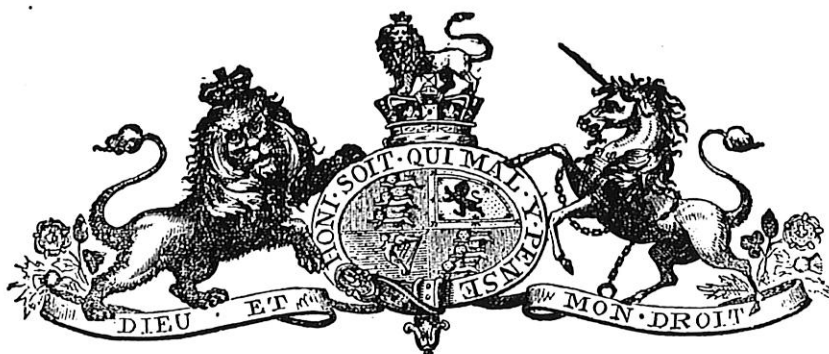


VICTORIA.



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No. DCCCLXXV.

An Act to further amend "*The Mallee Pastoral Leases Act 1883*" and for other purposes.

[18th December 1885.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may for all purposes be cited as "*The Mallee Amending Act 1885*," and shall be read with and as part of "*The Mallee Pastoral Leases Act 1883*," hereinafter referred to as the "Principal Act."

Short title.

2. Any fence of any of the kinds hereinafter mentioned shall be a "vermin-proof fence" within the meaning of this Act and a sufficient fence within the meaning of "*The Fences Statute 1874*" for the purposes of this Act:—

Vermin-proof and sufficient fences.

(1.) A substantial slab fence of pieces of timber which pieces shall not be less than four inches by three inches at the small end and shall be at least four feet nine inches in length and shall be placed close together and not less than nine inches in the ground:

(2.) A

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24th December 1885.

(2.) A wire net fence four feet ten inches in height. Such fence shall consist of wire netting the lower portion of which shall be not less than three feet in width and of a mesh not exceeding one inch and five-eighths and shall be six inches in the ground or shall have six inches thereof properly secured to the surface of the ground and shall be two feet six inches above the ground, and above such wire netting shall be placed other wire netting not less than two feet in width and of a mesh not exceeding four inches. The whole of such wire netting shall be attached by wire or staples to substantial posts stakes or iron standards. Such posts stakes or iron standards shall be at least six feet nine inches in height, and shall be placed one foot ten inches in the ground, and shall not be more than ten feet asunder. Four inches above the netting there shall be a barbed wire stapled to each post stake or standard and drawn through straining posts eight feet in length of which three feet shall be in the ground; such straining posts shall be not more than five chains asunder:

(3.) A wire net fence three feet four inches in height made of wire netting which shall be not less than three feet six inches in width and of a mesh not exceeding one inch and five eighths and which shall be six inches in the ground or shall have six inches thereof properly secured to the surface of the ground. Such wire netting shall be attached by wire or staples to substantial posts stakes or iron standards with a barbed wire extending from one post stake or standard to another and placed four inches above the netting.

Power to define  
sufficient fence by  
Order in Council.

3. The Governor in Council may from time to time by Order in Council proclaim any fence described in such order to be a vermin proof fence within the meaning of this Act and a sufficient fence within the meaning of "*The Fences Statute 1874*" for the purposes of this Act, and he may also by any such Order in Council proclaim any fence described in any such order to be a sufficient fence within the meaning of said Statute throughout Victoria or within any portion thereof specified in such order, and he may at any time revoke any such order.

Amendment of s. 15  
No. 766.

4. In section fifteen of the Principal Act the words "not being the lessee of a mallee block" are hereby repealed and shall be deemed to have been repealed from the date of the passing of the said Act; and in the said section the words "save as hereinafter provided no person shall take a lease of more than one mallee allotment" are hereby repealed and shall be deemed to have been repealed from the date of the passing of the said Act. The area of all of the mallee allotments held by any one person shall not in the aggregate exceed twenty thousand acres.

5. If

5. If the lessee of a part of a mallee block or of a mallee allotment have with the previous consent of the Board signified in writing fenced or enclosed with a good and sufficient vermin-proof wire net fence the whole or any portion of such part of such mallee block or such mallee allotment, the lessee thereof shall upon the expiration of the term of the lease if the fence be then in good repair be paid by any incoming tenant a moiety of the then value of such fence erected as aforesaid, and such value shall be determined in accordance with regulations in manner hereinafter specified, provided that the same shall not exceed the sum of Thirty pounds per mile. Provided that this section shall not apply to any improvements effected by any lessee for which he is entitled to be reimbursed by the Board under the provisions of section thirty-four of the Principal Act.

Incoming tenant to pay lessee half cost of certain improvements sanctioned by Board.

6. If the lessee of a part of a mallee block or of a mallee allotment have with the previous consent of the Board signified in writing cleared scrub and useless timber from any portion of such part of such mallee block or such mallee allotment so as to render the same available for agricultural purposes so far as the nature of the land will permit, such lessee shall upon the expiration of the term of the lease be paid by any incoming tenant the then value of such clearing, and such value shall be determined in accordance with regulations to be made in manner hereinafter specified, provided that the same shall not exceed the sum of Ten shillings per acre. Provided that this section shall not apply to any improvements effected by any lessee for which he is entitled to be reimbursed by the Board under the provisions of section thirty-four of the Principal Act.

Incoming tenant to pay lessee cost of clearing if sanctioned by Board.

7. Where any lessee licensee or occupier of any Crown land or the owner or occupier of any land of which the fee-simple is vested in persons other than Her Majesty (wheresoever any such land be situated) erects after the passing of this Act or has erected since the first day of January One thousand eight hundred and eighty-five any such vermin-proof wire net fence, such lessee licensee owner or occupier may give notice thereof to the Board. Every such notice shall specify the cost of the erection of the same and the actual cost of the material and the place of its delivery to such lessee licensee owner or occupier, and shall be accompanied by a solemn declaration made before a justice setting forth that such fence has been erected and specifying the place where it has been erected and the description of netting used and the width gauge and mesh of the same. The Board upon being satisfied that any such fence has been erected since the first day of January One thousand eight hundred and eighty-five or during the three years immediately following the passing of this Act shall issue a certificate to that effect; and such lessee licensee owner or occupier shall be paid as a bonus a sum not exceeding Five pounds for each lineal mile of wire netting of a width of three feet of a mesh of one inch and five-eighths and of number seventeen gauge (or a proportionate

Bonus for erection of wire net fence.

sum

sum for each lineal mile of wire netting of any greater or lesser width mesh or gauge) used in such fence so erected by him, and such sum shall be determined by an appraiser to be appointed in that behalf by the Board, and shall be paid out of the Consolidated Revenue, which is hereby appropriated accordingly. If any such fence have been erected under the provisions of "*The Fences Statute 1874*," then such sum so paid shall be apportioned between the parties by whom the cost of such fence is payable and in the same proportion as such cost is or would be apportioned.

Members of local committee to be repaid their expenses.

8. The members of every local committee shall be paid from the rate or assessment received by the Minister from their respective vermin districts such sum by way of repayment of the expenses incurred by them in travelling to and from the meetings of such local committee as may be fixed by regulations to be made as hereinafter specified.

Amendment of s. 44 No. 766.

9. In section forty-four of the Principal Act the words "paying a rent of not less than Ten pounds per annum" and also in the said section the words "at a rental of not less than Ten pounds per annum" are hereby repealed and shall be deemed to have been repealed from the date of the passing of the said Act.

Vermin-proof fence between mallee country and mallee border.

10. When a vermin-proof wire net fence has been erected by the Board between the mallee country and the mallee border, a sum equal to Five pounds per centum per annum of the cost of erecting such fence may in each year be deducted by the Minister from the rate or assessment paid to him in respect of every vermin district through which such fence passes or which it bounds in whole or in part, and such sum shall be paid to the Board as interest on such cost.

Fencing rate.

11. The local committee of any Vermin District may in the month of January in each and every year recommend to the Governor an annual rate to be called a "fencing rate" specifying the amount thereof to be paid by all owners lessees or occupiers of land within its Vermin District upon whose boundaries any vermin proof wire net fence has been erected by the Board, for the purpose of paying the interest upon the cost of the erection of such fence or any portion thereof and for the repair and maintenance of the same. Provided that this section shall in no way affect the powers conferred upon the Minister of deducting a sum as hereinbefore mentioned from the rate or assessment paid to him under the provisions of the Principal Act.

Lessee or occupier of mallee country may be served with notice requiring him to destroy vermin.

12. Where the local committee of any vermin district believes that there is vermin upon any land within its district, such committee may instruct any person appointed by it to be its inspector to serve, or where any such inspector believes that there is vermin on any land within the district for which he has been appointed, he shall serve

a notice



a notice in writing in the form contained in the Schedule hereto or to the like effect signed by such inspector requiring the lessee owner or occupier of such land to destroy all vermin upon such land; and such notice shall be served upon such lessee owner or occupier by delivering the same to him personally or to his agent or by leaving the same at his usual or last known place of abode or by forwarding the same by post in a prepaid letter addressed to him at his usual or last known place of abode.

13. If after fourteen days from the date of the service of the notice as aforesaid any lessee owner or occupier of any such land as aforesaid have in the opinion of the justices adjudicating failed or neglected to take reasonable and diligent steps to promote the destruction of vermin, he shall be liable on conviction before any two or more justices to a penalty not exceeding Five pounds in addition to the costs and expenses to which he may be liable under section forty-nine of the Principal Act, and for any subsequent neglect as aforesaid a like penalty.

Penalty for neglecting notice.

14. Any municipal council whose district is situate wholly or partly within the mallee country or the mallee border may with the sanction of the Governor in Council erect vermin-proof fences with gates therein across any road or track.

Municipal councils may erect rabbit-proof fences with gates on roads.

15. If any person wilfully damages or destroys any such gate erected across a road or track as aforesaid or breaks or injures any vermin-proof fence or portion thereof, he shall on conviction thereof before any two justices be liable to be imprisoned for any period not exceeding six months or to forfeit and pay any sum not exceeding Fifty pounds. If any person after passing through any gate wilfully neglects to close and fasten the same, he shall on conviction thereof before any two justices be liable to be imprisoned for any period not exceeding seven days or to forfeit and pay any sum not exceeding Five pounds.

Penalty for damaging or destroying gates or fences or for leaving gates open.

16. Regulations for any of the purposes hereinbefore mentioned may be made altered and rescinded in the manner prescribed by section fifty-five of the Principal Act with respect to rules regulations or orders therein mentioned.

Regulations.

## SCHEDULE.

## SCHEDULE.

## "THE MALLEE AMENDING ACT 1885."

## NOTICE TO DESTROY VERMIN.

Take notice that the local committee [or inspector of the local committee] of the vermin district require [or requires] you to destroy the vermin especially the [specify particular kind of vermin] upon mallee allotment No. [or mallee block No. (A. or B.)] county of leased or occupied by you.

Inspector of the local committee.

Dated this day of 188 .

NOTE.—Your attention is directed to sections of "The Mallee Amending Act 1885" and to section 48 of "The Mallee Pastoral Leases Act 1883" which are printed on the back of this notice.

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.