

## PASTURES PROTECTION (AMENDMENT) ACT.

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Act No. 49, 1918.

An Act to make further provision for the protection of pastures; to provide for the control of certain travelling stock and camping reserves; to make further provision with regard to boundary fences; to provide for the imposition and collection of a rate on travelling stock; to establish a reserves improvement fund; to validate certain payments made by pastures protection boards; to amend the Pastures Protection Act, 1912, the Crown Lands Acts, and certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 21st December, 1918.]

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**B**E 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:—

**1.** This Act may be cited as the "Pastures Protection (Amendment) Act, 1918," shall be read with the Pastures Protection Act, 1912, hereinafter referred to as the Principal Act, and shall come into force on a date to be proclaimed by the Governor in the Gazette.

Short title.

**2.** The following short headings and new sections are inserted next after section twenty-six of the Principal Act:—

New short  
headings and  
sections.

*Travelling stock reserves and camping reserves.*

26A. (1) The Minister for Lands may from time to time, by notification published in the Gazette, place under the control of the board therein specified, for

Control of  
travelling  
stock reserves  
and camping  
reserves.

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a period of five years or such extended period as he may approve, any travelling stock reserve, or camping reserve, or part thereof, except any such reserve or part thereof within a State forest or in the Western Division. Such board shall thereupon have the general management, maintenance, and control of any reserves or parts thereof so notified :

Provided that where any such reserve or part thereof is held under a lease other than an annual lease or occupation license under the Crown Lands Acts, the management thereof shall not be placed under the board until the lease or the part thereof relating to such reserve is terminated in pursuance of any provision of the Crown Lands Acts.

(2) The board shall take proper measures for the protection of such reserves or parts thereof from trespass and from rabbits and noxious animals, and for the improvement of such reserves by clearing scrub, noxious weeds and plants, ringbarking, suckering, fencing, providing water, and for effecting such other improvements as may be deemed advisable in the interest of travelling stock.

(3) Where the Minister for Lands considers that a board has not taken or is not taking proper measures for the protection or improvement of a travelling stock reserve or camping reserve he may in writing notify such board to that effect; and, if after a period of three months from the date of such notice, such Minister still considers that the board has not taken or is not taking proper measures as aforesaid, he may take such measures as he may deem proper to protect and improve such reserve, and may recover the cost thereof from such board in any court of competent jurisdiction.

(4) Where any such reserve or part thereof which has been placed under the control of the board is held under annual lease or occupation license, the Minister for Lands may, notwithstanding anything to the contrary in the Crown Lands Acts, cancel such lease or license, as to the part of the land which is to be retained as a reserve, upon giving  
three

three months notice to the lessee or licensee, and upon the expiration of that period the lease or license or part thereof as the case may be shall be terminated.

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26b. The Minister for Lands may withdraw from any such travelling stock or camping reserve any lands required as sites for towns or villages, or for any public purpose under the Crown Lands Acts. Upon such withdrawal being notified in the Gazette, the board shall be entitled to compensation for any improvements effected by it on such lands, and such compensation shall not in any case exceed the cost of effecting such improvements. If the Minister and the board fail to agree in regard to the amount of compensation, such amount shall be determined by the Local Land Board.

Withdrawal  
of lands from  
reserves and  
compensation  
therefor.

*Reserves Improvement Fund.*

26c. (1) The board shall impose and collect a rate as prescribed on all travelling stock driven along or over travelling stock reserves or camping reserves or roads in the Eastern Division and Central Division as respectively set forth in the Crown Lands Acts.

Rate on  
travelling  
stock.

(2) All moneys received in pursuance of this section shall form part of a fund to be called the "Reserves Improvement Fund" for the district.

Fund.

Such fund shall, after deduction of the cost of collection of such moneys and the cost of necessary supervision, be used exclusively in improving the reserves handed over to the control of the board in pursuance of section 26A of this Act.

26d. A board may, subject to the approval of the Minister for Lands, grant permits to graze over any travelling stock reserve or camping reserve or part thereof for any periods not exceeding in each case twelve months, and any money derived from such permits shall be paid to the reserves improvement fund, and shall be used as provided in the preceding section.

Grazing  
permits.

George V, No. 49. **3.** The following new sections and short headings are inserted next after section fifty-two of the Principal Act:—

New short headings and sections.

*Fencing travelling stock and camping reserves.*

Fencing reserves.

52A (1) Where a board considers it necessary for the proper protection or improvement of a travelling stock reserve or a camping reserve—

Stock-proof fence.

- (a) that a stock-proof boundary fence should be erected, such board may, by notice in writing, require the owner of any adjoining land, within a period to be therein specified, to erect, and thereafter to maintain, such a fence between such land and the reserve.

If such owner fails to complete the erection of such a fence within such period, and thereafter to maintain such fence in a state of good repair, the board may, with the approval of the Minister for Lands, erect or complete and thereafter so maintain such fence, and may recover the cost thereof in all such cases from such owner ;

Rabbit-proof fence.

- (b) that a fence on any boundary of a camping reserve should be made rabbit-proof, such board may, by notice in writing, require the owner of the land adjoining such boundary, within a period therein specified, to make such fence rabbit-proof.

If any owner fails within the period so specified to comply with any such notice, the board may, with the approval of the Minister for Lands, do any work necessary to make the fence rabbit-proof. The owner and the board shall each pay half of the cost of making such fence rabbit-proof, as well as half of the cost of the maintenance and repair of such fence. If an owner and a board fail to agree in regard to such cost, the amount shall be determined by the local land board upon application by either party.

(2) The provisions of this section shall not apply to the holder of an annual lease, occupation license

license, or preferential occupation license, or of any lease from the Crown having less than five years to run at the date of the service of the notice.

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*Roads or watercourses.*

52B. The intervention of a road or watercourse between two holdings shall not prevent holdings or lands being taken to be adjoining, or prevent a claim for contribution for erection, netting, or maintenance being brought in respect of a fence on either side of such road or watercourse—

Roads or  
watercourses  
intervening  
between  
holdings.

- (a) if such fence has been used as a common boundary fence by the owners or occupiers of the holdings on either side thereof; or
- (b) if in the opinion of the local land board such fence can be reasonably used as a common boundary fence by the owners or occupiers of the holdings on either side thereof.

*Claims for maintenance of fencing.*

52C. (1) In any case where a rabbit-proof fence is used as a boundary or part of a boundary between two holdings, and expense is incurred by the owner or occupier of either of such holdings in the work of maintenance and repair of such fence, the owner or occupier who has incurred such expense may serve the prescribed notice of demand on the owner or occupier of the holding on the other side of such fence, and shall be entitled thereafter to recover from him a contribution towards the cost of such work.

Contribution  
towards cost  
of rabbit  
fences.

The amount of such contribution shall be assessed by the local land board, and shall be one-half the reasonable cost of the work.

(2) If any boundary fence is not being maintained as an effective rabbit-proof fence, and such maintenance of the fence is necessary, the owner or occupier of the holding on either side of such fence may, for the purpose of the effective maintenance of such fence, by himself or his agents or servants, enter on the land of the adjoining owner or occupier.

(3)

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(3) This section shall apply only to work effected on fences in respect of which fences no award has been made by a local land board for the original cost of making the same rabbit-proof, and nothing herein contained shall affect the rights to contribution for maintenance otherwise conferred by this Act.

*General amendments of the Principal Act.*

Amendments  
of Principal  
Act.  
Sec. 4.

**4.** The following amendments are made in the Principal Act:—

- (i) Section four, definitions:—
- (a) In the definition of “brand” insert the word “horn” immediately before the words “or face.”
  - (b) Definition of “Minister”: Omit the definition.
  - (c) In the definition of “occupier” after “1900” insert “and the council of a municipality or shire.”
  - (d) In the definition of “sheep” the word “ear” is inserted after the word “hoof.”
  - (e) In the definition of “travelling sheep” or “travelling stock,” the words “by land or water” are omitted and the words “by rail or otherwise on land or by water” are inserted in lieu thereof.
  - (f) After the definition of “travelling sheep” or “travelling stock” insert the following new definition:—
 

“Travelling stock reserve,” or “camping reserve,” means any travelling stock route, reserve for travelling stock, or camping reserve, notified or dedicated as such either separately or otherwise under the provisions of the Crown Lands Acts.

Sec. 6.

- (ii) Section six: Omit subsections two and three and insert the following in lieu thereof:—
- (2) The directors holding office at the commencement of the Pastures Protection (Amendment) Act, 1918, shall continue to hold office until their successors are elected. In

In the month of April, one thousand nine hundred and nineteen, and thereafter every three years, eight directors shall be elected for each district, who shall hold office for a term of three years, but shall be eligible for re-election.

(iii) Section ten: Omit "two directors or one director" and insert "four directors or two directors" in lieu thereof. Omit "annually" and insert "triennially" in lieu thereof. George V,  
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Sec. 10.

(iv) Section eleven: Omit the proviso. Sec. 11.

(v) The following new section is inserted after section seventeen:— New s. 17A.

17A. A board shall, with the written consent of the Minister for Lands, have power to appear and be represented by counsel, solicitor, or agent before a local land board in any matter before such local land board relating to the proposed curtailment of a travelling stock or camping reserve, or to an application for the conversion of any lease of land within or partly within any such reserve. Board may be  
represented  
by counsel,  
&c., before  
local land  
board.

(vi) Section eighteen: At the end of subsection one insert the following new subsection:— Sec. 18.

(1A) Where an owner or occupier has large stock and sheep, but by reason of the numbers is not liable to be assessed in respect thereof, the board may reckon eight sheep as equal to one head of large stock, and one head of large stock as equal to eight sheep for the purpose of making such owner or occupier liable for assessment under this Act.

(vii) Section nineteen: After the words "make any such return" insert "or supplying incorrect or misleading information in any such return." Sec. 19.

(viii) Section twenty-three: At the end of the section add "Provided, that the Auditor-General may authorise a board to write off any such sum which he is satisfied is irrecoverable." Sec. 23.

(ix) Section twenty-four:— Sec. 24.

(a) Subsection one: After the word "rates" insert "except the rate provided for the improvement of travelling stock and camping reserves." (b)

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Sec. 24 (2)  
repealed, new  
subsection  
substituted.

Purposes to  
which funds  
may be  
applied.

(b) Subsection two is repealed, and the following subsection inserted in lieu thereof:—

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

(a) to the payment of any expenses of, or incidental to, the administration of this Act by the board, or to the payment of any costs or expenses incurred in accordance with the provisions of this Act, and

(b) to clearing scrub, noxious weeds and plants, ringbarking and suckering, fencing, providing water on and otherwise improving travelling stock and camping reserves, and

(c) any other purpose approved by the Minister.

(c) Subsection three: After the words “pastures protection fund” insert “and reserves improvement fund.”

(x) Section twenty-five is repealed and the following is inserted in lieu thereof:—

25. Any board having in its possession any moneys vested in it under subsection four of section twenty-four of the Act No. 111, 1902, may, with the approval of the Minister, transfer such balance to the Pastures Protection Fund of the district.

Repeal of s. 25,  
new section  
substituted.

Certain  
balances to be  
transferred to  
Pastures Pro-  
tection Fund.

Sec. 27 (2).

(xi) Section twenty-seven, subsection two: After “municipality” where firstly and secondly occurring insert “or shire.”

Omit “or held by such municipality” and insert “held by or under the control of such council” in lieu thereof.

Sec. 35.

(xii) Section thirty-five: After “forfeited” insert “or surrendered.”

Sec. 37.

(xiii) Section thirty-seven is amended by the addition of the following subsection:—

(3) Upon the cancellation of any such notification with regard to a barrier fence erected or made rabbit-proof by or at the expense of the Crown, the owner of any land deriving benefit from such fence shall pay to the



the Minister for Lands the value of so much of such fence as is situated within or is on the boundary of his land. George V,  
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The value of any portion of the fence situated within such land shall be the value thereof to the owner; and the value of any portion on the boundaries of such land shall be the value at the date of the cancellation of such notification.

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

- (xiv) Section forty-one— Sec. 41 (3).
  - (a) Subsection two: By omitting the words “except as provided in the next section”; and
  - (b) Subsection three: At the end of the subsection add “or may cause the continuity of the fence to be broken where it or they is or are satisfied that it should be done in the public interests, and that the effectiveness of the fence will not thereby be endangered.
- (xv) Section forty-two is repealed. Sec. 42. Repeal.
- (xvi) Section forty-six: After the words “the local land board may” insert “upon application in the prescribed manner and payment of the prescribed fee.” Sec. 46.

Before the word “dispensation” insert the words “permission or.”

After the words “may be revoked by the” insert “local land.”
- (xvii) Section forty-eight: After the words “such notice has been given” insert “and the consent of the local land board has been obtained.” Sec. 48.

Omit the words “from the date of such notice” and insert “from the date of such consent” in lieu thereof.

Omit “such notice” and insert “such consent” in lieu thereof. (xviii)

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Sec. 49.

(xviii) Section forty-nine—

(a) Subsection three, paragraph (b): After the words "The local land board shall" insert "upon application in the prescribed manner and payment of the prescribed fee."

Omit the word "at" immediately after the word "contribution" where secondly occurring, and insert in substitution therefor the words "according to the benefit derived and to be derived from the fence, and in no case shall such contribution exceed."

(b) Subsection four: Omit "and no owner who uses as a boundary a fence which is outside the boundaries of his holding"; omit "or owner."

(c) The following new subsection is added at the end of the section:—

(7) Any notice of demand in respect of a fence erected or made rabbit-proof prior to the thirty-first day of December, one thousand nine hundred and eighteen, shall be served within twelve months after that date; and in respect of a fence erected or made rabbit-proof after the aforesaid date, the notice of demand shall be served within twelve months after the completion of the work for which contribution is claimed.

In every case a copy of such notice of demand shall be forwarded by the claimant to the chairman of the local land board within fourteen days after the date of the notice. And, with any application to assess the amount of contribution payable, a copy of such notice of demand shall also be forwarded to the district surveyor for the land board district within which the land is situated or to the commissioners of the Western Land Board when the land is situated within the Western Division.

Sec. 58.

(xix) Section fifty-eight: At the end of the first paragraph insert: "Provided such roads are not vested in, held by, or under the control of the council of a municipality or shire, in which case

ease the work of destroying the rabbits thereon shall be carried out, in accordance with the requirements of the board, by the council of the municipality or shire concerned." George V,  
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Omit "fifty pounds" insert "one hundred pounds" in lieu thereof.

- (xx) Section sixty-five: After the words "Every board may" insert "and if the Minister so directs shall." Sec. 65.
- (xxi) Section sixty-six: At the end of the section insert the following:—"Provided that where the scalps of foxes are delivered to the secretary of the board or to any person duly authorised as aforesaid, the scalps, if attached to the skin, may be indelibly marked for identification purposes with a perforating instrument in such a way as not to injure the scalp unnecessarily, and such scalps and skins may subsequently be disposed of as the board may decide." Sec. 66.
- (xxii) Section one hundred and five: After the word "sheep" where first occurring insert "and large stock." Sec. 105.
- Subsection one: After the word "sheep" wherever occurring insert "or large stock."
- Subsection two: After the word "sheep" where firstly, secondly, and thirdly occurring insert "or large stock"; after the words "two pence per one hundred sheep" insert "and twopence for every ten head of large stock."
- At the end of the subsection insert "Provided that on the removal by the owner or purchaser of any sheep or large stock sold or bona fide offered for sale at a recognised sale-yard a renewed permit shall not be necessary."
- Subsection three: After the word "sheep" wherever occurring insert "or large stock."
- (xxiii) Section one hundred and six, subsection one: Omit "horses or cattle" where first occurring and insert "large stock" in lieu thereof; omit "horses or cattle" where secondly occurring and insert "or large stock" in lieu thereof. Sec. 106.
- At the end of the subsection add:—"It shall be deemed to be a compliance with the provisions

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provisions of this section, or section one hundred and five of this Act, or section one hundred and eighty-four of the Stock Act, 1901, if the drover is supplied with, and produces when called upon, a travelling statement issued under this section, or a permit issued under section one hundred and five."

Subsection two: Omit "and", insert "or" in lieu thereof.

Sec. 107. (xxiv) Section one hundred and seven, subsection one: At the end of the subsection add:—"Provided that where there is a travelling stock or camping reserve leading to the place of destination mentioned in the permit or travelling statement, travelling stock shall be taken by such reserve where practicable."

Subsection two: Omit "horses or cattle" and insert "large stock" in lieu thereof.

Subsections three, four, and five: After "sheep" wherever occurring insert "or large stock."

Sec. 108. (xxv) Section one hundred and eight: After the words "such intention by" insert "sending the same by post, telegram, or telephone, or by."  
Omit "horses or cattle" and insert "large stock" in lieu thereof.

Sec. 110. (xxvi) Section one hundred and ten, subsection one: After "travelling stock" where first occurring insert "or working large stock belonging to teamsters, carriers, or travellers."

Subsection three: At the end of the subsection insert "and the owner shall be liable to a penalty on the first conviction not exceeding twenty pounds, and on any subsequent conviction not exceeding fifty pounds."

Sec. 130. (xxvii) Section one hundred and thirty, subsection five: Omit "not exceeding twelve months" and insert "he may determine" in lieu thereof.

Sec. 132. (xxviii) Section one hundred and thirty-two is repealed and the following section inserted in lieu thereof:—

Brands  
allotted to  
each owner.

132. (1) Only one fire-brand, one paint or tar "owner's brand," and one owner's ear-mark shall be allotted to each sheepowner for each

run

run held by him, provided that if two or more such runs adjoin they shall be deemed one run.

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(2) 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.

(3) The proprietor of any brand or ear-mark referred to in subsection one of this section may transfer such brand or ear-mark only to a subsequent owner or occupier on his own behalf of the run to which such brand or ear-mark has been allotted.

The proprietor of any distinctive mark referred to in subsection two which has been duly recorded as hereinafter provided, may transfer such distinctive mark to any person.

(4) To give effect to any such transfer the proprietor shall join with the person to whom he transfers in a memorandum of transfer, in the prescribed form, and shall deliver or transmit such memorandum, together with the fee prescribed by Schedule Three hereto, to the inspector, who shall make the necessary entries in his record, and deliver or transmit to the transferee a certificate of the transfer.

(5) If such proprietor disposes of or abandons any run owned or occupied by him, and does not make such transfer, the inspector for the district shall cancel the allotment of such brand, ear-mark, or distinctive mark, and notify the Chief Inspector of such cancellation.

The brand, ear-mark, and distinctive mark shall on such cancellation become available for reallocation.

(6) If such proprietor dies without having made such transfer, the property in such brand, ear-mark, and distinctive mark shall vest in his legal personal representatives for a period of six months after such death. Before the said period elapses such representatives shall, in writing, notify the inspector for the district whether

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whether or not they desire to retain the brands and marks, and if they do so desire on whose behalf the retention is to be made. They shall, if they notify that they desire the brands and marks to be retained, forward to the inspector with such notification the prescribed particulars, together with the fee for recording and publishing such brands and marks, according to the scale given in the Third Schedule hereto.

Any brand or mark for the recording of which they do not so remit the scheduled fee shall be available for reallocation.

Sec. 137. (xxix) Section one hundred and thirty-seven is repealed.

Sec. 140. (xxx) Section one hundred and forty, subsection (1) (d) : Omit "without his authority."

The following new subsection is added after subsection two :—

(3) Any person having in his possession sheep with such misbranding, defacing, altering, cutting, or marking, who fails within the time specified in the preceding section to give notice thereof to the inspector for the district, or to the officer in charge of the nearest police station, shall be liable to a penalty not exceeding one hundred pounds.

Sec. 141. (xxxii) Section one hundred and forty-one, paragraph (a) : After "protection" insert "improvement."

Sec. 177. (xxxii) Section one hundred and seventy-seven : At the end of the section add :—

"If either House of Parliament within fifteen sitting days after such regulations have been laid before it, passes a resolution disallowing any regulation, such regulation shall thereupon cease to have effect."

*Validation.*

Validation of  
certain  
payments.

**5.** All payments made before the passing of this Act by any pastures protection board to any patriotic fund in connection with the present war are hereby validated.