distance such sheep have travelled from the time they started as aforesaid until they were brought back to either of such runs :

Provided that this subsection shall not apply to fat sheep sent bona fide to and returning unsold from market.

Moneys to be paid into fund.

- (4) All moneys received by inspectors for travelling charges or otherwise under this section, or for penalties, shall be paid by them to the pastures protection fund of the district in which such moneys were received.

DIVISION 4.—*Travelling stock.*

Certain drovers to carry a "travelling statement."
No. 27, 1901, s. 68.

97. (1) Every drover in charge of any travelling sheep, and every drover in charge of any travelling horses or cattle, shall be provided at the time of his departure with a "travelling statement" in the prescribed form, signed by the owner of such sheep, horses, or cattle, in the presence of a subscribing witness.

Drovers to produce statement or permit.

(2) Every drover shall produce such statement, and a permit as hereinbefore provided, upon demand, to any inspector, police constable, or justice, or to the occupier of any run through which or along the boundary-road of which such travelling stock may be proceeding.

Pastures Protection.

98. (1) All travelling stock shall be taken by the drover thereof by any direct road ordinarily used for the purpose of travelling stock to the place of destination mentioned in the permit or travelling statement, as the case may be, for such stock. Stock to travel by direct route. No. 27, 1901, s. 69.

(2) Unless bona fide prevented by rain or a flood, or other unavoidable cause, such stock, if sheep, shall be moved six miles, and if horses or cattle ten miles, at least, in one and the same direction during every 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. Rate of travel.

(3) If any travelling stock are sold on the road, or if from any sufficient cause the route mentioned in any such travelling statement or permit cannot be followed, the drover may, with the approval of the inspector, change such route or destination. Such approval shall be endorsed upon the travelling statement. If, in the opinion of the inspector, any travelling sheep in respect of which the route or destination has been so changed are travelling in search of grass or of a purchaser, the inspector shall demand, and the owner of such sheep shall pay, travelling charges for the same from the point where the change of route begins to the destination. Change of route.

(4) Any travelling sheep may (with the sanction of an inspector) be kept for any period not exceeding forty-eight hours on any reserve for travelling stock, for the purpose of branding such sheep, or for carrying out any other necessary provision of this or any other Act. Stopping sheep on route.

(5) Any travelling charges imposed may be paid under protest to the inspector, and the drover of the sheep or their owner may, in the prescribed manner, appeal against such charges to the board of the district in which the charges are imposed. The Minister may, on the recommendation of a board, remit any travelling charges.

99. Whenever a drover intends to take his travelling stock along any road which intersects or forms the boundary of any run containing not less than two hundred acres, and not separated from such road by a sufficient fence, he shall give the occupier of such run not less than twelve nor more than forty-eight hours' notice of such intention by leaving the same at the homestead or head station of such run : Drovers to give notice to owners of runs on the route. Ibid. s. 70.

Provided that such notice shall not be necessary within thirty miles of the sea-coast, nor in the case of horses or cattle bona fide used for saddle or draught, nor in the case of fat cattle travelling in drafts, not exceeding two hundred in each draft, to a specified market for sale, nor in the case of sheep while being carried in a conveyance, nor while travelling in the coast scab district. Proviso.

100. (1) If the drover of any travelling stock, before or at the time of giving such notice, has any reason to suspect or believe that any of such stock are infected with any disease, he shall give the notice Written notices to be given if stock are suspected of disease. Ibid. s. 71.

Pastures Protection.

notice in the manner required by the next preceding section in writing, and shall in such notice state with what particular disease he suspects or believes such stock to be so infected.

Delivery of notice. (2) Such notice shall, in the case last mentioned, be so delivered at the homestead or head station of every such run whatever may be the extent thereof, and whether such run is or is not sufficiently fenced from the line of road along which such travelling stock are intended to be taken.

Prevention of contact. (3) Every precaution shall be adopted by the drover in such case to prevent contact between his travelling stock and any stock then being on any such run.

To travel by daylight only. (4) Travelling stock, when so suspected or believed to be infected with any disease, shall be permitted to travel only during the hours of daylight.

Penalty. (5) Any person offending against this section shall be liable to a penalty not exceeding fifty pounds.

None but bona fide travelling stock to be depastured on reserve. **101.** (1) No person shall drive, take, or depasture any stock, other than bona fide travelling stock, upon any Crown lands reserved for travelling stock.

No. 27, 1901, s. 72. (2) No person shall drive, take, or depasture, any stock, other than stock in transit to the railway, upon reserves set apart for the accommodation of the railway stock traffic.

(3) Any stock driven, taken, or depastured contrary to this Part or any regulation made hereunder, or any stock found upon a reserve for travelling stock—such stock not being bona fide travelling stock nor stock belonging to the occupier of the run on which such reserve is situated—may be impounded by any inspector or justice, or other person authorised by the Minister in that behalf, and may thereupon be dealt with as in the case of stock impounded for trespass upon lands in the lawful possession of any occupier.

Carcasses not to be left undestroyed near roads. **102.** No carcasses of travelling stock shall be left more than twelve hours undestroyed on or within half a mile of any road, and any owner of any such travelling stock shall be liable to a penalty not exceeding one pound for every carcass so left undestroyed.

No. 27, 1901, ss. 73, 122.

DIVISION 5.—*Introduced sheep.*

Sheep to cross border at appointed crossing-places. **103.** (1) No sheep shall be introduced from any adjacent State at any crossing-place other than those appointed from time to time by proclamation in the Gazette, or specially sanctioned by the directors of the district into which such sheep would pass on first crossing the border.

Ibid. s. 74.

(2) Any sheep introduced contrary to the provisions of this section shall be seized and disposed of as the Minister shall direct.

104.

Pastures Protection.

104. (1) No sheep intended to be introduced into New South Wales shall be examined by an inspector or brought across the boundary from any adjoining State until their owner first produces a certificate from the inspector of that portion of such State contiguous to the crossing-place by which such sheep are to be so introduced, stating that such sheep are not infected, and when the said first-mentioned inspector has obtained the said certificate and all other necessary information, he shall examine such sheep and shall determine whether or not they are infected, and upon being satisfied that they are not infected, he shall deliver to their owner a certificate in the prescribed form.

Owner introducing sheep to produce certificate from adjoining State and obtain certificate in this.

No. 27, 1901, s. 75.

(2) Any sheep introduced in violation of the provisions of this section shall be seized and detained by any inspector and disposed of as the Minister may direct.

(3) Every owner, toll-keeper, ferryman, boatman, or other person introducing or attempting to introduce, or aiding, or being concerned in the introduction of any sheep contrary to the requirements of this section, shall, on conviction of every such offence, be liable either to imprisonment for any term not exceeding one month or to a penalty not exceeding two hundred pounds.

105. (1) All sheep intended to be introduced shall, before crossing the border, in addition to their owner's brand, be legibly branded as follows—

Introduced sheep to be branded. Ibid. s. 76.

- (a) before passing the boundary line of Victoria with the letter V;
- (b) before passing the boundary line of South Australia with the letter A; and
- (c) before passing the boundary-line of Queensland with the letter Q;

and such sheep shall continue to be so branded for a period of six months after they have passed any such boundary.

(2) Every owner failing to comply with any of the requirements of this section shall incur a penalty not exceeding one hundred pounds, and a further penalty of ten pounds for every day that he neglects or delays to brand such sheep after notice from an inspector.

106. (1) Before any sheep shall be allowed to be introduced as aforesaid, their owner shall obtain from the inspector a permit in the prescribed form to travel such sheep to their destination by the nearest usual and practicable road, and such sheep shall not, during a period of six months after such introduction, be removed from the place of destination specified in such permit, except by the issue of a fresh permit.

The owner of introduced sheep to obtain a permit to travel. Ibid. s. 77.

(2) Every owner shall be liable to a penalty of twenty pounds for every day that he travels such sheep, or allows them to be travelled without such permit, and also to a penalty not exceeding one hundred pounds for every deviation they make from the route laid down in any such permit.

107.

Pastures Protection.

The Governor may suspend four next preceding sections, and may prohibit introduction of sheep.

No. 27, 1901, s. 78.

107. The Governor may by proclamation suspend the provisions of any one or more of the four next preceding sections for any period not exceeding six months in respect to sheep introduced or proposed to be introduced from any State in which disease is not known to exist, and may for a like period and in like manner absolutely prohibit the introduction of sheep from any of the adjoining States.

No compensation for sheep destroyed within six months of introduction.

Ibid. s. 79.

108. No owner shall obtain any compensation for introduced sheep destroyed under this Part which may be declared infected within six months of their introduction, unless he can prove upon appeal to the directors, to their satisfaction, that such sheep became infected after being introduced.

Apparently clean sheep may be introduced on certain conditions.

Ibid. s. 80.

109. Notwithstanding the production of a certificate from the proper officer in a neighbouring State to the effect that any sheep proposed to be introduced into New South Wales are clean, the inspector in New South Wales may, if there are any circumstances which cause him to suspect that the said sheep are infected, refuse to admit such sheep until they have remained for a period of not less than three months at some place within such neighbouring State, to be indicated by such inspector, distant not more than ten miles from the crossing-place by which they are intended to be introduced, and have undergone a course of three dressings, to be prescribed by the chief inspector, and such sheep shall then be introduced if after the expiration of such period they are found upon examination by the inspector to be clean.

Quarantines for introduced sheep.

Ibid. s. 81.

110. The Governor may set apart a piece of ground at any place to be a quarantine for introduced sheep.

Suspected sheep may be quarantined and dressed.

Ibid. s. 82.

111. (1) If in the opinion of the Minister there is any reason to suspect that introduced sheep are infected, or likely to be infected, they shall forthwith be placed and remain in quarantine for such length of time, and shall undergo such dressing and disinfecting as shall be prescribed by regulations made under this Part.

(2) Every person who takes, or assists in taking, any introduced sheep in or out of quarantine contrary to this Part, or who offends against any of the provisions thereof, shall on conviction for every such offence be liable to a penalty not exceeding one hundred pounds and not less than five pounds, or to be imprisoned for any term not exceeding six months.

If sheep be kept at public expense, owner to pay fees.

Ibid. s. 83.

112. If any introduced sheep placed in quarantine as hereinbefore provided are kept or dressed or disinfected while in quarantine at the public expense, the owner of such sheep shall pay to the inspector of the district such fees for any such services as shall be prescribed. But if the owner of such sheep has himself borne the expense, no fees shall be required or payable.

DIVISION

*Pastures Protection.*DIVISION 6.—*Imported sheep.*

113. The Governor may—

- (a) set apart a piece of ground near each of the seaports of Sydney, Newcastle, Eden and Grafton, and at such other seaports as may from time to time be required as a quarantine ground to which all imported sheep (not being sheep brought coast-wise for slaughter) which have been examined by an inspector, and not found to be infected, shall be taken, and where they shall be kept till they are dressed and certified to be clean as hereinafter provided; and
- (b) set apart at each such seaport a piece of ground as a quarantine ground for the reception and dressing of such imported sheep found to be infected; and
- (c) set apart such pieces of ground at or near any seaport as may be considered necessary for special quarantines where imported sheep may be safely kept and dressed at their owners' expense; but such sheep shall in every case be kept and dressed under the direction and to the satisfaction of the chief inspector.

The Governor to set apart quarantine grounds.
No. 27, 1901, s. 84.

114. (1) All necessary yards, sheds, and apparatus for dipping such imported sheep may be erected on the quarantine grounds so set apart.

The necessary yards, &c., to be erected.
Ibid. s. 85.

(2) All quarantine grounds shall, together with all erections, fixtures, and appurtenances whatsoever, be under the charge of the inspectors of or nearest to the respective seaports at which they are situated, whose duty it shall be to see that the necessary sustenance is provided for such sheep, and that the dressings hereinafter described are properly applied.

115. (1) Notice of the arrival of any such imported sheep shall be given by their owner to the inspector nearest to the port of arrival, and such sheep shall be examined before being landed.

Notice to be given of the importation of sheep.
Ibid. s. 86.

(2) Such sheep if found infected shall be forthwith removed to the quarantine ground set apart for infected sheep, where they shall be dressed with such medicaments and at such times as the chief inspector shall direct, and shall remain until they are thoroughly cleansed; and

Quarantining of infected sheep.

- (a) if such sheep have been imported from any of the Australian States or from New Zealand until a period of twenty-one days has elapsed from the date of their last dressing; or
- (b) if such sheep have been imported from places other than the Australian States or New Zealand until a period of not less than six months has elapsed from the date of their last dressing.

(3)

Pastures Protection.

Quarantining of
sheep not infected.
46 Vic. No. 5, s. 1 (3).

(3) Any such imported sheep not found to be infected shall be removed to the quarantine ground set apart for that class of sheep and—

- (a) if they have been imported from any of the Australian States shall there remain for such time and be dressed with such medicaments as shall be prescribed ;
- (b) if they have been imported from New Zealand shall there remain for twenty-one days, and if imported from places other than the Australian States or New Zealand for a period of not less than two months, and on being conveyed to such ground they shall be dressed three times at intervals of ten days between each dressing with the medicaments and in the manner directed by the chief inspector.

(4) If on the expiration of the said periods respectively such sheep are found clean the inspector shall give to their owner a certificate of cleanness and permit for removal in the prescribed form.

Penalty.

(5) Every owner of sheep or master of a vessel failing to comply with or aiding or being concerned in the breach of any requirement of this section shall for every such offence be liable to a penalty not exceeding one hundred pounds.

Sheep for slaughter
brought coastwise
may be removed on
permit without
dressing.
No. 27, 1901, s. 87.

116. (1) A notice similar to that directed in the next preceding section shall be given by the owner of imported sheep brought coastwise from any one port within New South Wales to any other, and such sheep may be landed at but not removed from the port of arrival previous to inspection, and if such sheep are intended for slaughter at such port, and are found on examination not to be infected, the inspector shall grant the owner of such sheep a permit to that effect in the prescribed form :

Exceptions.

Provided, however, that any sheep brought coastwise which may be intended to be removed inland more than five miles from the quarantine ground of the port set apart for sheep not found infected shall be subject to all the provisions affecting imported sheep as set forth in the next preceding section.

(2) Any person failing to comply with or aiding or concerned in the breach of any provision of this section shall be liable to a penalty not exceeding one hundred pounds.

(3) The Governor may, by proclamation in the Gazette, suspend all or any of the provisions of this section for any period not exceeding twelve months.

Sheep for tranship-
ment to other colo-
nies may be landed
without dressing.
Ibid. s. 88.

117. Notwithstanding anything in this Part contained, any sheep arriving at any port in New South Wales for transhipment may be landed and kept for any period not exceeding twenty days at such port and may be shipped therefrom without being subject to the requirements as to dressing hereinbefore provided with respect to imported sheep :

Provided that upon inquiry and examination by an inspector they are not suspected of being infected, or are found not to be infected.

Pastures Protection.

118. The Governor may from time to time appoint the fees to be charged for the sustenance and dressing of imported sheep while in quarantine. Quarantine charges to be fixed by the Governor. No. 27, 1901, s. 89.

119. Notwithstanding anything contained in this Part, the Governor may from time to time, by proclamation in the Gazette, suspend, for any period not exceeding six months, such of the provisions of this Part relating to the introduction of imported sheep from neighbouring States or Colonies as it is necessary to suspend in order that fat sheep arriving by sea from any State or Colony in which disease is not known nor suspected to exist may be taken direct to the abattoirs on Glebe Island in Port Jackson for slaughter under such regulations as may be set forth in the said proclamation. Provisions relating to imported sheep may be so far suspended where sheep are to be slaughtered. *Ibid.* s. 90.

DIVISION 7.—Coast district sheep.

120. The Governor may, by proclamation in the Gazette, define a district to be known as the "coast scab district," and may alter the same from time to time. Coast scab district to be proclaimed. *Ibid.* s. 91.

121. (1) Every owner intending to remove any sheep inland from the coast scab district shall give the nearest inspector three clear days' notice of such intention. Coast district sheep to be treated as imported previous to removal inland. *Ibid.* s. 92.

(2) Before removing such sheep such owner shall dress them in the same manner as is hereinbefore provided with respect to imported sheep, and shall obtain such inspector's certificate and sanction for the removal in the prescribed form. Dressing such sheep.

(3) Any person failing to comply with or aiding or concerned in the breach of any provision of this section shall be liable to a penalty not exceeding one hundred pounds: Penalty.

(4) Provided that sheep which have been treated as imported sheep if removed inland within twenty-eight days after the date of their clean certificate shall not be subject to the provisions of this section. Exemption.

(5) The Governor may, by proclamation in the Gazette, suspend all or any of the provisions of this section for any period not exceeding twelve months. Suspension of section.

DIVISION 8.—Sheep brands and marks.

122. All sheep above the age of six months shall be branded and kept legibly branded by the owner thereof with an "owner's brand," which has been duly recorded as hereinafter provided. All sheep over six months to bear a recorded brand. *Ibid.* s. 93.

123. Only one fire-brand and one paint or tar "owner's brand" and one owner's ear-mark shall be allotted to each sheepowner for every run held by him, and if two or more runs adjoin they shall be deemed one run. But sheepowners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark. Brands allotted to each owner. *Ibid.* s. 94.

Pastures Protection.

Inspector to keep
a record of brands
and marks.
No. 27, 1901, s. 95.

124. Each district inspector shall keep a book in the form directed by the chief inspector to be called the "sheep brands and marks record" for the entry of all "owners' brands" and marks allotted by him, and also of all distinctive marks as aforesaid which any sheepowner may desire to record.

Application and
allotment of brands
and marks.
Ibid. s. 96.

125. (1) Every sheepowner using an "owner's brand" or mark shall transmit to the inspector for the district an application in the prescribed form, together with the fee for recording and publishing the same according to the scale given in the Third Schedule hereto.

(2) If such brand or mark is not the same as or similar to or easily convertible into any other brand or mark already recorded in the same district, the inspector shall record the brand or mark so applied for as the "owner's brand" or mark of the said applicant, and shall deliver or transmit to him a certificate to that effect.

(3) If there is any objection to the allotment of the brand or mark applied for the inspector shall forthwith intimate the same to the applicant and suggest to him a modification thereof.

(4) If within twenty-one days of the date of such intimation the inspector does not receive from such applicant an acceptance of the said modification, or some other modification, of the brand or mark so applied for which is not objectionable as aforesaid, the inspector shall record the brand or mark as modified by himself, and the same shall be the "owner's brand" or mark of such applicant accordingly.

(5) Every brand or mark recorded under the Diseases in Sheep Acts Amendment Act of 1878, or the Stock Act, 1901, and being so recorded at the time of the passing of this Act, shall be deemed to have been recorded under this Part.

Inspector if required
by owner may also
record distinctive
marks.
Ibid. s. 97.

126. The inspector, if so required by any sheepowner who has recorded an "owner's brand" or mark, shall, together with such brand or mark, also record the distinctive marks used by such owner to denote the age, or class of, or any other particular respecting his sheep.

The chief inspector
may modify recorded
brands or marks
found to be
objectionable.
Ibid. s. 98.

127. (1) If it is found that any brands or marks liable to any of the objections hereinbefore mentioned have been allotted in the same district, or in different districts but in the same locality, the chief inspector shall allot such modifications to the owners of the said brands or marks as shall render them dissimilar.

(2) Such owners shall, on receiving notice to that effect from the chief inspector, adopt and use such modifications of their brands or marks accordingly.

Mode of transfer of
sheep brands or
marks.
Ibid. s. 99.

128. If the proprietor of any such recorded brand or mark desires to transfer the rights thereof to any other person he shall join with such person in a memorandum of transfer, in the prescribed form, and shall deliver or transmit the same, together with the fee for recording the same mentioned in the Third Schedule hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to such person a certificate of such transfer.

Third Schedule.

129.

Pastures Protection.

129. Every fire-brand shall be imprinted on the face or horn, and every pitch, tar, or paint brand on the shoulder, ribs, back, or rump of the sheep. And all such brands and all distinctive ear and other marks on sheep shall be branded and made thereon as the Governor may direct by any regulations made in that behalf.

How sheep brands and marks are to be applied and marked. No. 27, 1901, s. 38.

130. For the purposes of this Part, or any regulations issued hereunder, proof that the recorded brand or mark of any owner is branded or marked upon any sheep, and that such brand or mark is recorded in the district in which such sheep then are, and is the only recorded brand or mark imprinted or marked thereon, shall be evidence of the ownership of such sheep.

Brands and marks in certain cases to be evidence. Ibid. s. 39.

131. (1) Every person who—

- (a) wilfully or negligently brands or marks with his own recorded brand or mark any sheep of which he is not the owner, or wilfully or negligently permits any such sheep to be branded or marked with his recorded brand or mark ; or
- (b) wilfully destroys, defaces, or alters any brand or ear or other mark on sheep, or permits or is privy to the destruction, defacement, or alteration thereof ; or
- (c) cuts off more than one-fourth of the ear of any sheep ; or
- (d) uses on any sheep the brand or mark of any other person without his authority ; or
- (e) uses any unrecorded brand or mark on any sheep ; or
- (f) in any other way offends against any other provision of this

Penalties for offences relating to sheep brands or marks. Ibid. s. 40. Misbranding. Destroying, defacing, or altering brands or marks. Ear-cropping. Using brand or mark without owner's authority. Using an unrecorded brand or mark.

Part connected with the branding or marking of sheep, shall be liable to a penalty not exceeding one hundred pounds.

(2) The fact of any such sheep being on the run of such person for two months without his having given notice to the rightful owner of such sheep, or to the officer in charge of the nearest police station, or to the nearest inspector, of such misbranding, defacing, altering, cutting, or marking, or the fact that any sheep bearing any such brand or mark as aforesaid had been claimed or dealt with by any person as his property shall be evidence of such person having committed a breach of this section.

Proof of offence.

DIVISION 9.—Regulations.

132. The Governor may make any regulations not being inconsistent with the provisions of this Part for carrying out the same in respect of any of the following matters or things, namely :—

Regulations may be made. Ibid. s. 112.

- (a) the powers and duties of directors and of inspectors ;
- (b) the placing of land and sheep in quarantine, and releasing the same therefrom ;
- (c) the destruction of infected straw and fodder ;

(d)

Pastures Protection.

- (d) the detaining and keeping travelling sheep supposed to be infected, and while being dressed or cleansed, and their destruction where necessary;
- (e) the keeping, dressing, and cleansing of imported sheep;
- (f) the keeping and depasturing within the coast district of sheep brought to market for sale;
- (g) the protection and management of reserves for travelling stock; and
- (h) all other matters of detail necessary for carrying this Part into effect.

DIVISION 10.—*Offences, penalties, and damages.*

Penalty for wilfully communicating disease.
No. 27, 1901, s. 113.

133. Every person who wilfully communicates or attempts to communicate, or aids or is concerned in communicating any infectious disease to or among any sheep shall be guilty of a misdemeanour, and be liable to imprisonment for any term not exceeding seven years with or without hard labour.

Straggling infected sheep may be destroyed.
Ibid. s. 114.

134. (1) Any owner or proprietor may seize and destroy any infected sheep (provided they do not exceed two hundred in number) found straying off their own run without a shepherd or other person in charge of such sheep; and the owner of such sheep shall, if such straying arose from his culpable negligence, be liable to a penalty not exceeding one hundred pounds.

Seizure to be notified to inspector.

(2) Such owner or proprietor seizing such sheep shall, within twenty-four hours after such seizure, give notice thereof in writing to the nearest inspector under a penalty not exceeding ten pounds.

Liability of owner whose infected sheep mix with other sheep.
Ibid. s. 115.

135. Every owner whose sheep (being infected sheep) come in contact or mix with any other sheep, or are put into the yard or driven on to the run occupied by such other sheep, whereby the owner of such other sheep incurs any loss, damage, or expense, shall make good and defray to such last-mentioned owner such loss, damage, or expense to be fixed and determined on application as hereinafter provided by the board.

Penalty for leaving infected carcasses in water on or near roads.
Ibid. s. 116.

136. If any person casts any infected sheep into any stream or water, or if the owner of any such sheep leaves the same undestroyed for twenty-four hours on any road or within half a mile thereof, he shall be liable to a penalty not exceeding one hundred pounds.

Penalty for slaughtering or selling infected sheep.
Ibid. s. 117.

137. (1) Every person who has in his possession for the purpose of sale, or who slaughters or causes to be slaughtered for sale, or exposes in any public shop, stall, market, or other place any infected sheep, knowing the same to be infected, shall for every such offence be liable to a penalty not exceeding twenty pounds.

(2) Upon any conviction under this section the Court shall order and direct such infected sheep to be seized and destroyed.

Pastures Protection.

138. (1) No wool, skins, or other portion of a sheep shall be introduced or imported into New South Wales otherwise than by sea from any other State which the Governor shall by proclamation declare to be infected. Penalty for introducing infected wool or skins. No. 27, 1901, s. 118.

(2) All wool, skins, or other portions of a sheep introduced contrary to the provisions of this section may be seized and destroyed, or otherwise disposed of as the Minister shall direct.

(3) Every carrier or other person conveying or being in charge of such wool, skins, or other portions of any sheep as aforesaid shall be liable to a penalty not exceeding twenty pounds.

139. (1) Every owner intending to pack or remove any wool, skins, or other portion of any infected sheep shall give the nearest inspector three clear days' notice of such intention. Penalty for removing infected wool or skins not securely packed. *Ibid.* s. 119.

(2) If such owner fails to give such notice, or removes or carries away otherwise than in bags or bales securely packed and branded "infected" in letters not less than three inches in length, any such wool, skin, or other portion of such sheep (not liable under this Part to be destroyed), he shall be liable to a penalty not exceeding one hundred pounds.

(3) Any inspector having just cause for suspecting that any such wool, skin, or other portion of such sheep has been removed, or is intended to be removed, or is being exposed contrary to the provisions of this section, may detain and examine, and may also enter upon any premises and search for and examine any wool, skin, or other portion so suspected of belonging to infected sheep. Inspector may detain and examine suspected wool, &c.

140. (1) Any owner who knowingly permits or connives at the travelling of any infected sheep (except with the sanction of the inspector as hereinbefore provided) shall be guilty of a misdemeanour, and be liable to be imprisoned for any term not exceeding two years. Penalty for allowing infected sheep to travel. *Ibid.* s. 120.

(2) Such infected sheep, wherever found, shall be destroyed at the owner's expense without compensation.

141. (1) Any owner wilfully leaving or abandoning any sheep on any run without the consent of the proprietor of such run shall be liable to a penalty not exceeding one pound for every sheep so left or abandoned, and such sheep may be destroyed without compensation to the owner thereof. Penalty for abandoning sheep. *Ibid.* s. 121.

(2) Any sheep left or abandoned on any road intersecting or forming the boundary line of any run shall be deemed and taken to be left and abandoned on such run.

142. Whosoever conveys inland, without the sanction of the chief inspector, any wool, skin, or other portion of any sheep from any seaport in New South Wales, or from any place in the coast scab district, shall be liable to a penalty not exceeding five pounds. Penalty for taking wool or skins inland. *Ibid.* s. 123.

143. Whosoever brands any sheep with any of the letters S, T, V, A, or Q, or with paint or other ingredient of a red colour, unless to denote Distinctive letters or colours not to be used in station brands. *Ibid.* s. 124.

Pastures Protection.

denote that such sheep are respectively infected sheep, travelling sheep, or introduced sheep, as hereinbefore provided, shall be liable to a penalty not exceeding ten pounds.

Penalty for making false report or forging.
No. 27, 1901, s. 125.

144. Every inspector or other person who makes any return or report required or authorised by this Part, or signs any false certificate respecting any sheep, knowing such return, report, or certificate respectively to be false, or forges or alters or utters or puts off any return, report, notice, certificate, permit, brand, or mark, knowing the same to be forged or altered, shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding three years.

Inspectors of slaughter-houses to report disease.
Ibid. s. 126.

145. Every duly authorised inspector of slaughter-houses shall give to the nearest inspector immediate notice of the fact of any infected sheep having been slaughtered or brought for slaughter, and shall give every information and assistance in tracing and detecting disease, and shall also, in each case, make a written memorandum of the symptoms of such infection, under a penalty not exceeding twenty pounds.

Owner putting sheep on a run for the first time to give notice to inspector.
Ibid. s. 127.

146. Every owner who puts sheep on a run on which sheep have not been depastured within the next preceding six months, with the intention of keeping such sheep thereon for any period over two months, shall, within ten days of the arrival of such sheep on such run, give the inspector of the district notice of such arrival under a penalty not exceeding ten pounds :

Provided that when any owner has registered his run, as required by section one hundred and fifty-eight, such notice may be dispensed with.

Penalty for destroying notices.
Ibid. s. 128.

147. Any person who pulls down, defaces, or otherwise destroys any notice or placard required by this Part to be posted, shall for every such offence be liable to a penalty not exceeding twenty pounds.

General penalty.
Ibid. s. 130.

148. Every person who commits a breach of any of the provisions of this Part, or of any regulation issued hereunder for which a penalty is not specially provided, shall, if such provision is one relating to travelling stock, for every such offence be liable to a penalty not exceeding twenty-five pounds, and if such provision is not one relating to travelling stock shall, for every such offence, be liable to a penalty not exceeding ten pounds.

DIVISION 11.—*Appeals and applications.*

Owners may appeal to directors on giving notice within certain time.

Ibid. s. 131.

Notice of appeal.

149. (1) Any owner aggrieved by any notice or decision or refusal to issue any certificate or permit, by an inspector, may appeal therefrom in the prescribed form, to the board of the district in which the circumstances out of which such appeal arises took place.

(2) In the case of an appeal against any notice, decision, or refusal of an inspector, other than a notice to destroy infected sheep, the appellant shall give notice of such appeal to such inspector, and shall

Pastures Protection.

shall lodge the same with one of the directors of the said board within three days after the time when such notice has been served on him, or such decision or refusal has been notified to him.

150. Any owner making any application for compensation for the destruction of infected sheep, or any other application authorised under this Act, shall make and lodge the same with the board in the prescribed form, and shall give the inspector of the district concurrent notice thereof.

Applications to board.
No. 27, 1901, s. 132.

151. (1) Every board may receive, hear, and determine any appeal or application under this Part, and issue summonses directing any inspector, witness, or other person to attend the hearing of such appeal and application, and receive and examine evidence upon oath.

Power to receive and deal with appeals and applications.
Ibid. s. 133.

(2) On any such appeal or application being lodged as hereinbefore provided against the destruction of infected sheep, the board shall appoint some day not earlier than the third nor later than the fifth day after the lodging of such appeal—and in the case of any other appeal or application some day not earlier than the seventh nor later than the fourteenth after the lodging of such appeal or application—and some convenient hour and place for the hearing thereof.

Time and notice of hearing appeals or applications.

(3) Written notice of such day, hour, and place shall be given by the board to the appellant or applicant, and also to the inspector, and to any witness whose evidence may be required at the hearing, by causing the same to be delivered to them personally, or left at their respective places of abode.

Notice of hearing.

152. (1) The board—

- (a) shall hear and determine any such appeal or application as nearly as may be in the manner and form in which appeals are by law conducted at quarter sessions; and
- (b) shall assess and tax the costs thereof, and the expenses of the witnesses attending the same, as well as the travelling expenses of the directors and inspectors attending the hearing of such appeals and applications; and
- (c) may inflict any penalty not exceeding twenty pounds for the non-attendance of any witnesses so summoned as aforesaid; and
- (d) shall cause a competent record to be taken of the whole proceedings in the minute-book of the board.

Mode of hearing appeals and applications and forms of decisions.
Ibid. s. 134.

(2) Such decisions on appeals and applications brought before them shall be in the prescribed forms.

153. In hearing an appeal or application relating to the infection or cleanness of any run or sheep, the directors shall visit and examine such run or sheep, and may then and there take evidence, and such appeal or application shall be heard and determined as near as may be to the place where such run or sheep is or are situated.

Directors to visit the localities in hearing appeals and applications.
Ibid. s. 135.

*Pastures Protection.*DIVISION 12.—*Evidence.*

Brands to be evidence.
No. 27, 1901, s. 137.

154. In and for the purposes of any prosecution under this Part, any station brand on a sheep shall be evidence of the ownership of such sheep, and any such brand taken in conjunction with the form, colour, or other character thereof, shall be evidence that the sheep bearing such brand is of the description hereinbefore required to be denoted by such brand.

Prima facie evidence as to infected, introduced, or imported sheep to be conclusive unless disproved.
Ibid. s. 138.

155. (1) In all questions as to whether or not any sheep are infected, introduced, imported, or coast district sheep, evidence adduced by an inspector to show that such sheep belong to one or other of such classes shall in each case be conclusive unless the owner thereof shall satisfactorily prove the contrary.

(2) The certificate or notice of an inspector shall in every case, for the purposes of this Part, be prima facie evidence of the truth of the matter contained in such certificate or notice.

Where the ownership is uncertain, levy may be made on the sheep for the penalty.
Ibid. s. 139.

156. If it is uncertain who is the owner of any sheep in respect of which any proceedings for the recovery of a penalty have been taken or commenced, the justices before whom any such proceedings have been so taken or commenced, may make an adjudication against the owner of such sheep by their description merely, and may order that such penalty and the costs attending the recovery thereof shall be levied by seizure and sale by auction of such sheep, or of so many of such sheep as may be necessary to satisfy the same :

Provided that no such sale shall take place of any sheep which are required to be destroyed under the provisions of this Part.

DIVISION 13.—*Miscellaneous.*

Owners mustering to give notice.

157. (1) Every owner of fifty or more sheep or twenty head or more of large stock shall give the occupier of any adjoining run who has a like number of sheep or large stock not less than twenty-four hours' nor more than five clear days' notice in writing of any muster intended to be made by such owner on his run for the purpose of shearing or weaning of any sheep, or of branding, marking, or removing any sheep or large stock from the run on which they are ordinarily depastured, and such owner shall permit the said occupier or his employees to attend at any such muster :

Provided that any such owner may, with the consent of any such occupier, omit such notice.

(2) Any owner failing to send such notice shall, unless he has obtained such consent, for every such offence, be liable to a penalty not exceeding fifty pounds.

Pastures Protection.

158. Every owner not liable to contribute, as provided by this Act, who keeps sheep, and every salesman and dealer in sheep, and every butcher, shall, on or before the fourteenth day of January in each year, register his run and premises and the number of sheep at the time on such run or premises (if any) in the register book of the inspector of the district.

Non-contributing owners, butchers, and others to register their premises and sheep.
No. 27, 1901, s. 142.

PART V.

GENERAL PROVISIONS.

Legal procedure.

159. (1) Any proceedings for—
(a) the recovery of any sum of money which any person is in pursuance of this Act required or made liable to pay, or
(b) the recovery of penalties or punishment of offences 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. 6, 1902, s. 50.

(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 board of the district in which the proceedings were taken, any law to the contrary notwithstanding, and the court imposing the penalty shall order accordingly.

Penalties to go to board.
Ibid.

160. Where under this Act any sum of money is ordered by a court of petty sessions, or by a court of quarter sessions on appeal therefrom to be paid and the same is not paid within the period named in such order, it shall be lawful for the person entitled to receive payment of such sum to sue upon such order in a District Court or the Supreme Court.

Action in Supreme Court or district court in certain cases.
Ibid. s. 52.

161. 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.

General penalty.

162. 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 wilfully makes any false statement in any return, 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.

163. 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

Obstructing persons authorised under this Act.

or

Pastures Protection.

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 :

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.

Notices and documents.

Authentication of documents, &c.
No. 6, 1902, s. 58.

164. Any notice, information, complaint, agreement, or other document, by or from a board, shall be sufficiently authenticated if it is signed by the chairman of the board, or under his direction by the secretary of the board, and authority in the chairman or secretary to so 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, unless otherwise specially provided, be given to or served upon the secretary or chairman of such board.

Service of notices.
Ibid. s. 59.
cf. 14, 1898, s. 36.

165. (1) Any notice given under or for the purposes of this Act, or any regulation made thereunder, 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) 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: Provided that notice shall only be given as last aforesaid when the whereabouts, or the last place of abode or of business in New South Wales, of the person to whom such notice is addressed cannot be discovered by the person issuing such notice.

(2) Any notice required by this Act 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.
No. 6, 1902, s. 60.

166. For the purposes of any proceeding under this Act 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.

Proceedings when occupier or owners unknown.
Ibid. s. 61.

167. 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

Pastures Protection.

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.

168. 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.

Notices, &c., in Gazette to be received as evidence. No. 14, 1898, s. 36.

Regulations.

169. Whenever in this Act the expression "prescribed" is used in connection with any matter, and whenever in this Act "regulations" are referred to, the Governor may frame regulations for the purpose of giving effect to the matters which may be so prescribed or in relation to which the regulations are referred to.

Regulations by the Governor. No. 27, 1901, s. 112. No. 6, 1902, s. 64.

The Governor may make regulations for the purpose of carrying this Act into effect, and may in those regulations provide for the enforcement thereof by penalties not exceeding in any case, ten pounds. Such regulations upon being published in the Gazette shall be valid in law. A copy of every such regulation shall be laid before both Houses of Parliament within fourteen days from the publication thereof, if Parliament be then in session, or otherwise within fourteen days after the commencement of the next ensuing session.

SCHEDULES.

FIRST SCHEDULE.

Number of Act.	Title or short title.	Extent of repeal.
No. 14, 1898 ...	Pastures and Stock Protection Act, 1898 ...	The whole.
No. 27, 1901 ...	Stock Act, 1901	Sections 3 to 142 inclusive, and Second to Seventh Schedules inclusive.
No. 6, 1902 ...	Rabbit Act, 1901	The whole.

SECOND

Municipalities Relief.

Section 85.

SECOND SCHEDULE.

Time to be allowed for destruction of sheep directed under section eighty-five to be destroyed.

In a lot not exceeding 100	...	...	...	...	3 days.
" exceeding 100 and not exceeding 500	...	...	...	...	4 "
" " 500	"	"	1,000	...	7 "
" " 1,000	"	"	5,000	...	14 "
" " 5,000	"	"	10,000	...	21 "
" " 10,000	"	"	20,000	...	28 "

Section 128.

THIRD SCHEDULE.

Scale of fees for recording sheep brands and marks.

For 1 sheep and not exceeding 100 sheep	...	...	...	s.	d.
100 "	"	500 "	...	5	0
500 "	"	1,000 "	...	7	6
And for every additional 1,000 sheep or part of 1,000	...	...	...	1	0
For every ear-mark or other "owner's mark"	...	...	...	5	0
For every distinctive brand or mark	...	...	...	1	0
For the transfer of any brand or mark half the above rates for recording the same.	...	...	...	...	...
For the publication of every brand or mark in the Gazette	...	...	...	1	0
