

Queensland.



ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. 15.

An Act to Amend "The Rabbit Boards Act of 1891."

[ASSENTED TO 30TH NOVEMBER, 1894.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as "*The Rabbit Boards Act of 1891* Short title. *Amendment Act of 1894,*" and shall be read and construed with and as an amendment of "*The Rabbit Boards Act of 1891,*" hereinafter called the Principal Act; and the Principal Act and this Act may together be cited as "*The Rabbit Boards Acts, 1891 to 1894.*"

2. "*The Rabbit Boards Acts, 1891 to 1894,*" shall remain in force until the end of the year one thousand eight hundred and ninety-seven, and thereafter until the end of the then next session of Parliament, anything in section two of the Principal Act to the contrary notwithstanding. Duration of Principal Act extended.

Central Board.

3. In addition to the Boards of the several Districts for the time being constituted under the provisions of the Principal Act, there shall be a Central Board established in Brisbane, which shall consist of the Minister together with six members appointed by the Governor in Council. Establishment of Central Board.

Rabbit Boards Act of 1891 Amendment Act.

Minister to be
ex officio chairman
of Central Board.

4. The Minister shall be *ex officio* chairman of the Central Board.

Endowment of
Central Board.

5. In every year there shall be issued and paid to the Central Board out of the consolidated revenue of the Colony a sum not exceeding ten thousand pounds.

Application of
funds of Central
Board.

6. All moneys received by the Central Board under this Act shall be paid into a fund called the Central Rabbit Fund, and shall be applied for the following purposes and not otherwise, that is to say,—

- (1) For defraying the necessary expenses of the administration of this Act, including the necessary travelling expenses of any officers or servants of the Central Board.
- (2) For paying to the Board of every District in every year any part of the amount of the cost and expenses (if any) incurred by such Board during such year in repairing or maintaining any fencing originally erected at the public expense, for the purpose of preventing the incursion of rabbits into Queensland upon so much of the boundaries of the Colony as forms part of the boundaries of such District.
- (3) And generally (in such manner as the Governor in Council may from time to time direct) for defraying or contributing towards the cost of any measures taken for the prevention of the incursion or migration or for the destruction of rabbits, or for repaying to the Board of any District any costs or expenses incurred by such Board in carrying out the provisions of "*The Rabbit Boards Acts, 1891 to 1894.*"

Loans to Boards.

Loans to Boards
authorised.

7. Subject to the provisions of this Act the Governor in Council may from time to time, by warrant under his hand addressed to the Treasurer, direct him to advance to any Board by way of loan, out of any moneys appropriated by Parliament for that purpose, such sum or sums as the Governor in Council may think fit for carrying out the provisions of "*The Rabbit Boards Acts, 1891 to 1894.*":

Provided that the total amount advanced by way of loan to a Board shall not in the aggregate exceed a capital amount upon which the instalments payable annually under the provisions hereinafter contained are equal to the amount actually raised by assessments levied by such Board during the preceding year.

Repayment of loans.

8. All moneys borrowed under the provisions of this Act, together with interest thereon at the rate of five pounds per centum per annum, shall be repaid to the Treasurer in half-yearly instalments of one moiety of the annual payments required to liquidate the loan according to the scale specified in the Second Schedule to "*The Local Works Loans Act of 1880,*" during such term while "*The Rabbit Boards Acts, 1891 to 1894,*" are in force, as may be agreed upon at the time of granting the loan :

Provided that the Treasurer may permit a Board to pay off the whole or any portion of any moneys at any time before the same may become due ; and in such case the Board shall be entitled to a proportionate rebate of interest, to be adjusted by the Treasurer.

Rabbit Boards Act of 1891 Amendment Act.

9. During the currency of a loan to a Board all moneys derived from assessments levied by the Board in each year shall be applied for the purpose of paying the instalments payable to the Treasurer during that year, and the surplus only of such moneys shall be applicable for the other purposes prescribed by "*The Rabbit Boards Acts, 1891 to 1894.*"

Assessments to be applied in repayment of instalments of loan.

10. If at any time the payments due by a Board to the Treasurer are in arrear, the Treasurer may forthwith take possession of any moneys and other property vested in the Board, and may make and levy assessments under the provisions of the Principal Act, and for that purpose shall have and may exercise all the powers of the Board.

Treasurer's powers in case of default.

11. The Treasurer shall from time to time be allowed credit for any sum or sums of money advanced or paid by him to any Board in pursuance of the provisions of this Act; and the receipt of the chairman or clerk of the Board under his hand shall be a sufficient discharge to the Treasurer in respect of such sum or sums of money respectively.

Treasurer to be allowed credit for sums advanced.

Amendments of "The Rabbit Boards Act of 1891."

12. Section six of the Principal Act is hereby repealed, and the following enactment is substituted therefor, that is to say,—

S. 6 of Principal Act repealed, and other provisions substituted therefor.

Every owner, part owner, general manager, or resident manager of a run in the District on which not less than one hundred head of cattle or five hundred sheep are ordinarily depastured shall be qualified to be elected a member of the Board, and shall cease to be such member if he shall cease to hold such qualification; and every resident owner or manager of such a run shall be qualified to vote at an election of members of the Board according to the following scale, that is to say,—

One hundred head of cattle and under two thousand	...	One vote
Two thousand head of cattle and under five thousand	...	Two votes
Five thousand head of cattle and upwards	Three votes
Five hundred sheep and under ten thousand	One vote
Ten thousand sheep and under twenty-five thousand	Two votes
Twenty-five thousand sheep and upwards	Three votes

Provided that no person shall have more than three votes in respect of any one run of which he is the resident owner or manager :

And provided further that where any person is the owner of more than three runs in a District not more than nine votes shall be recorded in respect of such several runs so owned by one owner as aforesaid.

13. At the conclusion of the annual election in every year one-third part of the members of the Board shall go out of office as by rotation, and the members who shall so go out of office shall always be the members who have been the longest time in office without re-election; but a retiring member shall be eligible for re-election or re-appointment.

Retirement of members of Board.

If by reason of two or more members having become members at the same time it shall not be apparent under the foregoing part of this section which of such lastmentioned members ought at any one time to go out of office, then such members as to whom it shall be so

Rabbit Boards Act of 1891 Amendment Act.

not apparent shall go out of office in the order of the number of votes obtained by each at his election, commencing with the smallest number and proceeding upwards.

And in all such cases if the votes given for any members of whom a number less than the whole are to go out of office at any one time shall have been equal, or if such councillors shall have been elected without a poll, the Governor in Council shall for such occasion determine in what order and which of such members shall go out of office. For the purpose of determining the time of his retirement, every chairman or member elected to fill an extraordinary vacancy shall be deemed to have been elected at the same time and in the same manner, and in the case of a member to have received the same number of votes (if any) as the last holder of the seat he was elected to fill, who was elected otherwise than to fill an extraordinary vacancy.

Amendment of s. 17
of Principal Act.

14. In section seventeen of the Principal Act all the words after the words "ordinarily depastured by him within the District" are hereby repealed, and the following enactment is substituted therefor, that is to say,—

Provided that the assessment in respect of a run held under lease or license from the Crown shall in no case be upon a less number of stock than in the proportion of ten head of cattle or fifty sheep for every available square mile of the run.

No assessment shall be payable by an owner other than the owner of a run held under lease or license from the Crown of less than one hundred head of cattle or five hundred sheep.

An assessment shall be deemed to have been duly levied on a notification thereof being published in the *Gazette* and in one or more newspapers circulating in the District.

S. 24 of Principal
Act repealed, and
other provisions
substituted therefor.

15. Section twenty-four of the Principal Act is hereby repealed, and the following enactment is substituted therefor, that is to say,—

As between themselves owners of runs shall be liable to contribute to the cost of the erection and maintenance of every such fence in manner following, that is to say,—

- (1) One-half of the cost of the fence erected upon the boundaries of a run or group of runs or area shall be borne—
 - (a) Where one run only is directed to be enclosed, by the owner of that run; and
 - (b) Where a group of runs or area is directed to be enclosed by the owners of all the runs within such groups of runs or area (including the run on which or on the boundaries of which such fence is erected), in proportion to the available acreage of so much of their respective runs as is within the group of runs or area; and the amounts of their respective contributions shall be apportioned by the Board.
- (2) The remainder of the cost shall be borne by the owners of all the runs in the District which, in the opinion of the Board by whose direction such fence has been erected, are thereby protected from the incursion or migration of rabbits, and shall be borne by them in

Rabbit Boards Act of 1891 Amendment Act.

proportion to the available acreage of so much of their respective runs as, in the opinion of the Board, is so protected as aforesaid; and as between themselves the amounts of their respective contributions shall be apportioned by the Board of the District in which such respective runs are situated:

Provided that if any owner of a run is dissatisfied with the determination of the Board of the District by whose direction such fence has been erected as to the protection thereby afforded to such run or any portion thereof, he may, within seven days after notice of the Board's determination, appeal therefrom to the Land Board, who shall hear and consider the matter and confirm, vary, or reverse such determination;

But the Land Board shall not vary or reverse any such determination until after notice to the Board of the District, and hearing the reasons alleged by such Board in support of their determination;

For the purposes of any such appeal the Land Board shall have and may exercise the same powers as are in like case conferred upon them by "*The Crown Lands Acts, 1884 to 1892*";

The decision of the Land Board shall not be subject to appeal.

- (3) The amount payable by any owner in respect of any such contribution as aforesaid may be recovered from him by the owner to whom it is payable in the same manner in which the cost of the erection and maintenance of a fence may be recovered by the Board under the last preceding section.
- (4) The provisions of "*The Fencing Act of 1861*" shall not apply to fences erected under the provisions of this Act.

16. In section twenty-six of the Principal Act—

- (1) The following words shall be added to subsection one thereof, that is to say,—including the reasonable travelling expenses of the members of the Board and its officers and servants. Amendment of s. 26 of Principal Act.
- (2) And the following subsection shall be added after subsection three thereof, that is to say,—
- (4) With the consent of the Governor in Council, for defraying or contributing towards the cost of any measures taken outside of Queensland which may be conducive to the prevention of the incursion of rabbits into Queensland.

17. The following enactments shall be added to section thirty-one of the Principal Act, that is to say,— Amendment of s. 31 of Principal Act.

Any person who in a Rabbit District leaves open a gate in a fence erected for the purpose of preventing the passage of rabbits, or removes, opens, or in any way tampers with any flood-gate or other barrier under the control or supervision of the Board, shall be liable to a penalty not exceeding fifty pounds; and

Rabbit Boards Act of 1891 Amendment Act.

Any person who without the license of the Central Board offers or pays or causes to be offered or paid any bonus or scalp money as a reward for the destruction of any rabbit, or who sells or purchases or causes to be sold or purchased, or keeps, exposes, offers, or exports for sale, or causes to be kept, exposed, offered, or exported for sale, any rabbit or rabbit's skin shall be liable to a penalty not exceeding fifty pounds.

Definition of "year." **18.** The expression "in each year," contained in the seventeenth section of the Principal Act, shall be deemed to mean the period between the first day of April in any year and the thirty-first day of March in the next succeeding year, both such days being inclusive.

Repeal of s. 11 of Principal Act. **19.** Section eleven of the Principal Act is hereby repealed.

Manner of Showing Amendments.

Acts to be printed as amended. **20.** In all copies of the Principal Act or of this Act printed by the Government Printer after the commencement of this Act, any words by this Act, or any Act hereafter to be passed directed to be substituted for other words in the Principal Act or this Act, shall be printed therein in lieu of the latter words, and any words directed by this Act or any Act hereafter to be passed to be added shall be added thereto, and any words directed by this Act or any Act hereafter to be passed to be omitted shall be omitted. And references shall be made in the margin to the sections of the Act by which such amendments are respectively made.