

PASTURES PROTECTION (AMENDMENT) ACT.

Act No. 68, 1957.

Elizabeth II,
No. 68, 1957.

An Act to provide for the appointment of rangers by pastures protection boards; to make further provision with respect to the levying of rates by pastures protection boards; for these and other purposes to amend the Pastures Protection Act, 1934-1956, and certain other Acts; and for purposes connected therewith. [Assented to, 9th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
citation.

1. (1) This Act may be cited as the "Pastures Protection (Amendment) Act, 1957".

(2) The Pastures Protection Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the Pastures Protection Act, 1934-1957.

Amendment
of Act No.
35, 1934.

2. (1) The Pastures Protection Act, 1934-1956, is amended—

Sec. 4.
(Interpreta-
tion.)

(a) (i) by omitting from section four the definition of "Inspector";

(ii)

- (ii) by inserting in the same section after the definition of “ ‘Rabbit-proof’, ‘marsupial-proof,’ and ‘dog-proof’ ” the following new definition:—

“Ranger” means ranger appointed in pursuance of section twenty-four of this Act.

- (iii) by omitting from the definition of “ ‘Travelling stock reserve’ or ‘reserve’ ” in the same section the words “reserve for access to or crossing of water” and by inserting in lieu thereof the words “reserve for access or crossing (where the reserve is for the purpose of providing travelling stock with access to or a crossing of water whether expressly notified for that purpose or not)”;
- (b) (i) by omitting from section twenty-one the words “inspectors of stock” and by inserting in lieu thereof the words “veterinary inspectors”;
- (ii) by omitting from the same section the words “inspector of stock” where firstly, secondly, fourthly and fifthly occurring and by inserting in lieu thereof the words “veterinary inspector”;
- (iii) by omitting from the same section the words “An inspector of stock” and by inserting in lieu thereof the words “A veterinary inspector”;
- (c) (i) by omitting from section twenty-two the words “an inspector of stock” wherever occurring and by inserting in lieu thereof the words “ a veterinary inspector”;
- (ii) by omitting from the same section the words “inspector of stock” wherever occurring and by inserting in lieu thereof the words “veterinary inspector”;

(d)

No. 63, 1957.

Sec. 24.
(Other
officers.)

(d) (i) by inserting in subsection one of section twenty-four after the word "secretary" where firstly and secondly occurring the word "rangers";

(ii) by inserting in the same subsection after the word "Minister" where secondly occurring the following paragraph:—

The board shall if so directed by the Minister employ a rabbit inspector and shall unless the Minister otherwise approves employ at least one ranger.

(iii) by inserting in subsection two of the same section after the word "secretary" the word "rangers";

(iv) by inserting in subsection three of the same section after the word "secretary" wherever occurring the word "ranger";

Sec. 30.
(Amount of
rate.)

(e) by omitting subsection four of section thirty;

Sec. 42.
(Withdrawal
of lands
from
reserves.)

(f) by omitting from subsection three of section forty-two the word "cost" and by inserting in lieu thereof the words "current value";

Sec. 48.
(Permits,
licenses and
travelling
statements.)

(g) (i) by omitting from subsection five of section forty-eight the words "the inspector" and by inserting in lieu thereof the words "a ranger employed by the board";

(ii) by omitting from subsection seven of the same section the words "an inspector" and by inserting in lieu thereof the words "a ranger";

Sec. 49.
(Stock
starting
from
previous
destination
to pay
travelling
charge.)

(h) (i) by omitting from subsection two of section forty-nine the words "the inspector of" and by inserting in lieu thereof the words "a ranger employed by the board for";

(ii) by omitting from subsection five of the same section the words "the inspector, chairman

or

or secretary” and by inserting in lieu thereof the words “a ranger employed by or the chairman or secretary”; No. 68, 1957.

(iii) by omitting from the same subsection the words “an inspector” and by inserting in lieu thereof the words “a ranger”;

(iv) by omitting from subsection six of the same section the words “the inspector” and by inserting in lieu thereof the words “a ranger employed by the board”;

(i) (i) by omitting from section fifty the words “an inspector” wherever occurring and by inserting in lieu thereof the words “a ranger”; Sec. 50.
(Persons in charge of travelling stock to produce permit or statement, etc.)

(ii) by omitting from the same section the words “such inspector” and by inserting in lieu thereof the words “such ranger”;

(j) by omitting from section fifty-one the word “ten” and by inserting in lieu thereof the word “fifty”; Sec. 51.
(Travelling stock to be branded with letter T.)

(k) (i) by omitting from section fifty-three the words “the inspector” and by inserting in lieu thereof the words “a ranger employed by the board”; Sec. 53.
(Stock not to be driven at night without consent.)

(ii) by omitting from the same section the word “ten” and by inserting in lieu thereof the word “fifty”;

(l) (i) by omitting from section fifty-four the words “the inspector” and by inserting in lieu thereof the words “a ranger employed by the board”; Sec. 54.
(Person in charge of travelling stock to notify inspector.)

(ii) by omitting from the same section the word “ten” and by inserting in lieu thereof the word “fifty”;

(m)

No. 68, 1957.

Sec. 55.

(Stock travelling past holding: notice to occupier.)

- (m) by omitting from section fifty-five the word "ten" and by inserting in lieu thereof the word "fifty";

Sec. 56.

(Stock unattended on reserves: depositing rubbish.)

- (n) by omitting from section fifty-six the word "ten" and by inserting in lieu thereof the word "fifty";

Sec. 57.

(Route.)

- (o) by omitting from subsection two of section fifty-seven the word "twenty" and by inserting in lieu thereof the word "fifty";

Sec. 58.

(Rate of travel.)

- (p) (i) by omitting from subsection two of section fifty-eight the words "an inspector" and by inserting in lieu thereof the words "a ranger";

- (ii) by inserting at the end of the same subsection the following new paragraphs:—

The court before whom a person is convicted of an offence against the foregoing provisions of this subsection shall, in addition to any penalty imposed, order such person—

- (a) where the offence was committed in respect of travelling within one district to pay to the board for that district; or

- (b) where the offence was committed in respect of travelling within two or more districts to pay to the board for each such district in such proportions as the court deems equitable,

agistment fees, as prescribed, calculated in respect of the number of days the stock were travelled in the course of the commission of the offence in excess of the number of days the journey in respect of which

which the offence was committed would have taken had such stock travelled in the case of large stock at the rate of ten miles per day and in the case of sheep and of working large stock at the rate of six miles per day. No. 68, 1957.

An order for the payment of agistment fees made under this subsection shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such an order under the provisions of that Act, as so amended. The order may for such purpose be entered in the records of the court exercising jurisdiction under the said Act, as so amended, named in the order or if no such court is named, in the records of any court exercising such jurisdiction within the police district in which the order was made.

- (q) by omitting from section fifty-nine the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; Sec. 59.
(Stock camping on reserves.)
- (r) by omitting from subsection three of section sixty the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 60.
(Abandonment of travelling stock.)
- (s) (i) by omitting from section sixty-two the words "inspector or"; Sec. 62.
(Permitting stock to remain on reserves.)
- (ii) by inserting in the same section after the word "district" where firstly occurring the words "or a ranger employed by such board";
- (t) by inserting at the end of subsection three of section sixty-five the words "Every owner or occupier of land shall be entitled to access over a travelling stock reserve to and from the lands held by him to the nearest road where no access to and from such lands by means of a road or track is provided"; Sec. 65.
(Structures or fences on reserves—occupation of reserves.)

(u)

No. 68, 1957.

Sec. 66.
(Stock
unlawfully
on a
travelling
stock
reserve.)

(u) (i) by omitting from subsection one of section sixty-six the words "for the first offence to a penalty not exceeding twenty pounds, and for any subsequent offence";

(ii) (a) by omitting from subsection two of the same section the words "an inspector" wherever occurring and by inserting in lieu thereof the words "a ranger";

(b) by omitting from the same subsection the words "The inspector" and by inserting in lieu thereof the words "The ranger";

(iii) (a) by omitting from subsection three of the same section the words "the inspector" and by inserting in lieu thereof the words "a ranger employed by the board";

(b) by omitting from the same subsection the words "such inspector" and by inserting in lieu thereof the words "such ranger";

(iv) (a) by omitting from subsection (3A) of the same section the words "the inspector" and by inserting in lieu thereof the words "the rangers employed by the board";

(b) by omitting from the same subsection the words "such inspector" and by inserting in lieu thereof the words "any such ranger";

Sec. 70.
(Improve-
ment of
public
watering-
places.)

(v) (i) by omitting from paragraph (b) of subsection two of section seventy the words "shall be met out of the Western Division Public Watering Places Fund, and where there are no moneys or not sufficient moneys in that fund";

(ii)

- (ii) by inserting at the end of section seventy No. 68, 1957.
the following new subsection:—

(3) Where by reason of the revocation or variation of a declaration of a public watering-place, any Crown land, or land acquired under the provisions of section one hundred and ninety-seven of the Crown Lands Acts for a watering-place, ceases to be a public watering-place or part thereof the board or the council of a municipality or shire shall be entitled to compensation from the Minister for Lands for any improvements effected by it on such Crown land or land so acquired while controlling authority of such public watering-place.

Such compensation shall not in any case exceed the current value of such improvements: Provided that no compensation shall be payable in respect of any improvements effected out of moneys provided by Parliament.

Where the Minister for Lands and the board or council fail to agree in regard to the amount of compensation the amount shall be determined by the local land board.

- (w) by omitting from section seventy-three the word Sec. 73.
“twenty-five” and by inserting in lieu thereof (Obstruction.)
the word “fifty”;
- (x) by omitting from section seventy-four the word Sec. 74.
“ten” and by inserting in lieu thereof the word (Production of permits, etc.)
“fifty”;
- (y) by omitting from section seventy-seven the word Sec. 77.
“twenty-five” and by inserting in lieu thereof (Offences by caretaker, etc.)
the word “fifty”;
- (z) by omitting subsection three of section seventy-eight; Sec. 78.
(Application of rents, charges, etc.)
(aa)

Pastures Protection (Amendment) Act.

- No. 68, 1957.
 Sec. 82.
 (Power to order destruction.)
- (aa) by omitting from subsection four of section eighty-two the words "An inspector" and by inserting in lieu thereof the words "A ranger, rabbit inspector";
- Sec. 84.
 (Natural enemies of noxious animals.)
- (bb) by omitting from subsection two of section eighty-four the word "ten" and by inserting in lieu thereof the word "fifty";
- Sec. 91.
 (Special rate.)
- (cc) by inserting at the end of section ninety-one the following new subsection:—
- (5) A special rate shall not be levied in pursuance of subsection one of this section after the commencement of the Pastures Protection (Amendment) Act, 1957.
- Sec. 95.
 (Destruction of Alsatian dogs in certain events.)
- (dd) (i) by omitting from subsection three of section ninety-five the words "an inspector" and by inserting in lieu thereof the words "a ranger";
- (ii) by omitting from subsections four and five of the same section the word "inspector" wherever occurring and by inserting in lieu thereof the word "ranger";
- Sec. 143.
 (Persons interfering with rabbit-proof, dog-proof, and marsupial-proof fences.)
- (ee) by omitting from section one hundred and forty-three the word "twenty-five" wherever occurring and by inserting in lieu thereof the word "fifty";
- Sec. 157A.
 (Power to enter and inspect.)
- (ff) by omitting from section 157A the word "inspector" and by inserting in lieu thereof the word "ranger";
- Sec. 159.
 (Power to order owner or occupier to muster.)
- (gg) (i) by omitting from section one hundred and fifty-nine the words "An inspector" and by inserting in lieu thereof the words "A ranger";
- (ii)

- (ii) by omitting from the same section the words "the inspector" wherever occurring and by inserting in lieu thereof the words "the ranger"; No. 68, 1957.
- (hh) by omitting from section one hundred and sixty-four the word "inspector" and by inserting in lieu thereof the word "ranger"; Sec. 164. (Obstructing persons authorised under this Act.)
- (ii) by omitting from paragraph (h) of subsection two of section one hundred and sixty-nine the word "inspector" and by inserting in lieu thereof the words "veterinary inspector, ranger, rabbit inspector"; Sec. 169. (Notices, etc., in Gazette to be received as evidence.)
- (jj) (i) by omitting from paragraph (h) of subsection one of section one hundred and seventy-one the word "inspectors" and by inserting in lieu thereof the words "veterinary inspectors"; Sec. 171. (Regulations.)
- (ii) by omitting from paragraph (i) of the same subsection the words "an inspector" and by inserting in lieu thereof the words "a veterinary inspector".

(2) All persons who immediately before the commencement of this Act held office as inspectors of stock under section twenty-one of the Pastures Protection Act, 1934, as amended by subsequent Acts, shall be deemed to have been appointed as veterinary inspectors under the said section as amended by this Act and shall, subject to the Pastures Protection Act, 1934, as amended by subsequent Acts, continue to hold office as veterinary inspectors.

(3) In the construction, and for the purposes of any Act, by-law, regulation, ordinance, or any other instrument or document whatsoever, of the same or a different kind or nature, any reference to an inspector of stock appointed under section twenty-one of the

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Pastures Protection (Amendment) Act.

No. 68, 1957. Pastures Protection Act, 1934-1956, shall be read, deemed and taken to refer to a veterinary inspector appointed under the said section as amended by this Act.

Amendment of Act No. 22, 1934. **New sec. 11A.** **3.** (1) The Noxious Insects Act, 1934-1954, is amended by inserting next after section eleven the following new section:—

Surcharge of directors and servants of a board.

11A. (1) Where by the culpable negligence or misconduct of any director or servant of a board required by section ten of this Act to make and levy a special rate there has been a deficiency or loss incurred in the making, calculation, notification, collection, payment or recovery of such special rate the Auditor-General may surcharge on such director or servant the amount of such deficiency or loss.

(2) The provisions of subsections two, three, four and five of section 19A of the Pastures Protection Act, 1934, as amended by subsequent Acts, shall apply, mutatis mutandis, to and in respect of such surcharge. For the purposes of this section the said subsections shall be deemed to be amended as follows:—

- (a) by omitting from subsection two the words “into the appropriate fund of the board” and by inserting in lieu thereof the words “to the Colonial Treasurer”;
- (b) (i) by inserting in subsection four after the words “the board” where secondly, fourthly and fifthly occurring the words “or the Crown”;
- (ii) by omitting from the same subsection the words “into the appropriate fund of the board” and by inserting in lieu thereof the words “to the Colonial Treasurer”.

(3) All moneys received by the Colonial Treasurer pursuant to the provisions of this section shall be paid into the Noxious Insects Destruction Account. (2)

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(2) The Noxious Insects Act, 1934, as amended by No. 68, 1957.
subsequent Acts and by this Act, may be cited as the
Noxious Insects Act, 1934-1957.

4. (1) The Cattle Compensation Act, 1951-1956, is amended— Amendment
of Act
No. 26, 1951.

(a) by inserting at the end of paragraph (c) of Sec. 12.
subsection two of section twelve the following (Establish-
ment
of Fund.)
word and new paragraph:—

and

(d) all sums of money received by the
Colonial Treasurer in pursuance of
section 16FA of this Act;

(b) by inserting next after section 16F the following New
sec. 16FA.
new section:—

16FA. (1) Where by the culpable negligence Surcharge of
directors
and servants
of a board.
or misconduct of any director or servant of a
board there has been a deficiency or loss
incurred in the making, calculation, notification,
collection, payment or recovery of any rate
under this Division of this Part of this Act the
Auditor-General may surcharge on such
director or servant the amount of such
deficiency or loss.

(2) The provisions of subsections two,
three, four and five of section 19A of the Pastures
Protection Act, 1934, as amended by subsequent
Acts, shall apply, mutatis mutandis, to and in
respect of such surcharge. For the purposes
of this section the said subsections shall be
deemed to be amended as follows:—

(a) by omitting from subsection two the
words “into the appropriate fund of
the board” and by inserting in lieu
thereof the words “to the Colonial
Treasurer”;

(b)

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No. 68, 1957.

(b) (i) by inserting in subsection four after the words “the board” where secondly, fourthly and fifthly occurring the words “or the Crown”;

(ii) by omitting from the same subsection the words “into the appropriate fund of the board” and by inserting in lieu thereof the words “to the Colonial Treasurer”.

(2) The Cattle Compensation Act, 1951, as amended by subsequent Acts and by this Act, may be cited as the Cattle Compensation Act, 1951-1957.

