

Queensland



ANNO TRICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

No. 70 of 1985

An Act to consolidate, amend and provide laws for the management and control of certain plants and animals, for the prohibition and regulation of the introduction and spread of certain plants and of the introduction, spread and keeping of certain animals, for the establishment of sufficient fences for the purposes of preventing the ingress into the pastoral and agricultural areas of the State of certain animals, to amend and provide laws for the management and control of stock routes and reserves for travelling stock and for incidental and other purposes

[ASSENTED TO 16TH OCTOBER, 1985]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Rural Lands Protection Act 1985*.

2. **Commencement.** (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

(3) A reference in this Act to the date of commencement of this Act shall be taken to be a reference to the date proclaimed under subsection (2).

3. **Arrangement of Act.** This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1-8);

PART II—ADMINISTRATION (ss. 9-16);

PART III—BOARDS (ss. 17-56):

Division 1—Rural Lands Protection Board (ss. 17-32);

Division 2—Darling Downs—Moreton Rabbit Board (ss. 33-51);

Division 3—General (ss. 52-56);

PART IV—POWERS AND FUNCTIONS OF LOCAL AUTHORITIES (ss. 57-68):

Division 1—Stock Routes etc. (ss. 57-63);

Division 2—General (ss. 64-68);

PART V—DECLARED PLANTS AND DECLARED ANIMALS (ss. 69-103):

Division 1—Declaration of Plants and Animals (ss. 69-71);

Division 2—Control of Declared Plants and Animals (ss. 72-88):

Subdivision A—Interpretation (s. 72);

Subdivision B—Public Land (ss. 73-75);

Subdivision C—Municipal Land (ss. 76-79);

Subdivision D—Private Land (ss. 80-85);

Subdivision E—Management Programmes (s. 86);

Subdivision F—Miscellaneous (ss. 87-88);

Division 3—Prevention of Introduction and Spread of Declared Plants and Declared Animals (ss. 89-100);

Division 4—Powers of Authorized Persons and Inspectors (ss. 101-103);

PART VI—EXTRAORDINARILY NOXIOUS PLANTS (ss. 104-119);

PART VII—PLAGUE LOCUSTS (ss. 120-141);

- Division 1—Interpretation* (ss. 120–121);
Division 2—Committees (ss. 122–125);
Division 3—Public Land (ss. 126–128);
Division 4—Municipal Land (ss. 129–131);
Division 5—Private Land (ss. 132–136);
Division 6—Miscellaneous (ss. 137–141);
- PART VIII—RABBITS (ss. 142–159);
Division 1—Public Land (ss. 142–144);
Division 2—Municipal Land (ss. 145–148);
Division 3—Private Land (ss. 149–155);
Division 4—Miscellaneous (ss. 156–159);
- PART IX—SYNDICATES (ss. 160–176);
- PART X—FENCES (ss. 177–209);
Division 1—Barrier Fences (ss. 177–197);
Division 2—Ring Fences (ss. 198–205);
Division 3—Fencing of Reserves and Stock Routes (ss. 206–209);
- PART XI—FINANCIAL PROVISIONS (ss. 210–215);
- PART XII—GENERAL (ss. 216–246);
Division 1—Use of Poisons, etc. (ss. 216–218);
Division 2—Agents (s. 219);
Division 3—Procedure (ss. 220–227);
Division 4—Regulations (ss. 228–235);
Division 5—Miscellaneous (ss. 236–246);
- PART XIII—SAVINGS AND TRANSITIONAL PROVISIONS (ss. 247–257);
- SCHEDULES.

4. Repeals. The Acts referred to in Schedule 1 (hereinafter in this Act referred to as “the repealed Acts”) are repealed to the extent therein indicated.

5. Relationship to other Acts. (1) This Act shall be read subject to the *Agricultural Chemicals Distribution Control Act 1966–1983* and section 34 of the *National Parks and Wildlife Act 1975–1984*.

(2) Where a person does an act or thing required or permitted to be done by him under this Act and as a consequence thereof he would, but for this subsection, be guilty of an offence against the *Fauna Conservation Act 1974–1984*, then that person shall not by reason only of the doing of that act or thing be guilty of any such offence.

6. Interpretation. (1) In this Act unless the contrary intention appears—

“animal” means any living thing that is not a human being or a plant;

“Area” means the area of a Local Authority or a Joint Local Authority including, with respect to the Brisbane City Council, the City of Brisbane;

“Assistant Executive Director” means the person for the time being appointed as Assistant Executive Director for the purposes of this Act: the term includes any person for the time being performing the functions of the Assistant Executive Director;

“authorized person” means a person appointed by a Local Authority under section 68;

“category” means a category mentioned in section 70 (3) or (4);

“class” in relation to plants or animals, means any group or grouping of plants or animals;

“control”—

(a) in relation to declared plants of a class assigned to category P2 or declared animals of a class assigned to category A2, means to destroy those plants or animals;

(b) in relation to declared plants of a class assigned to category P3, means—

(i) to destroy those plants; or

(ii) to take such measures as are approved in writing by an authorized person or inspector to reduce the numbers or distribution of those plants;

(c) in relation to declared plants of a class assigned to category P4, means—

(i) to destroy those plants; or

(ii) to take such measures as are approved in writing by an authorized person or inspector to prevent the spread of those plants;

(d) in relation to declared plants of category P5, means to take such action in respect of those plants as is prescribed;

(e) in relation to declared animals of category A5, means—

(i) to destroy those animals; or

(ii) to take such measures as are approved in writing by an authorized person or inspector to reduce and restrict the number of those animals;

(f) in relation to declared animals of category A7, means to do such acts, matters and things for the management and regulation of the movement, numbers and distribution of those animals as are set out in a management programme having effect in the area of the State in which those animals are situated and applying to animals of that class;

- “declared animal” means an animal belonging to a class of animals declared under section 69 to be declared animals and includes—
- (a) such an animal of any kind or sex;
 - (b) the egg or semen of such an animal; and
 - (c) such an animal when in the larval stage or any other immature stage,
and unless otherwise specified in an Order in Council under that section, includes any hybrid or cross derived from such an animal;
- “declared plant” means a plant belonging to a class of plants declared under section 69 to be declared plants;
- “Executive Director” means the person for the time being appointed as Executive Director for the purposes of this Act; the term includes any person for the time being performing the functions of the Executive Director;
- “functions” includes duties;
- “Fund” means the Rural Lands Protection Fund created and kept under this Act;
- “Government department” means a Minister of the Crown of Queensland acting in his official capacity, a Department of the Government of the State or a body or instrumentality (whether corporate or unincorporate) representing the Crown;
- “inspector” means an inspector appointed under section 10;
- “Joint Local Authority” means a Joint Local Authority within the meaning of the *Local Government Act 1936–1984*;
- “land under the control of a Local Authority” means land—
- (a) vested in or leased from a person by a Local Authority;
 - (b) within a public place, including a road, under the care, control and management of a Local Authority or vested in a Local Authority as trustee or of which a Local Authority has been appointed the trustee;
 - (c) within a reserve;
 - (d) comprising a stock route or reserve for travelling stock which is not regarded under section 7 as being owned or occupied by some other person,
but does not include land leased to any person by a Local Authority;
- “Local Authority” means a Local Authority constituted under the *Local Government Act 1936–1984*, a Joint Local Authority and the Brisbane City Council constituted under the *City of Brisbane Act 1924–1984*; the term also includes the Commissioner of Water Resources under the *Water*

Resources Administration Act 1978–1984 where, pursuant to the *Irrigation Act 1922–1983*, the said Commissioner is a Local Authority;

- “management programme” means a programme approved and published by the Minister under section 86;
- “Minister” means the Minister for Lands, Forestry and Police or other Minister of the Crown for the time being charged with the administration of this Act and includes any Minister of the Crown who is temporarily performing the duties of the Minister;
- “National Park” has the same meaning as in the *National Parks and Wildlife Act 1975–1984*;
- “occupier” in relation to land, means the person by whom or on whose behalf land is actually occupied or, if there is no occupier, the person entitled to possession thereof;
- “owner” in relation to land, means the person other than Her Majesty who for the time being is entitled to receive the rent of any land or who, if the same were let to a tenant at a rack rent, would be entitled to receive the rent thereof and includes—
- (a) a lessee from the Crown and any superintendent, overseer or manager of such lessee residing on the land;
 - (b) a purchaser from the Crown of land for an estate in fee-simple in the process of purchase pursuant to the *Land Act 1962–1984*;
 - (c) the holder of—
 - (i) a dredging claim held under or within the meaning of *The Mining Acts, 1898 to 1967* continued in force by the *Mining Act 1968–1983*;
 - (ii) a mining tenement or area under or within the meaning of the *Mining Act 1968–1983* or *The Mining Acts, 1898 to 1967* continued in force by the *Mining Act 1968–1983*;
 - (iii) a mining tenement under or within the meaning of the *Coal Mining Act 1925–1969* continued in force by the *Mining Act 1968–1983*;
 - (iv) a residence area under or within the meaning of the *Coal Mining Act 1925–1969*;
 - (d) in the case of any land leased to any person by the Commissioner for Railways, the lessee;
 - (e) in the case of any land leased to any person by a Local Authority, the lessee;
 - (f) in the case of any land in respect of which an occupation licence, road licence or permission to occupy under or within the meaning of the *Land Act 1962–1984* has been granted to any person under that Act, that person;
 - (g) in the case of any land in respect of which a lease or permission to occupy has been granted to any person by The Commissioner of Water Resources, that person; and

- (h) in the case of any land to which an Order in Council referred to in paragraph (j) of the definition "private land" relates, the person identified as the owner in that Order in Council;
- "Plague Locust Destruction Committee" means a Plague Locust Destruction Committee appointed under Part VII;
- "plant" means vegetation of any kind and includes—
- (a) any part thereof;
 - (b) the product thereof;
- "power" includes an authority;
- "Primary Producer Organization" means an organization, association, body or group of persons (whether incorporated or unincorporated) representing persons who are actively engaged in a primary producing industry other than mining;
- "private land" means land lawfully granted or contracted to be granted in fee simple by the Crown or land held under lease or licence or permit from the Crown for any period and includes—
- (a) land that is comprised in a dredging claim held under or within the meaning of *The Mining Acts, 1898 to 1967* continued in force by the *Mining Act 1968-1983*;
 - (b) land that is a mining tenement or area under or within the meaning of the *Mining Act 1968-1983* or *The Mining Acts, 1898 to 1967* continued in force by the *Mining Act 1968-1983*;
 - (c) land that is a mining tenement under or within the meaning of the *Coal Mining Act 1925-1969* continued in force by the *Mining Act 1968-1983*;
 - (d) a residence area under or within the meaning of the *Coal Mining Act 1925-1969*;
 - (e) land leased to any person by the Commissioner for Railways;
 - (f) land leased to any person by a Local Authority;
 - (g) land in respect of which an occupation licence, road licence or permission to occupy under or within the meaning of the *Land Act 1962-1984* is granted to any person;
 - (h) land reserved or dedicated for a public purpose under the *Land Act 1962-1984* and vested in trustees other than a Local Authority;
 - (i) land in respect of which a lease or permission to occupy is granted to any person by The Commissioner of Water Resources;
 - (j) land or land of a class or description of land declared by Order in Council to be private land for the purposes of this Act,
but does not include any land situated in—
 - (k) a State Forest or Timber Reserve within the meaning of the *Forestry Act 1959-1982*;
 - (l) a National Park;

- “Protection Board” means the Rural Lands Protection Board constituted under this Act;
- “Rabbit Board” means The Darling Downs–Moreton Rabbit Board preserved, continued in existence and constituted under this Act;
- “rabbit check fence” means all fencing on or abutting the part of the boundary of the Rabbit District specified in Schedule 2 which immediately prior to the commencement of this Act was being maintained rabbit proof by the Rabbit Board: the term includes any rabbit proof fencing erected by the Rabbit Board on or abutting such part of the boundary of the Rabbit District;
- “rabbit control officer” means a rabbit control officer appointed under this Act;
- “Rabbit District” means the part of Queensland which constitutes the Darling Downs–Moreton Rabbit District;
- “rabbit proof” with reference to any fence, means of such character as to prevent the passage of rabbits;
- “reserve” means any land (except a reserve for travelling stock) which, for the time being, is reserved or set apart or reserved and set apart under any Act or law for any purpose and which is under the control of a Local Authority and also includes any part of such land;
- “reserve for travelling stock” includes any land which is, for the time being, reserved or set apart or reserved and set apart under any Act or law for a public purpose within the meaning of the *Land Act* 1962–1984 or any purpose whereunder or whereby that land may, consistently with the intent of that reservation or setting apart or reservation and setting apart, be lawfully used by or for the purposes of travelling stock and also includes any part of such land;
- “road” means any road, whether surveyed or unsurveyed, dedicated, notified or declared in any manner howsoever to be a road for public use, and any road comprised of land taken, pursuant to any enactment, for the purpose of a road for public use:
- The term includes—
- (a) any road, street, esplanade, reserve for esplanade, parade, promenade, avenue, crescent, drive, lane, highway, pathway, footway, thoroughfare, track or stock route; and
 - (b) any part of any road or any bridge, causeway, culvert or other works in, on, over or under any road or any part of any road within the meaning of this definition;
- “rural land” means land other than land situated in any city or town or, in the case of a shire, in any township therein;

“sell” includes barter, or agree to sell, or offer or expose or keep or have in possession for sale, or receive, send, forward or deliver for or on sale, or authorizing, causing, permitting, or suffering any such acts or things and “have in possession for sale” includes have in possession for any purpose that constitutes a selling within the meaning of this Act;

“stock” means cattle, sheep, horses, mules, goats, pigs and any other animal declared by Order in Council to be stock for the purposes of this Act;

“stock proof” with reference to any fence, means of such character as to prevent the passage of stock;

“stock route” means any road ordinarily used for the purposes of travelling stock or declared under this or any other Act to be a stock route and includes any part of any such road;

“travelling stock” means stock which are being travelled or driven by land other than in the private land where they are ordinarily depastured;

“vacant Crown land” means land other than private land or land under the control of a Local Authority or a Government department;

“watercourse” means a river, creek or stream in which water flows either permanently, intermittently or occasionally in a natural channel or in a natural channel artificially improved or in an artificial channel that has changed the course of the watercourse.

(2) For the purposes of this Act—

(a) a reference to a class of declared plants or class of declared animals of or assigned to a category identified by a letter and a numeral refers to a class of declared plants or class of declared animals assigned by declaration under section 69 to the category so identified in section 70 (3) or (4);

(b) a reference to a declared plant or declared animal of a category identified by a letter and a numeral refers to a declared plant or declared animal of a class of declared plants or declared animals, as the case may be, assigned by declaration under section 69 to the category so identified in section 70 (3) or (4).

(3) A plant or animal shall be deemed to be on land for the purposes of this Act notwithstanding that it is in a receptacle on that land or is on or in any watercourse on that land or is in the air above that land.

(4) For the purposes of this Act—

(a) a fence shall be taken to be on the boundary of any land, or on the common boundary of any 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 practicable having regard to the physical features of the country or if in any case such fence follows any line which is reasonably approximate to such boundary; and

- (b) the intervention of a road, railway, watercourse or reserve shall not prevent lands being taken to be adjoining or prevent a fence along either side of any such road, railway, watercourse or reserve being taken to be on the common boundary of the lands on either side of such road, railway, watercourse or reserve.

(5) A provision of this Act relating to declared plants or declared animals on land or to the control of declared plants or declared animals on land applies to plants or animals, as the case may be, that are, for the time being, declared in respect of the part of the State in which that land is situated.

7. Application to certain roads and reserves for travelling stock.

(1) For the purposes of Subdivision D of Division 2 of Part V, Division 5 of Part VII and Division 3 of Part VIII an owner or occupier of private land shall be regarded, subject to subsection (2), as owning or occupying, as the case may be, in addition to that land—

- (a) the land comprising any road or reserve for travelling stock that—
 - (i) intersects the private land; or
 - (ii) bounds the private land and is fenced only on the side further from the common boundary of the road or reserve for travelling stock and the private land;
- (b) the land comprising half of the width of any road or reserve for travelling stock that separates the private land from other private land being the half that is nearer the common boundary of the road or reserve for travelling stock and the first mentioned private land,

and such land shall be deemed to be included in and to form part of such private land.

(2) Subsection (1) does not apply to or in relation to a road or reserve for travelling stock dedicated, declared or notified and open to public use and fenced on both sides.

8. Application to certain watercourses. (1) For the purposes of Subdivision D of Division 2 of Part V, Division 5 of Part VII and Division 3 of Part VIII, the bed and banks to the centre line of and the water to the centre line of any non-tidal watercourse or, as the case may be, that part of a non-tidal watercourse as comprises any part of the boundaries of private land shall be deemed to be included in and to form part of such private land and shall be regarded as being owned or occupied, as the case may be, by the owner or occupier of the private land.

(2) Notwithstanding that the level of the water of a watercourse may occasionally alter in sympathy with the tides or that the waters of the watercourse may be rendered brackish by extraordinary tides, the watercourse shall be deemed to be non-tidal if the average level of the water of the watercourse is higher than the level of ordinary spring tides at the nearest locality on the same stream where the water rises and falls with all tides.

(3) In subsection (2)—

“ordinary spring tides” means tides which rise to a height equal to the mean height of the superior tides at spring throughout the year.

PART II—ADMINISTRATION

9. Administration of Act. This Act shall be administered by the Minister.

10. Appointment of Executive Director and other officers. (1) The Governor in Council may, subject to this Act, appoint an Executive Director, an Assistant Executive Director and such inspectors and other officers and employ such employees as he shall think necessary for the administration of this Act.

(2) Every such appointment shall be made under and in accordance with the *Public Service Act 1922-1978*.

(3) Notwithstanding the provisions of subsection (2), the Governor in Council, on the recommendation of the Public Service Board, may, pursuant to the provisions of the *Public Service Act 1922-1978*, exclude any appointee or all appointees included in any class of appointees under subsection (1) from the operation of the whole or any specified provisions of the *Public Service Act 1922-1978* and either for a specified time or without limit of time and, to the extent to which any appointee or any class of appointees under this Act is for the time being, or has been at any time, so excluded, the *Public Service Act 1922-1978* does not apply with respect to the office of such appointee or, as the case may be, the office of any appointee included in such class of appointees.

(4) In addition to any person appointed an inspector pursuant to subsection (1) the Governor in Council may by Order in Council appoint a person who is an officer of the Public Service of the State to be an inspector.

(5) Save to the extent to which an appointee under this section is for the time being excluded from the operation of the *Public Service Act 1922-1978* every such appointee shall, in respect of the office to which he is appointed under this Act, be deemed to be an officer of the Department of Lands.

11. Powers of Minister. In addition to the powers of the Minister otherwise prescribed by this Act, the Minister may, for the purposes of the due and proper administration of this Act—

- (a) require a Local Authority to account to him for all moneys payable by the Local Authority under this Act;
- (b) require a Local Authority to report to him in respect of any powers exercised or required to be exercised by it under this Act or in respect of any functions performed or required to be performed by it under this Act;
- (c) require a Local Authority or any person or body of persons to satisfy him that the Local Authority, person or body of persons, as the case may be, has expended in a proper and economical manner all moneys made available from the Fund to the Local Authority, person or body of persons;
- (d) authorize the payment from the Fund of the costs, charges and expenses of the administration of this Act incurred by him or, with his approval, by the Executive Director;
- (e) authorize the payment from the Fund to any Government department, Local Authority, person or body of persons of such sums as are approved by him for payment to such Government department, Local Authority, person or body of persons for the purpose of defraying the costs, charges and expenses incurred or to be incurred by such Government department, Local Authority, person or body of persons in respect of any of its powers or functions under this Act;
- (f) contract or authorize the Executive Director to contract with persons for the execution of any work, matter or thing required for a purpose of this Act and authorize payments from the Fund to such persons in terms of their respective contracts;
- (g) upon the recommendation of the Protection Board, vest the management and control of any facility for watering travelling stock or any other facility or improvement provided under this Act for the improvement of stock routes or reserves for travelling stock in the Local Authority for the Area in which the facility or improvement is situated;
- (h) acquire by agreement or take by resumption land for the purposes of this Act and for that purpose the Minister shall be a constructing authority within the meaning of the *Acquisition of Land Act 1967-1977*;
- (i) upon the recommendation of the Protection Board, acquire any machinery, equipment or materials for a purpose of this Act;
- (j) sell any machinery, equipment or materials acquired for a purpose of this Act at cost price plus an added amount determined by him to cover the costs of and incidental to the acquisition and sale;

- (k) hire out any machinery or equipment acquired for a purpose of this Act on such terms and conditions as to him seem desirable;
- (l) upon the recommendation of the Protection Board, dispose of any machinery, equipment or materials, whether by sale or otherwise, when it is or they are no longer required or suitable for the purpose for which it was or they were acquired;
- (m) employ or authorize the Executive Director to employ such number of persons as he considers necessary for any purpose of this Act and authorize the payment from the Fund of the wages of such persons.

12. Powers and functions of Executive Director. (1) In addition to the powers and functions of the Executive Director otherwise prescribed by this Act, the Executive Director—

- (a) shall, with the approval of the Minister, carry out the policies and decisions of the Protection Board;
- (b) may liaise with Commonwealth, State and Territory quarantine authorities for the purpose of regulating or preventing the introduction into Queensland of declared plants and declared animals;
- (c) shall co-ordinate the operations of Plague Locust Destruction Committees;
- (d) when authorized by the Minister so to do, may employ such number of persons as the Minister considers necessary for a purpose of this Act;
- (e) shall perform such functions relative to the administration of this Act as the Minister from time to time directs.

(2) In this section—

“Territory” means a territory of the Commonwealth.

13. Committees. (1) The Minister may from time to time appoint committees for the purpose of advising him in relation to any matter connected with the administration of this Act.

(2) Subject to subsection (3), each member of a committee shall be paid such allowances, if any, as the Governor in Council approves from time to time.

(3) An allowance shall not be paid to a member of a committee who is an officer of the Public Service of Queensland for attendance at any meeting of the committee held during the ordinary office working hours of that officer.

(4) Each member of a committee shall be paid such expenses as are necessarily incurred by him in the discharge of his duties as a member and as the Minister approves.

14. Power of delegation. (1) The Minister may by writing under his hand either generally or otherwise as provided by the instrument of delegation delegate—

(a) to the Protection Board; or

(b) to any person,

all or any of his powers or functions except this power of delegation.

(2) The Executive Director may by writing under his hand either generally or otherwise as provided by the instrument of delegation delegate to any person all or any of his powers or functions except this power of delegation.

(3) The Minister under subsection (1) or the Executive Director under subsection (2) may make such and so many delegations of the same power or function and to such number of persons as he considers necessary or desirable.

(4) A delegation under subsection (1) (b) or (2) may be to an individual named therein or to the holder of an office under the Crown in right of the State specifying the office but without naming the holder in which case each successive holder of that office and each person who for the time being occupies or performs the functions of that office may exercise or, as the case may be, shall perform (for so long as he holds or occupies or performs the functions of that office) the delegated powers and functions specified in the instrument.

(5) A delegation may be made subject to such terms and limitations as the Minister or, as the case may be, the Executive Director thinks fit including a requirement that the delegate shall report to him on the exercise or performance of the delegated power or function.

(6) A power or function so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(7) A delegation does not prevent or prejudice—

(a) the exercise of a delegated power or the performance of a delegated function by the Minister or, as the case may be, the Executive Director; or

(b) the exercise by the Minister or, as the case may be, the Executive Director of supervision of the carrying out by the delegate of the terms of the delegation to the extent of countermanding the delegates exercise of a power or performance of a function under the delegation.

(8) A delegation is revocable at the will of the Minister or, as the case may be, the Executive Director.

15. Declaration of stock routes. The Governor in Council may by a notice published in the Gazette declare any road to be a stock route under and for the purposes of this Act.

16. Travelling stock rate. The Governor in Council may, upon the recommendation of the Minister, by Order in Council authorize funds to be raised by a rate (in this Act referred to as a "travelling stock rate") of such amount as is specified in such Order in Council upon stock travelled upon any stock route or part of a stock route or all stock routes or parts of stock routes in any Area prescribed in such Order in Council.

PART III—BOARDS

Division 1—Rural Lands Protection Board

17. Constitution of Board. (1) There shall be constituted from time to time as prescribed a board under the name and style "Rural Lands Protection Board".

(2) In addition to any other powers or functions conferred on it by or under this Act the Protection Board shall have such powers and functions as are delegated to it by the Minister under section 14.

18. Membership of Board first constituted. (1) On and from the commencement of this Act the members of the Rural Lands Protection Board shall without any further appointment be those persons who, immediately prior to that commencement, were members of the Stock Routes and Rural Lands Protection Board constituted under the *Stock Routes and Rural Lands Protection Act 1944–1984* and the person who immediately prior to that commencement was the chairman of that Board shall, on and from that commencement and without any further appointment, be the chairman of the Rural Lands Protection Board.

(2) Subject to the provisions of this Division relating to the vacating of a member's office, a person who, pursuant to subsection (1), is a member of the Protection Board shall continue as such a member up to and including 30 June, 1987.

(3) Subject to the provisions of this Division relating to the vacating of the office of chairman, the person who, pursuant to subsection (1), is the chairman of the Protection Board shall continue as chairman up to and including 30 June, 1987 and shall while he so continues as chairman be a member of the Protection Board.

19. Members of Board. (1) The Protection Board first constituted after 30 June, 1987 and each Protection Board constituted thereafter shall consist of not less than 13 nor more than 14 members.

(2) The following persons shall be members of the Protection Board:—

- (a) two persons, each of whom is either an owner or occupier of rural land, nominated by The United Graziers' Association of Queensland (Union of Employers);
- (b) a person, who is either an owner or occupier of rural land, nominated by The Queensland Graingrowers' Association;

- (c) a person, who is either an owner or occupier of rural land, nominated by The Queensland Cane Growers' Council;
- (d) a person, who is either an owner or occupier of rural land, nominated by The Council of Agriculture;
- (e) a person, who is either an owner or occupier of rural land, nominated by The Queensland Dairymen's State Council;
- (f) a person, who is either an owner or occupier of rural land, nominated by the Committee of Direction of Fruit Marketing;
- (g) a person, who is either an owner or occupier of rural land, nominated by the Cattlemen's Union;
- (h) two persons, each of whom is either a chairman or a member of a Local Authority, nominated by The Local Government Association of Queensland (Incorporated);
- (i) the Executive Director, who shall be a member *ex officio*;
- (j) the Chief Commissioner of Lands or his nominee, who shall be a member *ex officio*;
- (k) the Director-General, Department of Primary Industries or his nominee, who shall be a member *ex officio*.

(3) The members of the Protection Board, other than a member *ex officio*, shall be appointed by the Governor in Council by notification published in the Gazette.

(4) If a Primary Producer Organization which is entitled to do so or The Local Government Association of Queensland (Incorporated) fails or refuses to nominate a person to be a member of the Protection Board or to nominate a qualified person, the Governor in Council may appoint any qualified person as a member of the Protection Board in lieu of that person and where he does so that person shall be deemed to have been nominated by the Primary Producer Organization in question or, as the case may be, The Local Government Association of Queensland (Incorporated).

20. Appointment of chairman. (1) The Governor in Council shall, on the recommendation of the Minister, from time to time by notification published in the Gazette appoint a person as chairman of the Protection Board and where at the time of such appointment that person is not a member of the Protection Board he shall by force of his appointment as chairman and for so long as he continues as chairman be a member of the Protection Board.

(2) Before the Minister recommends to the Governor in Council that a person be appointed as chairman of the Protection Board he shall attend a meeting of the Protection Board and thereat consult with the members who are present in relation to the matter.

21. Term of appointment. (1) Each member of the Protection Board, other than a member *ex officio*, shall be appointed for a term not exceeding 3 years and, if he is duly nominated for a second or subsequent appointment, shall be eligible for further appointment to membership of

the Protection Board but in every case, unless his office is sooner vacated as prescribed, his appointment shall be deemed to continue until his successor, duly appointed in accordance with this Act, assumes his office as a member.

(2) A person appointed to be chairman of the Protection Board shall be appointed for a term not exceeding 3 years and, if he is duly recommended for a second or subsequent appointment, shall be eligible for further appointment as chairman of the Protection Board but in every case, unless his office as chairman is sooner vacated as prescribed, his appointment shall be deemed to continue until his successor, duly appointed in accordance with this Act, assumes his office as chairman.

22. Vacating chairman's office. (1) The chairman of the Protection Board may, by writing furnished to the Minister, resign his office as chairman at any time.

(2) The Governor in Council may remove from office the chairman of the Protection Board if—

- (a) he is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy;
- (b) he becomes incapable, in the opinion of the Governor in Council, of discharging the duties of his office; or
- (c) he is, in the opinion of the Governor in Council, incompetent or unfit to hold office.

(3) The chairman shall be deemed to have vacated his office—

- (a) in the event of his resignation, upon the receipt by the Minister of his notice of resignation;
- (b) in the event of his removal, upon the issue by the Minister of notice of his removal;
- (c) where he is a member of the Protection Board otherwise than by virtue of his appointment as chairman, upon his being deemed to have vacated his office as a member.

(4) A person appointed to fill a vacancy in the office of a member who was chairman of the Protection Board shall not by reason only of his appointment as a member be chairman.

23. Vacating member's office. (1) A member of the Protection Board, other than a member *ex officio*, may by writing furnished to the Minister resign his office at any time.

(2) The Governor in Council may remove from office a member, other than a member *ex officio*, if—

- (a) he is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy;
- (b) he becomes incapable, in the opinion of the Governor in Council, of discharging the duties of his office;
- (c) he is, in the opinion of the Governor in Council, incompetent or unfit to hold office.

- (3) A member shall be deemed to have vacated his office—
- (a) in the event of his resignation, upon the receipt by the Minister of his notice of resignation;
 - (b) in the event of his removal, upon the issue by the Minister of notice of his removal;
 - (c) if he declines to act or to act further as a member;
 - (d) in the case of a member appointed by section 18 (1), if he, in relation to the office of member held by him, ceases to be qualified as prescribed by section 13A (1) of the *Stock Routes and Rural Lands Protection Act 1944–1984*;
 - (e) in the case of a member appointed pursuant to section 19, if he, in relation to the office of member held by him, ceases to be qualified as prescribed by section 19 (2);
 - (f) if he is absent without the Board's leave first obtained from 3 consecutive ordinary meetings of the Board of which notice has been duly given to him.
- (4) For the purposes of subsection (3) (f)—
- (a) the non attendance of a member at the time and place appointed for an ordinary meeting shall not constitute absence from such meeting unless a meeting of the Board at which a quorum is present is actually held on that day;
 - (b) the attendance of a member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of the lack of a quorum a meeting is not actually held on that day;
 - (c) the names of the members who attend at the time and place appointed for an ordinary meeting shall be entered in the minute book.
- (5) This section does not apply to a person who is a member of the Protection Board only by virtue of his appointment as chairman thereof.

24. Casual vacancy in member's office. (1) A casual vacancy shall be taken to arise in the office of a member of the Protection Board—

- (a) if he dies;
- (b) if his office becomes vacant as prescribed by section 23.

(2) If a casual vacancy occurs in the office of a member of the Protection Board, other than a member *ex officio*, during the currency of the term of his appointment another person who, in relation to the office in question, is—

- (a) in a case where the member was appointed by section 18 (1), qualified as prescribed by section 13A (1) of the *Stock Routes and Rural Lands Protection Act 1944–1984*;

(b) in a case where the member was appointed pursuant to section 19, qualified as prescribed by section 19 (2), may be appointed by the Governor in Council by notification published in the Gazette as a member to fill that vacancy.

(3) The appointment of a person to fill a casual vacancy shall continue and be deemed to continue for as long as the appointment of his predecessor had the casual vacancy not occurred.

(4) This section does not apply to a person who is a member of the Protection Board only by virtue of his appointment as chairman thereof.

(5) For the purposes of section 23 (3) (d) and subsection 2 (a) of this section the provisions of the *Stock Routes and Rural Lands Protection Act 1944-1984* shall continue to apply as if this Act had not commenced.

25. Quorum. (1) The quorum of the Protection Board shall consist of 8 members of the Board.

(2) No business shall be transacted at a meeting of the Protection Board unless a quorum is present.

26. Meetings. (1) The Protection Board shall hold its first meeting at a time and place appointed by the Minister and, subject to subsection (2), thereafter shall hold its meetings at such times and places as the Protection Board by resolution appoints and at such other times and places as the Minister or the chairman of the Protection Board directs.

(2) The Protection Board shall hold meetings at least 3 times each year.

(3) Subject to this Act, the Protection Board shall conduct its business and proceedings at meetings in such manner as it determines from time to time.

27. Presiding at meetings. (1) The chairman of the Protection Board shall preside at every meeting of the Protection Board at which he is present and in his absence or until the appointment of a chairman another member of the Protection Board chosen by the members present at the meeting shall preside.

(2) The member of the Protection Board who presides at a meeting of the Protection Board in the absence of the chairman or pending the appointment of the chairman shall, while he is so acting, have all the powers of the chairman.

28. Regulations for conduct of Board. The Governor in Council may, on the recommendation of the Minister, make regulations not inconsistent with this Act for the conduct of the business of the Protection Board and, without limiting the generality of this provision, such regulations may prescribe the procedure at meetings either generally or as to a particular matter, the method of voting, the records to be kept and any other matters necessary to ensure the good order and conduct of the business and proceedings of the Protection Board.

29. Change of name of Primary Producer Organization. Where a Primary Producer Organization specified in paragraph (a), (b), (c), (d), (e), (f) or (g) of section 19 (2) changes its name the Minister may, by notification published in the Gazette, notify that subsection (2) of section 19 is to be construed as providing for the membership of the Protection Board next constituted and of each Protection Board thereafter constituted as though the Organization's new name were specified in that subsection in lieu of the name actually specified therein and subsection (2) shall be construed accordingly.

30. Substitution of other Organization. Where any of the members of a Primary Producer Organization specified in paragraph (a), (b), (c), (d), (e), (f) or (g) of section 19 (2) form into another Primary Producer Organization and the Minister is satisfied that that organization is more representative of the persons engaged in the industry concerned than the first mentioned organization he may, by notification published in the Gazette, notify that subsection (2) of section 19 is to be construed as providing for the membership of the Protection Board next constituted and of each Protection Board thereafter constituted as though the other Organization were specified in that subsection in lieu of the Organization actually specified therein and subsection (2) shall be construed accordingly.

31. Powers of Protection Board. (1) In addition to the powers of the Protection Board otherwise prescribed by this Act, the Protection Board may make recommendations to the Minister with respect to each of the following:—

- (a) as to whether any class of plants or animals should be declared under section 69 and if so the category or categories to which that class should be assigned;
- (b) as to whether any class of plants should be declared to be extraordinarily noxious plants;
- (c) the promotion of the control of declared plants and declared animals;
- (d) the setting up of programs for the purpose of controlling declared plants and declared animals;
- (e) the setting up of research programmes for the purpose of studying the habits and distribution throughout the State or any part thereof of declared plants and declared animals with a view to controlling the same by biological, chemical or other means;
- (f) the educating of persons in methods of controlling declared plants and declared animals;
- (g) the purchase of machinery, equipment and materials and the distribution of the same for the purpose of controlling declared plants and declared animals;
- (h) the establishment, maintenance and improvement of stock routes and the facilities connected therewith;

- (i) the imposition of travelling stock rates in any Area and the stock routes or parts of stock routes in such Area in respect of which such rates should be imposed;
- (j) the formation, regulation and operation of declared plant syndicates, declared animal syndicates and declared plant and declared animal syndicates to which Part IX applies;
- (k) the amount to be specified in an Order in Council made pursuant to section 211 (2);
- (l) such other matters as the Minister from time to time directs.

32. Reports. (1) The Protection Board shall, as soon as practicable after 30 June in each year, prepare and submit to the Minister a report on the Board's operations for the 12 months preceding that date.

(2) The Minister shall, as soon as practicable after the receipt by him of a report under subsection (1), lay the report before the Legislative Assembly.

Division 2—The Darling Downs—Moreton Rabbit Board

33. Darling Downs—Moreton Rabbit District. The part of Queensland described in Schedule 3 is hereby constituted the Darling Downs—Moreton Rabbit District.

34. Constitution of Rabbit Board. The Board constituted under the *Rabbit Act* 1964–1984 is hereby preserved, continued in existence and constituted under this Act under the name and style “The Darling Downs—Moreton Rabbit Board”.

35. Membership of Rabbit Board. (1) Until the expiration of 30 June, 1988 the Rabbit Board shall consist of those persons who were members of that board under the *Rabbit Act* 1964–1984 immediately before the commencement of this Act.

(2) On and after 1 July, 1988 the Rabbit Board shall consist of 6 members being—

- (a) an officer of the Department of Lands nominated by the Minister from time to time, who shall be a member *ex officio*;
- (b) two members (respectively qualified as prescribed) appointed by the Governor in Council;
- (c) two members (respectively qualified as prescribed) nominated in accordance with the directions given by the Minister under subsection (5) by the Local Authorities prescribed for the purpose of this paragraph, the Areas of parts of the Areas of which are situated in the Darling Downs Division;
- (d) one member (qualified as prescribed) nominated in accordance with the directions given by the Minister under subsection (5) by the Local Authorities prescribed for the purpose of this paragraph, the Areas or parts of the Areas of which are situated in the Moreton Division;

(3) For the purposes of the nomination of the members mentioned in paragraphs (b), (c) and (d) of subsection (2), the Governor in Council by Order in Council shall divide the Rabbit District into 2 divisions called the Darling Downs Division and the Moreton Division.

(4) The Governor in Council by Order in Council may alter such divisions by excluding part of one therefrom and including it in the other or by abolishing both and redividing the Rabbit District.

(5) The Minister may from time to time give all such directions as he thinks necessary or desirable for providing for and regulating the nomination of the members referred to in paragraphs (c) and (d) of subsection (2).

36. Appointment and term of office of members. (1) The members, other than the member *ex officio*, by whom the Rabbit Board is to be constituted on and after 1 July, 1988, shall be appointed by the Governor in Council by notification published in the Gazette.

(2) There shall be a triennial appointment of such members the first such appointment to be made before 1 July, 1988 and subsequent such appointments to be made before 1 July in every third year thereafter.

(3) If, in respect of any triennial appointment, a nomination referred to in paragraph (c) or (d) of section 35 (2) is not made as directed by the Minister the Governor in Council may appoint a sufficient number of persons to complete the full membership of the Rabbit Board.

(4) Persons appointed pursuant to subsection (3) shall be qualified as prescribed for appointment to the office of member to which they are appointed and shall be deemed to have been nominated as directed by the Minister.

(5) Every member appointed by a triennial appointment shall, subject to this Division, hold office as member of the Rabbit Board for 3 years from and including 1 July in the year in which he is appointed.

37. Qualifications of members. (1) The members, other than the member *ex officio*, of the Rabbit Board shall be qualified as follows:—

(a) in respect of the members referred to in paragraph (b) of section 35 (2)—

(i) one shall reside in the Darling Downs Division; and

(ii) one shall reside in the Moreton Division,

and each shall be either an owner or occupier of rural land situated in his respective Division;

(b) the 2 members referred to in paragraph (c) of section 35 (2) shall each reside in the Darling Downs Division and be either an owner or occupier of rural land situated in that Division:

(c) the member referred to in paragraph (d) of section 35 (2) shall reside in the Moreton Division and be an owner or occupier of rural land situated in that Division.

(2) A person shall not be capable of being appointed a member of the Rabbit Board unless, in relation to the office of member to which he is appointed, he is qualified as prescribed by subsection (1).

38. Vacating member's office. (1) A member, other than the member *ex officio*, of the Rabbit Board may, by writing furnished to the clerk to the Rabbit Board, resign his office at any time.

(2) The Governor in Council may remove from office a member of the Rabbit Board, other than the member *ex officio*, if—

- (a) he is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy;
- (b) he becomes incapable, in the opinion of the Governor in Council, of discharging the duties of his office; or
- (c) he is, in the opinion of the Governor in Council, incompetent or *unfit* to hold office.

(3) A member shall be deemed to have vacated his office—

- (a) in the event of his resignation, upon the receipt by the clerk to the Rabbit Board of his notice of resignation;
- (b) in the event of his removal, upon the issue by the Minister of notice of his removal;
- (c) if he declines to act or to act further as a member;
- (d) in the case of a member appointed by section 35 (1), if he, in relation to the office of member held by him, ceases to be qualified as prescribed by section 17 of the *Rabbit Act 1964-1984*;
- (e) in the case of a member appointed pursuant to section 36, if he, in relation to the office of member held by him, ceases to be qualified as prescribed by section 37 (1);
- (f) if he is absent without the Rabbit Board's leave first obtained from 3 consecutive ordinary meetings of the Board of which notice has been duly given to him.

(4) For the purposes of subsection (3) (f)—

- (a) the non-attendance of a member at the time and place appointed for an ordinary meeting shall not constitute absence from such meeting unless a meeting of the Rabbit Board at which a quorum is present is actually held on that day;
- (b) the attendance of a member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of the lack of a quorum a meeting is not actually held on that day;
- (c) the names of the members who attend at the time and place appointed for an ordinary meeting shall be entered in the minute book.

39. Casual vacancy in member's office. (1) A casual vacancy shall be taken to arise in the office of a member of the Rabbit Board—

(a) if he dies;

(b) if his office becomes vacant as prescribed by section 38.

(2) If a casual vacancy occurs in the office of a member, other than the member *ex officio*, during the currency of his term of appointment another person who, in relation to the office in question, is—

(a) in a case where the member was appointed by section 35 (1), qualified as prescribed by section 17 of the *Rabbit Act 1964-1984*;

(b) in a case where the member was appointed pursuant to section 36, qualified as prescribed by section 37 (1),

may be appointed by the Governor in Council by notification published in the Gazette as a member to fill that vacancy.

(3) The appointment of a person to fill a casual vacancy shall continue and be deemed to continue for as long as the appointment of his predecessor had the casual vacancy not occurred.

(4) For the purposes of section 38 (3) (d) and subsection (2) (a) of this section the provisions of the *Rabbit Act 1964-1984* shall continue to apply as if this Act had not commenced.

40. Chairman. (1) Until the expiration of 30 June, 1988 the chairman of the Rabbit Board shall be the person who at the commencement of this Act holds that office.

(2) After the expiration of 30 June, 1988 the chairman of the Rabbit Board shall be a member of the Board chosen by the members present—

(a) at the first meeting held after that date;

(b) thereafter at the first meeting held after each triennial appointment of members.

(3) If a casual vacancy occurs in the office of chairman at any time after the commencement of this Act the members present at the first meeting held after the vacancy occurs shall choose another member to be chairman.

41. Conduct of business. Subject to this Act, the Rabbit Board shall conduct its business and proceedings at meetings in such manner as it determines from time to time.

42. Presiding at meetings. (1) The chairman of the Rabbit Board shall preside at every meeting of the Board at which he is present and in his absence another member of the Board chosen by the members present at the meeting shall preside.

(2) The member of the Rabbit Board who presides at a meeting of the Board in the absence of the chairman shall, while he is so acting, have all the powers of the chairman.

43. Quorum. (1) The quorum of the Rabbit Board shall consist of 4 members of the Board.

(2) No business shall be transacted at a meeting of the Rabbit Board unless a quorum is present.

44. Functions. (1) The Rabbit Board shall at all times ensure that land situated in the Rabbit District is maintained free from rabbits and shall at all times maintain the rabbit check fence so that the fence is rabbit proof.

(2) For the purpose of carrying out its functions the Rabbit Board, subject to any general or special directions given by the Minister, shall—

- (a) plan and co-ordinate the work of maintaining the rabbit check fence in such a manner that the fence is rabbit proof;
- (b) carry out the work as so planned and co-ordinated;
- (c) estimate in respect of each financial year the amount of revenue required to defray the cost of carrying out the functions of the Board which estimate shall be in addition to the cost of administering, in respect of the Rabbit District, the provisions of this Act that relate to the Board;
- (d) carry out such functions and works for effecting in relation to the Rabbit District the functions of the Board as the Minister directs.

(3) The estimate prescribed by subsection (2) (c) shall, in respect of each and every financial year, be made and furnished to the Minister not later than the last preceding 30 April and shall be accompanied by a statement of the works and other functions of the Rabbit Board for defraying the costs and expenses of the carrying out and performance whereof the estimated revenue is required.

(4) Such statement shall specify the works and other functions to which it relates and shall set out in relation to each work or other function so specified an estimate of the cost or expenses of the carrying out or performance thereof.

(5) The Minister shall, in respect of each financial year, approve of such works and other functions to be carried out by the Rabbit Board as he deems fit having regard to the objects of this Act that relate to the Rabbit Board and of the costs or expenses to be incurred by the Rabbit Board in carrying out each work or other function approved by him.

(6) In this section—

“financial year” means the period of time from and including 1 July in one calendar year to and including 30 June in the next following calendar year.

45. Rabbit Board may acquire land. (1) The Rabbit Board may, with the approval of the Minister, for any purpose connected with the performance of its functions, acquire either freehold land or land that is held by way of lease under Part VII of the *Land Act* 1962–1984 or a special lease under that Act.

(2) Expenditure incurred by the Board in acquiring land shall be taken to be incurred by it in the performance of its functions.

(3) The Rabbit Board, with the approval of the Minister, may exchange land acquired by it for other land of a type mentioned in subsection (1), that is more suitable for the performance of its functions.

(4) The Rabbit Board, with the approval of the Minister, may sell land acquired by it that is no longer required for the performance of its functions.

(5) Monies received from the sale of land shall, after deduction of any expenses incurred in offering the land for sale, be paid into the Board's general fund.

46. Rabbit Board may acquire machinery, etc. (1) The Rabbit Board may, if the Minister approves that the expenditure be incurred, acquire such machinery, equipment or material as is necessary for the performance of its functions.

(2) The Board may dispose of any machinery, equipment or material acquired by it.

(3) The proceeds from any such disposal shall be paid into the Board's general fund.

47. Officers. (1) The Governor in Council may appoint such rabbit control officers and other officers as are required to assist the Rabbit Board in the exercise of its powers and the performance of its functions under this Act.

(2) Every such appointment shall be made under and subject to the *Public Service Act* 1922–1978.

48. Staff employment. (1) The Rabbit Board shall appoint a clerk to the Board and employ such other employees as it thinks necessary for the proper discharge by it of its functions.

(2) Subject to any applicable award of an industrial court, tribunal or authority or to any relevant industrial agreement, persons employed by the Rabbit Board pursuant to this section—

(a) shall be paid such salaries, wages and allowances as are determined by the Public Service Board and approved by the Minister;

(b) shall be employed on such other terms and conditions as are agreed upon between the Rabbit Board and those persons and approved by the Minister.

49. Accounts and Audit. (1) The Rabbit Board shall cause proper books and accounts to be provided and kept and true and regular entries to be made therein in respect of all transactions entered into by the Board.

(2) (a) The Rabbit Board shall, as soon as practicable after the end of each financial year, prepare statements of account with respect to the financial operations of the Board for that year (which statements are in this Division called the "Annual Statements of Account"). The Annual Statements of Account shall—

- (i) be in the form directed by the Minister;
- (ii) be certified by the chairman as to whether in his opinion they fairly set out the financial transactions of the Board for the period to which they relate and show a true and fair view of the state of affairs of the Board at the end of that period on a basis consistent with that applied in respect of the financial year last preceding;
- (iii) thereupon be transmitted to the Auditor-General.

(b) Until the Annual Statements of Account have been audited, and laid before the Legislative Assembly pursuant to section 50, no such statement shall be sold or made available to any person other than a member or officer of the Rabbit Board, the Minister or a person acting in aid of him or the Auditor-General or a person acting in aid of him.

(c) The Auditor-General shall audit the accounts of the Rabbit Board kept in respect of all transactions entered into by the Board and shall have in respect of any such audit all the powers and authorities conferred on him by the *Financial Administration and Audit Act 1977-1981*.

(d) The Auditor-General shall certify on the Annual Statements of Account whether or not he has obtained all the information and explanations required by him and whether or not such statements—

- (i) are prepared in the form directed by the Minister;
- (ii) are in agreement with the accounts of the Rabbit Board; and
- (iii) have, in his opinion, been properly drawn up so as to present a true and fair view of the transactions for the financial year in question and the financial position at the end of that year on a basis consistent with that applied in respect of the financial year last preceding,

and after such certification, shall deliver those statements to the Rabbit Board.

(3) In this section—

"financial year" means the period of time from and including 1 July in one calendar year to and including 30 June in the next following calendar year.

50. Reports. (1) The Rabbit Board shall, as soon as practicable after 30 June in each year, prepare and submit to the Minister a report on the Board's operations for the 12 months preceding that date.

(2) The report shall include the Annual Statements of Account together with the certificate of the Auditor-General prescribed by section 49.

(3) The Minister shall, as soon as practicable after the receipt by him of a report under subsection (1), lay the report before the Legislative Assembly.

51. Control of money and property. (1) Whenever it appears to or comes to the knowledge of the Rabbit Board that, arising from a cause which could constitute an offence under *The Criminal Code* or any other Act or law, there is—

- (a) a loss of or deficiency in any moneys of or under the control of the Board; or
- (b) a loss of, destruction of or damage to property of or under the control of the Board,

the Rabbit Board shall forthwith give notice thereof to the Auditor-General and to a member of the Police Force of Queensland appointed to be in charge of the Police Station established at, or nearest to, the locality where the money or property was lost, deficient, destroyed or, as the case may be, damaged.

(2) The Rabbit Board shall not—

- (a) abstain from, discontinue or delay a prosecution for an offence under the laws of the State in relation to any money or property of or under the control of the Board which is or appears to be stolen or wilfully destroyed or damaged; or
- (b) withhold or promise to withhold or delay any evidence for the purposes of such a prosecution.

Division 3—General

52. Interpretation. In this Division—

“ Board ” means the Rural Lands Protection Board or The Darling Downs–Moreton Rabbit Board.

53. Restrictive employment provisions inapplicable to membership of Board. A provision of any enactment requiring the holder of an office to devote the whole of his time to the duties of his office or prohibiting him from engaging in employment outside the duties of his office shall not operate to hinder his holding that office and also—

- (a) that of a member or chairman of the Board; or
- (b) subject to section 54 (2), his acceptance and retention of any allowance payable under this Act.

54. Allowances. (1) Subject to subsection (2), each member of the Board shall be paid such allowances, if any, as the Governor in Council approves from time to time.

(2) An allowance shall not be paid to a member of the Board who is an officer of the Public Service of Queensland for attendance at any meeting of the Board held during the ordinary office working hours of that officer.

(3) Each member of the Board shall be paid such expenses as are necessarily incurred by him in the discharge of his duties as a member and as the Minister approves.

55. Voting. (1) A duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise all the powers and functions by this Act conferred or imposed upon the Board.

(2) Every decision of the Board and of its members shall be taken by majority vote of the members present at a meeting of the Board at which a quorum is present.

(3) The chairman of the Board shall have a deliberative vote and, in the event of an equality of votes, shall have a second or casting vote.

(4) A member of the Board who, being present at a meeting of the Board, abstains from voting shall be taken to have voted in the negative.

56. Validity of proceedings. A decision of the Board shall not be avoided or prejudiced by reason of the fact that at the time such decision was taken—

- (a) there was a vacancy in the membership of the Board;
- (b) there was a defect in the appointment or qualification of a member.

PART IV—POWERS AND FUNCTIONS OF LOCAL AUTHORITIES

Division 1—Stock Routes etc.

57. Local Authorities to improve and maintain stock routes and reserves for travelling stock. A Local Authority shall, as a function of local government, control, improve and maintain stock routes and reserves for travelling stock within its Area to such extent as is necessary to ensure that they are at all times in a reasonably fit and proper condition for use by travelling stock.

For the purpose of performing the duty imposed by this section a Local Authority shall have the powers prescribed by this Division.

58. Powers and functions of Local Authorities. Every Local Authority shall with respect to its Area—

- (a) conserve the natural fodder for stock on any stock route or reserve for travelling stock, whether fenced or unfenced;
- (b) determine, subject to the approval of the Minister, whether any stock route or reserve for travelling stock shall be fenced in with or fenced out of any private land;
- (c) if thereunto required by the Minister, provide supplies of water for or facilities for watering travelling stock;
- (d) at all times maintain in good and substantial repair all facilities for watering travelling stock and all other facilities for the improvement of stock routes existing at the commencement of this Act or provided under this Act;
- (e) if thereunto required by the Minister, control declared plants and declared animals on vacant Crown land: the costs incurred by a Local Authority under this paragraph shall be paid out of the Fund;

- (f) subject to this Act and any other Act or law affecting travelling stock, control and regulate the movements of travelling stock on any stock route, reserve for travelling stock, reserve or vacant Crown land;
- (g) collect all fees and other charges made under or in pursuance of this Act in respect of stock routes or reserves for travelling stock;
- (h) transmit to the Treasury for payment into the Fund the amount of all fees and other charges collected by it pursuant to paragraph (g);
- (i) administer all regulations made under this Act in respect of stock routes or reserves for travelling stock which it is expressly or impliedly required to administer.

59. Water facility agreement. (1) A Local Authority may, with the prior approval of the Minister, and shall, if so directed by the Minister, enter into an agreement with an owner in its Area whose private land is intersected by, adjoins or is adjacent to a stock route or a reserve for travelling stock to provide for—

- (a) a supply of water to the private land from a water facility under the control and management of the Local Authority and situated on such stock route or reserve for travelling stock;
- (b) a supply of water to such stock route or reserve for travelling stock from a water facility situated on the private land;
- (c) the watering of travelling stock at a water facility situated on the private land;
- (d) the maintenance in good order and condition of a water facility under the control and management of the Local Authority and situated on such stock route or reserve for travelling stock; or
- (e) the construction, conjointly by the Local Authority and the owner, of a water facility for the use of travelling stock and stock depastured on the private land.

(2) An agreement referred to in subsection (1) shall not be executed by the parties unless and until the Minister has approved of the terms and conditions thereof.

(3) The ownership of a water facility constructed, pursuant to an agreement entered into under subsection (1) (e), shall, if either party to the agreement pays the cost thereof, be vested in such party but if such cost is apportioned between them it shall be vested, unless the agreement otherwise provides, in each party in the proportion that he contributed to the cost of construction.

(4) The Minister shall not direct a Local Authority to enter into an agreement under subsection (1) unless he is satisfied that the owner is willing to enter into the agreement and the terms and conditions thereof are equitable as between the Local Authority and the owner.

60. Notification in register. (1) A Local Authority shall produce any agreement entered into by it pursuant to section 59 to and lodge a duplicate original or true copy thereof with the authority charged with registering the instrument of title to the private land to which the agreement relates and such authority shall note such agreement by endorsement in its register and on every such instrument.

(2) Upon an agreement referred to in subsection (1) being noted in a register pursuant to that subsection, the agreement shall be binding on every subsequent owner of the private land to which it relates.

(3) A Local Authority which enters into an agreement referred to in subsection (1) may, by notice in writing served upon a person who is in possession of an instrument of title to the private land to which the agreement relates, require that person to produce the instrument, within such time as is specified in the notice, to the authority charged with registering that instrument.

(4) A person who fails to comply with the requirements of a notice served on him pursuant to subsection (3) commits an offence against this Act.

Penalty: \$100.

61. Straying stock may be seized. (1) Subject to subsection (2), stock found on any part of a stock route or reserve for travelling stock may be seized and taken possession of by an inspector or officer of the Department of Lands or, on behalf of the Local Authority for the Area in which that part is situated, by a person authorized in that behalf (either generally or in the particular case) by the Local Authority.

(2) Subsection (1) does not apply to—

(a) bona fide travelling stock authorized to be on the part of the stock route or reserve for travelling stock in question by the Local Authority for the Area in which that part is situated;

(b) stock on any part of a stock route or reserve for travelling stock that is situated within private land or abuts upon the boundary of private land and which is not fenced off from the private land or otherwise protected from the straying thereon of stock from the private land.

(3) Upon payment within the prescribed time of the prescribed charges any stock seized shall be released to their owner.

(4) If the prescribed charges are not paid within the prescribed time any stock seized shall be sold at auction and the proceeds of the sale paid to the Treasury for payment into the Fund.

(5) Where cattle or horses are offered at auction pursuant to subsection (4) and due notice of the sale has been given in a newspaper circulating generally in the Area in which they were seized, and the amount offered for any beast or horse does not reach \$30, the beast or horse may be forthwith destroyed by order of the chairman of the Local Authority for the Area or the Executive Director.

62. Overstocking. (1) Where a stock route or part thereof is fenced in or enclosed with private land or part thereof thereby making a stock route paddock, an owner or, if he is not the occupier, an occupier of the private land who deliberately overstocks that paddock in comparison with other paddocks of the private land commits an offence against this Act.

(2) The penalty for a breach of subsection (1) shall be not less than \$400 and, subject thereto, shall not exceed an amount calculated at the rate of \$10 per head of cattle or horses and \$3 per head of sheep comprising the stock found depastured on the stock route paddock in question in excess of the capacity found by the court to be the fair stocking capacity of such paddock.

63. Stock may be mustered. (1) For the purpose of ascertaining whether or not a stock route paddock is overstocked—

(a) an authorized person may; or

(b) the Local Authority for the Area in which the paddock is situated may and shall if so directed by the Executive Director,

by notice in writing served on the owner or, if he is not the occupier, the occupier of the private land on which the paddock is situated direct that the stock on the private land be mustered within the time specified in the notice.

(2) Where the owner or occupier fails to comply with a direction contained in a notice served on him under subsection (1) any person empowered in writing by the Local Authority for the Area in which the paddock is situated so to do (either generally or in the particular case) may enter the land and muster the stock.

(3) The expenses incurred by a Local Authority under subsection (2) shall be a debt due by the owner or occupier served with the notice under subsection (1) to the Local Authority and may be sued for and recovered in a court of competent jurisdiction.

(4) Subsection (3) shall be operative whether proceedings are brought against the owner or occupier concerned for a breach of section 62 (1) or not.

Division 2—General

64. Local Authority to enforce provisions of this Act. (1) Subject to this Act, each Local Authority is hereby charged with responsibility—

(a) to ensure that declared plants and declared animals are controlled within its Area;

(b) to prevent the introduction into and the spread within its Area of declared plants and declared animals,

as a function of local government and for the purposes of discharging that responsibility a Local Authority—

(c) shall enforce and make use of the provisions of this Act in so far as it is competent to it to do so;

- (d) may pay bonuses, approved by the Minister upon the recommendation of the Protection Board, for the destruction of declared animals of a class specified in the approval;
- (e) may, subject to its obtaining the approval of the Minister so to do, distribute poison and weedicides to the owners of private land.

(2) So far as it is competent to a Local Authority to enforce a provision of this Act in relation to a matter referred to in paragraph (a) or (b) of subsection (1) the responsibility prescribed by subsection (1) is primarily that of each Local Authority, notwithstanding any other provision of this Act.

65. Minister may direct Local Authority to exercise power or discharge function. If a Local Authority—

- (a) refuses or fails to exercise or discharge any power or function conferred or imposed on it under or in pursuance of this Act;
- (b) refuses or fails to carry out any work or activity which it is empowered or required under this Act to carry out; or
- (c) in the opinion of the Minister, is not exercising or discharging such power or function or carrying out such work or activity in a manner calculated to effect within its Area the objects of this Act,

the Minister may, by notice in writing served on the Local Authority, direct it—

- (d) to exercise or discharge such power or function or to carry out such work or activity; or
- (e) to exercise or discharge such power or function or carry out such work or activity in such manner as he thinks fit,

within the time specified in the notice.

66. When powers, etc., of Local Authority to be Performed by Executive Director. (1) If the Local Authority does not comply with a notice served on it under section 65 the Governor in Council may, by Order in Council—

- (a) declare that it shall cease to exercise or discharge such power or function or carry out such work or activity as is specified in the Order in Council; and
- (b) direct the Executive Director to exercise or discharge or carry out, as the case may be, such power, function, work or activity.

(2) In carrying out a direction given to him pursuant to subsection (1), the Executive Director shall have all the powers of the Local Authority and the Local Authority shall pay the costs, charges, fees and expenses of the Executive Director incurred in carrying out the direction.

(3) An Order in Council made under subsection (1) shall remain in force for such period as is specified therein and if no period is specified until it is revoked by a further Order in Council.

Where a period is specified in an Order in Council, it may be varied from time to time by a further Order in Council.

(4) Within 21 days after complying with a direction given to him pursuant to subsection (1), the Executive Director shall give to the Local Authority written notification that he has complied with the direction and shall inform it with reasonable particularity of the amount of the costs, charges, fees and expenses incurred by him in so complying.

(5) The Local Authority shall pay to the Executive Director for payment into the Fund the amount notified to it pursuant to subsection (4) within 21 days of being notified or within such extended time (not exceeding 35 days from the date of giving notification) as the Minister may allow.

(6) If a Local Authority fails to comply with subsection (5) the Executive Director shall certify to the Minister the amount owing by the Local Authority.

(7) Notwithstanding the provisions of any other Act the Minister, with the prior approval of the Governor in Council first had and obtained, may issue to the Local Authority a precept signed by him and in the prescribed form or in a form to the like effect stating therein the total amount of the costs, charges, fees and expenses notified to it pursuant to subsection (4) and not since paid and upon the issue of the precept the Local Authority shall meet the precept and pay out of its general fund in accordance with the direction contained in the precept for payment into the Fund the amount of the precept.

(8) Where a Local Authority fails to pay the amount of a precept issued under subsection (7) that amount shall be a debt due by the Local Authority to the Minister and may be sued for and recovered by him in a court of competent jurisdiction.

67. Local Authority may sue for and recover certain expenses.

(1) Where—

- (a) consequent upon the Executive Director carrying out a direction given to him pursuant to section 66 (1) a notice in writing is served upon an owner or occupier of private land or on both of them pursuant to section 81 (1);
- (b) neither the owner nor the occupier complies with a direction contained in the notice;
- (c) the Executive Director incurs expenses under section 83 (2) consequent upon the requirements of the direction contained in the notice not having been complied with; and
- (d) those expenses are paid by a Local Authority pursuant to section 66,

the expenses shall be a debt due by the owner or occupier served with the notice and if both are served by them jointly and each of them severally to the Local Authority and may be sued for and recovered in a court of competent jurisdiction.

(2) Where an owner of private land is indebted to a Local Authority pursuant to subsection (1) the debt shall, until paid, be and remain a charge upon the private land (notwithstanding that the indebtedness arose consequent upon expenses having been incurred in respect of a part only of the private land) and be payable by the owner thereof for the time being.

Whenever the amount of any such indebtedness has become a charge as aforesaid upon any private land, such charge shall be deemed to be a charge made under section 50 (7) of the *Local Government Act 1936-1984* and all the applicable provisions of that Act shall apply and extend accordingly.

68. Authorized persons. (1) A Local Authority may, by writing under its seal, appoint any of its officers as authorized persons.

(2) Every authorized person shall, if required to do so by that owner or occupier, produce his written appointment to the owner or occupier of any land or premises he may enter pursuant to the powers conferred on him by this Act.

(3) A provision of this Act that empowers (or requires) an authorized person to do any act, matter or thing shall be construed as empowering (or requiring) that person to do the act, matter or thing only within the Area of the Local Authority by which he is appointed pursuant to this section.

PART V—DECLARED PLANTS AND DECLARED ANIMALS

Division 1—Declaration of Plants and Animals

69. Classes of plants and animals may be declared. (1) The Governor in Council may—

- (a) on the joint recommendation of the Minister and the Minister who at the material time is charged with the administration of the *Agricultural Standards Act 1952-1981*, by Order in Council declare plants of a class specified in the Order in Council to be declared plants;
- (b) on the joint recommendation of the Minister and the Minister who at the material time is charged with the administration of the *Stock Act 1915-1984*, by Order in Council declare animals of a class specified in the Order in Council (other than animals that are fauna within the meaning of the *Fauna Conservation Act 1974-1984*) to be declared animals;
- (c) on the joint recommendation of the Minister and the Minister who at the material time is charged with the administration of the *Fauna Conservation Act 1974-1984*, by Order in Council declare animals of a class specified in the Order in Council that are fauna within the meaning of the *Fauna Conservation*

Act 1974–1984 (other than animals that are protected fauna or permanently protected fauna within the meaning of that Act and that are indigenous to Australia) to be declared animals.

(2) An Order in Council under subsection (1) in relation to a class of plants or animals shall specify—

- (a) whether those plants or animals are declared plants or declared animals, as the case may be, in respect of the whole of the State or only in respect of a part or parts of the State specified in the Order in Council;
- (b) whether those plants or animals are declared generally or only in particular circumstances specified in the Order in Council; and
- (c) the category or categories to which that class of declared plants or declared animals is assigned for the purposes of this Act.

70. Categories of declared plants and animals. (1) Subject to and in accordance with subsections (3) and (4), a class of declared plants or class of declared animals may, by Order in Council under section 69, be assigned to one or more categories for the purposes of this Act according to the measures that, in the opinion of the Governor in Council, need to be taken in relation to declared plants or declared animals of that class in order to protect primary industries and the resources related to primary industries.

(2) A class of declared plants or class of declared animals may, by Order in Council under section 69, be assigned to different categories in respect of different parts of the State.

(3) For the purposes of this Act a class of declared plants may be assigned to—

- (a) category P1 in respect of an area if the introduction into that area of those plants should, in the opinion of the Governor in Council, be prohibited;
- (b) category P2 in respect of an area if those plants should, in the opinion of the Governor in Council, be destroyed in that area;
- (c) category P3 in respect of an area if the numbers or distribution, or both, of those plants should, in the opinion of the Governor in Council, be reduced in that area;
- (d) category P4 in respect of an area if those plants should, in the opinion of the Governor in Council, be prevented from spreading beyond the places in which they occur in that area for the time being;
- (e) category P5 in respect of an area if, in the opinion of the Governor in Council, particular action should be taken in relation to those plants on land in that area that is land under the control of a Government department or a Local Authority.

(4) For the purposes of this Act a class of declared animals may be assigned to—

- (a) category A1 in respect of an area if the introduction of those animals into that area should, in the opinion of the Governor in Council, be prohibited;
- (b) category A2 in respect of an area if those animals—
 - (i) are not vertebrate animals native to that area; and
 - (ii) should, in the opinion of the Governor in Council, be destroyed in that area;
- (c) category A3 in respect of an area if the keeping and selling of those animals in that area should, in the opinion of the Governor in Council, be prohibited;
- (d) category A4 in respect of an area if the introduction of those animals into that area should, in the opinion of the Governor in Council, be subject to prescribed conditions and restrictions;
- (e) category A5 in respect of an area if the numbers of those animals in that area should, in the opinion of the Governor in Council, be reduced and kept under restriction;
- (f) category A6 in respect of an Area if the keeping and selling of those animals in that area should, in the opinion of the Governor in Council, be subject to prescribed conditions and restrictions;
- (g) category A7 in respect of an area if those animals are native to that area and are animals for which a management programme should, in the opinion of the Minister, be approved and published by the Minister and implemented in that area.

(5) In subsections (3) and (4) “ area ” means the whole of the State or a part of the State.

71. List of declared plants and animals. The Executive Director may from time to time publish in the Gazette a list setting out every class of plants or animals that is for the time being the subject of an Order in Council made under section 69 together with the matters specified pursuant to subsection (2) of that section in relation to each such class.

Division 2—Control of Declared Plants and Declared Animals

Subdivision A—Interpretation

72. Interpretation. In this Division—

- “ declared animal ” means a declared animal of category A2, A5 or A7;
- “ declared plant ” means a declared plant of category P2, P3 or P4 and, in relation to land under the control of a Local Authority, includes a declared plant of category P5.

Subdivision B—Public Land

73. Department to control declared plants and animals. A Government department shall control declared plants and declared animals on land under its control.

74. Inspection and advice. (1) An authorized person or inspector who finds declared plants or declared animals or signs or marks of declared animals on or in the vicinity of land that is under the control of a Government department shall notify the department of that fact.

(2) An authorized person or inspector may advise a Government department as to the measures that should be taken by it to control declared plants and declared animals on land under its control.

75. Agreements. (1) The Executive Director and a Government department may enter into agreements for the supply by the Executive Director to the Government department of materials, appliances and services for the control of declared plants and declared animals at such costs as shall be agreed.

(2) Subject to such limitations as may be prescribed the Executive Director and a Government department, as parties to an agreement referred to in subsection (1), may agree to extend or vary the agreement from time to time or to discharge the agreement.

Subdivision C—Municipal Land

76. Local Authority to control declared plants and animals. A Local Authority shall control declared plants and declared animals on land under its control.

77. Notice to comply may be served on Local Authority. (1) Where the Minister is satisfied that a Local Authority is not making all reasonable endeavours to comply with section 76 he may, by notice in writing served on that Local Authority, direct that declared plants or declared animals specified in the notice be controlled on land specified in the notice and specify a completion date on or before which the Local Authority shall fully comply with the direction.

(2) A notice served under subsection (1) may specify the method to be used in controlling the declared plants or declared animals to which the notice relates.

(3) The Minister may, by notice served under subsection (1), direct 2 or more Local Authorities to act in conjunction in controlling declared plants or declared animals on land under the control of each of them respectively and may fix the proportion of the expenses of so doing to be paid by each of them.

78. Powers of Executive Director, etc., on failure to comply with direction. (1) If a Local Authority has not complied with a direction contained in a notice served on it under section 77 a person authorized

in writing so to do by the Executive Director may enter the land to which the notice relates and endeavour to carry out all or any of the requirements of the direction and the expenses of doing so, together with interest at the prescribed rate, shall be a debt due by the Local Authority to the Executive Director and may be sued for and recovered in a court of competent jurisdiction.

(2) For the purposes of subsection (1), if a notice under section 77 has been served on 2 or more Local Authorities the expenses incurred under subsection (1) in carrying out the requirements of the direction contained in the notice shall be recoverable from those Local Authorities in the proportions fixed by the notice.

(3) For the purposes of this section a Local Authority on which a notice has been served under section 77 shall not be regarded as having failed to comply with the direction contained in the notice by reason only that it has not controlled declared plants or declared animals in the manner specified in the notice so long as it has controlled the plants or animals in some other manner approved by the Executive Director.

79. Agreements. (1) Subject to the provisions of the *Local Government Act 1936-1984*, the Executive Director and a Local Authority may enter into agreements for the supply by the Executive Director to the Local Authority of materials, appliances and services for the control of declared plants and declared animals at such cost as shall be agreed.

(2) Subject to such limitations as may be prescribed and to the provisions of the *Local Government Act 1916-1984*, the Executive Director and a Local Authority, as parties to an agreement referred to in subsection (1), may agree to extend or vary the agreement from time to time or to discharge the agreement.

Subdivision D—Private Land

80. Occupiers of private land to control declared plants and animals. The occupier of any private land who fails to control declared plants and declared animals on that land commits an offence against this Act.

Penalty: For a first offence \$100; for any subsequent offence \$500.

81. Notice to owner and occupier to control declared plants or animals. (1) Without affecting any proceeding against or liability of an occupier under section 80—

- (a) if the Local Authority for the Area in which the land is situated is satisfied that an occupier of private land is not making all reasonable endeavours to comply with that section it may;
- (b) if an authorized person or inspector is satisfied that an occupier of private land is not making all reasonable endeavours to comply with that section he may—
 - (i) in the case of an authorized person, if authorized in writing by the Local Authority for the Area in which the land is situated (either generally or in the particular case) so to do;

- (ii) in the case of an inspector, if authorized in writing by the Executive Director (either generally or in the particular case) so to do,

by notice in writing served on that occupier, or on the owner of the land, or on both the occupier and the owner, direct that declared plants or declared animals specified in the notice be controlled on, or on any specified part of, the land and specify a completion date on or before which the person on whom the notice is served shall fully comply with that direction.

(2) A notice served under subsection (1) may specify the method to be used in controlling the declared plants or declared animals to which the notice relates.

82. Failure to comply with direction. (1) An owner or occupier of private land who has been served with a notice under section 81 who fails to fully comply with the direction contained in the notice on or before the completion date specified in the notice commits an offence against this Act.

Penalty: For a first offence \$500; for any subsequent offence \$1 000.

(2) Where the owner and the occupier of private land are both served with a notice under section 81 it is a defence in any proceeding against either of them under subsection (1) for the defendant to show that the other has complied with the provisions of that subsection.

(3) For the purposes of this section and section 83, an owner or occupier of private land who has been served with a notice under section 81 shall not be regarded as having failed to comply or fully comply with the direction contained in the notice by reason only that he has not controlled declared plants or declared animals in the manner (if any) specified in the notice so long as he has controlled the plants or animals in some other manner approved by the Executive Director.

83. Local Authority or Executive Director may carry out work and recover cost. (1) Without affecting any proceeding against or liability of any owner or occupier under section 82, where neither the owner nor the occupier of private land has complied with a direction contained in a notice served on either or both of them under section 81—

(a) where the direction was given by a Local Authority or by an authorized person, the Local Authority for the Area in which the land is situated may in writing;

(b) where the direction was given by an inspector, the Executive Director may by writing under his hand,

authorize any person to enter the land to which the notice relates and endeavour to carry out all or any requirements of the direction.

(2) A person authorized pursuant to subsection (1) may enter the land and endeavour to carry out all or any requirements of the direction.

(3) The expenses incurred by a Local Authority or the Executive Director under subsection (2) and the administrative expenses incurred consequent upon the requirements of the direction not having been complied with, together with interest at the prescribed rate, shall be a debt due by the owner or occupier served with the notice referred to in subsection (1) and if both are served by them jointly and each of them severally to the Local Authority or, as the case may be, the Executive Director and may be sued for and recovered in a court of competent jurisdiction.

(4) Where an owner of private land is liable to a Local Authority for the expenses and interest referred to in subsection (3) they shall, until paid, be and remain a charge upon the private land (notwithstanding that the expenses have been incurred in respect of a part only of the land) and be payable by the owner thereof for the time being.

Whenever any such expenses and interest have become a charge as aforesaid upon any private land, such charge shall be deemed to be a charge made under section 50 (7) of the *Local Government Act* 1936-1984 and all the applicable provisions of that Act shall apply and extend accordingly.

(5) Where an owner of private land is liable to the Executive Director for the expenses and interest referred to in subsection (3) they shall, until paid, be and remain a charge upon the private land (notwithstanding that the expenses have been incurred in respect of a part only of the private land) in priority to all other encumbrances whatsoever other than land tax due under the *Land Tax Act* 1915-1984 but including rates due to a Local Authority and be payable by the owner thereof for the time being.

84. Powers of owner and occupier to control declared plants and animals. An owner or occupier of private land shall have full power to do all that is necessary to control declared plants and declared animals on that land and to comply with a direction contained in a notice served on him under section 81.

85. Agreements. (1) The Executive Director or, subject to the provisions of the *Local Government Act* 1936-1984, a Local Authority and an owner or occupier or both the owner and the occupier of private land may enter into agreements for the supply by the Executive Director or, as the case may be, Local Authority to the owner or occupier or both the owner and the occupier of materials, appliances and services for the control of declared plants and declared animals at such cost as shall be agreed.

(2) Subject to such limitations as may be prescribed and, in the case of a Local Authority, subject to the provisions of the *Local Government Act* 1936-1984, the Executive Director or a Local Authority and the owner or occupier or both the owner and the occupier of land, as parties to an agreement referred to in subsection (1), may agree to extend or vary the agreement from time to time or to discharge the agreement.

Subdivision E—Management Programmes

86. Minister may approve programmes. (1) The Minister may approve a management programme with respect to declared animals of a class assigned to category A7 being a programme designed to ensure that the movement, numbers and distribution of animals of that class are managed and regulated so as to protect primary industries and the resources related to primary industries whilst also ensuring that the continued existence of that class of animals in the area or areas of the State in which the programme has effect is not endangered.

(2) A programme approved under subsection (1) shall specify the area or areas of the State in which the programme shall have effect.

(3) The Minister shall publish every programme approved under subsection (1) in the Gazette and in a newspaper circulating in the area or areas in which the programme shall have effect.

(4) A programme published under subsection (3)—

- (a) shall take and have effect on and from the day specified in the programme as the day on which it takes effect or, if a day is not so specified, on the date on which it is so published;
- (b) may amend or vary any previous programme so published and may cancel any previous programme so published for the purpose of substituting its provisions for the provisions of the programme so cancelled;
- (c) may be cancelled wholly or in part by the Minister by notice published in the Gazette and in a newspaper circulating in the area or areas in which the programme has effect.

Subdivision F—Miscellaneous

87. Successors in title bound. A notice authorized under this Division to be served on any owner shall, if service has been made on any owner, be binding on every subsequent owner to the same extent as if such notice has been served on each subsequent owner.

88. Natural enemies of declared plants and animals. (1) The Governor in Council may, by Order in Council, declare anything to be a natural enemy of a declared plant or declared animal and prohibit the destruction, injuring and capturing of that thing in any area specified in the Order in Council.

(2) Any person who without lawful excuse—

- (a) destroys, injures or captures any thing contrary to an Order in Council made under subsection (1);
 - (b) is in possession of any thing that has been captured contrary to an Order in Council made under subsection (1),
- commits an offence against this Act.

Penalty: \$200.

*Division 3—Prevention of Introduction and Spread of Declared
Plants and Declared Animals*

89. Prohibition of introduction of category P1 plants. (1) Any person who—

- (a) brings into the State a plant that is a declared plant of category P1 in respect of the whole of the State;
- (b) brings into the State any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which a plant referred to in paragraph (a) is or has been packed or associated;
- (c) brings into a part of the State a plant that is a declared plant of category P1 in respect of that part of the State; or
- (d) brings into a part of the State any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which a plant that is a declared plant of category P1 in respect of that part of the State is packed or associated,

commits an offence against this Act.

Penalty: \$2 000.

(2) A person who wishes—

- (a) to bring into the State a plant that is a declared plant of category P1 in respect of the whole of the State; or
- (b) to bring into a part of the State a plant that is a declared plant of category P1 in respect of that part of the State.

for scientific or educational purposes may apply to the Minister for permission to bring that plant into the State or that part of the State, as the case may be, and the Minister may grant such permission subject to such conditions and restrictions as he considers necessary or may refuse such permission.

(3) Permission under subsection (2) may be applied for and granted in conjunction with permission under subsection (1) of section 90.

(4) In proceedings for an offence against paragraph (a) or (c) of subsection (1) it is a defence for the defendant to show that the declared plant was brought into the State or part of the State, as the case may be, pursuant to permission granted by the Minister under subsection (2) and in accordance with the conditions and restrictions imposed by the Minister under subsection (2).

90. Keeping of declared plants. (1) A person who wishes to keep a declared plant of category P2, P3 or P4 for scientific or educational purposes may apply to the Minister for permission to keep that plant and the Minister may grant such permission subject to such conditions and restrictions as he considers necessary or may refuse such permission.

(2) Permission under subsection (1) may be applied for and granted in conjunction with permission under subsection (2) of section 89.

(3) In proceedings for an offence against section 80 or 82 it is a defence for the defendant to show that the declared plant was being kept pursuant to permission granted by the Minister under subsection (1) and in accordance with the conditions and restrictions imposed by the Minister under subsection (1).

91. Person not to sell declared plant. A person who in any part of the State sells a plant that is a declared plant in respect of that part commits an offence against this Act.

92. Power to detain and deal with contaminated animals or things. An authorized person or inspector may—

- (a) seize, detain and deal with in accordance with the regulations any animal or thing which in his opinion formed on reasonable grounds is carrying or contains—
 - (i) a plant that is a declared plant in respect of the whole of the State; or
 - (ii) any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which a plant referred to in subparagraph (i) is or has been packed or associated;
- (b) in any part of the State seize, detain and deal with in accordance with the regulations any animal or thing which in his opinion formed on reasonable grounds is carrying or contains—
 - (i) a plant that is a declared plant in respect of that part of the State; or
 - (ii) any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which a plant that is a declared plant in respect of that part of the State is or has been packed or associated.

93. Destruction or disposal of declared plants, etc. (1) An authorized person or inspector who discovers—

- (a) a plant that is a declared plant in respect of the whole of the State;
- (b) any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which a plant referred to in paragraph (a) is or has been packed or associated;
- (c) in any part of the State a plant that is a declared plant in respect of that part of the State;
- (d) in any part of the State any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which a plant that is a declared plant in respect of that part of the State is or has been packed or associated,

may seize and detain that plant or other material and, where he does so, shall notify the Executive Director of that fact.

(2) On being notified of the seizure of a plant or other material pursuant to subsection (1) the Executive Director may require that it be destroyed or otherwise dealt with by the owner, consignor, consignee or person in possession or control of it within such time as is specified by the Executive Director.

(3) Where a person fails to comply with the requirement of the Executive Director made under subsection (2) the Executive Director may direct an authorized person or inspector to destroy the plant or other material and where he does so the authorized person or inspector may destroy the plant or other material.

94. Prohibition of introduction of category A1 animals. (1) Any person who—

- (a) brings into the State an animal that is a declared animal of category A1 in respect of the whole of the State; or
- (b) brings into a part of the State an animal that is a declared animal of category A1 in respect of that part of the State,

commits an offence against this Act.

Penalty: \$2 000.

(2) A person who wishes—

- (a) to bring into the State an animal that is a declared animal of category A1 in respect of the whole of the State;
- (b) to bring into a part of the State an animal that is a declared animal of category A1 in respect of that part of the State,

for scientific or educational purposes or for the purpose of exhibiting the same or of providing an entertainment may apply to the Minister for permission to bring that animal into the State or that part of the State, as the case may be, and the Minister may grant such permission subject to such conditions and restrictions as he considers necessary or may refuse such permission.

(3) Permission under subsection (2) may be applied for and granted in conjunction with permission under subsection (2) of section 97.

(4) In proceedings for an offence against paragraph (a) or (b) of subsection (1) it is a defence for the defendant to show that the declared animal was brought into the State or part of the State, as the case may be, pursuant to permission granted by the Minister under subsection (2) and in accordance with the conditions and restrictions imposed by the Minister under subsection (2).

95. Restrictions on introduction of category A4 animals. (1) A person shall not—

- (a) bring into the State any animal that is a declared animal of category A4 in respect of the whole of the State; or
- (b) bring into a part of the State an animal that is a declared animal of category A4 in respect of that part of the State,

unless that animal is brought into the State or that part of the State, as the case may be, subject to and in accordance with the conditions and restrictions prescribed in relation to the introduction of animals of that class.

(2) A person who contravenes or fails to comply with subsection (1) commits an offence against this Act.

Penalty: \$2 000.

96. Delivery of declared animals into custody. (1) Where a person—

(a) brings into the State an animal that is a declared animal in respect of the whole of the State; or

(b) brings into a part of the State an animal that is a declared animal in respect of that part of the State,

that person shall, if required by an authorized person or inspector so to do, deliver that animal into the custody of an authorized person or inspector at any place nominated by an authorized person or inspector.

(2) Where a declared animal has been delivered to a place pursuant to subsection (1) a person shall not remove the animal from that place without the prior written authority of an authorized person or inspector.

(3) A person who contravenes or fails to comply with a provision of subsection (1) or (2) commits an offence against this Act.

Penalty: \$1 000.

97. Prohibition on keeping and selling category A3 animals. (1) Any person who—

(a) keeps; or

(b) sells,

in any part of the State an animal that is a declared animal of category A3 in respect of that part of the State commits an offence against this Act.

Penalty: \$2 000.

(2) A person who wishes to keep a declared animal of category A3 for scientific or educational purposes or for the purpose of exhibiting the same or of providing an entertainment, may apply to the Minister for permission to keep that animal and the Minister may grant such permission subject to such conditions and restrictions as he considers necessary or may refuse such permission.

(3) Permission under subsection (2) may be applied for and granted in conjunction with permission under subsection (2) of section 94.

(4) In proceedings for an offence against subsection (1) (a) it is a defence for the defendant to show that the declared animal was being kept pursuant to permission granted by the Minister under subsection (2) and in accordance with the conditions and restrictions imposed by the Minister under subsection (2).

98. Restrictions on keeping and selling category A6 animals. (1) A person shall not keep in any part of the State an animal that is a declared animal of category A6 in respect of that part of the State unless that animal is kept subject to and in accordance with the conditions and restrictions prescribed in relation to the keeping of animals of that class.

(2) A person shall not sell in any part of the State an animal that is a declared animal of category A6 in respect of that part of the State unless that animal is sold subject to and in accordance with the conditions and restrictions prescribed in relation to the selling of animals of that class.

(3) A person who contravenes subsection (1) or (2) commits an offence against this Act.

Penalty: \$2 000.

99. Authorized person or inspector may order destruction of declared animals. (1) Where a person has in his possession or under his control in any part of the State, whether on land or not and whether as owner or not, a declared animal that—

(a) is being or has been introduced into the State or into that part of the State contrary to section 94 or 95; or

(b) is being kept or that has been sold contrary to section 97 or 98, an authorized person or inspector may, if authorized by the Executive Director (either generally or in the particular case) so to do—

(c) by notice in writing served on that person require him forthwith to destroy that animal; or

(d) seize that animal and—

(i) destroy it; or

(ii) dispose of it in some other manner.

(2) Where a person fails to comply with a notice served under paragraph (c) of subsection (1) an authorized person or inspector may seize and destroy the declared animal referred to in the notice.

100. Liberating declared animals. (1) Any person who, without the written permission of the Executive Director (given either generally or in the particular case) so to do, liberates in any part of the State an animal that is a declared animal of any category other than category A7 in respect of that part of the State commits an offence against this Act.

Penalty: \$1 000.

(2) For the purposes of this section, a person in charge of any vehicle, vessel, train or aircraft is deemed to have liberated any animal that escapes or is free to escape from that vehicle, vessel, train or aircraft unless he shows that he might not reasonably have prevented its escape or freedom to escape.

Division 4—Powers of Authorized Persons and Inspectors

101. Power of entry. (1) An authorized person or inspector may at any reasonable time, by virtue of and without other warrant than the provisions of this Act, enter upon any land and into any premises on land in order to ascertain—

- (a) whether declared plants or declared animals are in or upon the land or premises and, if so, whether those declared plants or declared animals are being controlled as required by this Part;
- (b) whether the direction contained in a notice served under Division 2 is being or has been complied with;
- (c) whether there is any declared plant or other thing in or upon the land or premises that has been introduced contrary to this Part;
- (d) whether there is any declared animal in or upon the land or premises that has been introduced or is being kept contrary to this Part;
- (e) whether there is any declared plant or declared animal in or upon the land or premises that is for sale or that has been sold contrary to this Part.

(2) Before an authorized person or inspector enters a part of any premises which part is used exclusively as a dwelling-house he shall, save where he has the permission of the occupier of that part to his entry, obtain from a justice a warrant to enter.

(3) A justice who is satisfied upon the complaint of an authorized person or inspector that there is reasonable cause to suspect that there is in any premises—

- (a) any declared plant or declared animal that is required by this Part to be controlled;
- (b) any declared plant or other thing that has been introduced contrary to this Part;
- (c) any declared animal that has been introduced or is being kept contrary to this Part;
- (d) any declared plant or declared animal that is for sale or that has been sold contrary to this Part,

may issue his warrant directed to the authorized person or inspector to enter the premises during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, for the purpose of searching the premises.

(4) A warrant shall be, for the period of one month from the date of its issue, sufficient authority for the authorized person or, as the case may be, inspector—

- (a) to enter and search the premises specified in the warrant at the time specified therein; and
- (b) to exercise therein the powers conferred upon an authorized person or as the case may be, an inspector under this Part.

(5) In this section premises that are used as a dwelling-house do not include the curtilage of those premises.

102. Power to search conveyances, etc. (1) An authorized person or inspector may at any time search and inspect any vehicle, vessel, aircraft, train or implement in order to ascertain if any declared plant or declared animal or any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which a declared plant is or has been packed or associated is on or in that vehicle, vessel, aircraft, train or implement.

(2) For the purpose of exercising his powers under this section an authorized person or inspector—

(a) may stop any vehicle or vessel;

(b) may, with or without assistants, enter into or upon any vehicle, vessel, aircraft, train or implement and search and inspect every part of it and everything on or in it.

(3) A person who, being in charge of a vehicle or vessel, fails to stop the vehicle or vessel when so required by a person who makes himself known as being an authorized person or inspector, commits an offence against this Act.

Penalty: \$2 000.

103. Power to require spraying, etc. (1) Where an authorised person or inspector finds on any land, premises, vehicle, vessel, aircraft, train or implement any declared plant or declared animal or any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which a declared plant is or has been packed or associated he may require any person who, in the opinion of the authorized person or inspector, is apparently in control of the land, premises, vehicle, vessel, aircraft, train or implement, as the case may be, to spray, wash or sterilize the same or any part thereof together with anything found upon the same within such time and in such manner as to the authorized person or inspector seems desirable.

(2) A person who fails to comply with a requirement made under subsection (1) commits an offence against this Act.

PART VI—EXTRAORDINARILY NOXIOUS PLANTS

104. Interpretation, etc. (1) In this Part—

“extraordinarily noxious plant” means *Mimosa invisa* (Giant Sensitive Plant) and any plant declared by the Minister by notification published in the Gazette to be an extraordinarily noxious plant.

(2) The Minister may by a like notification revoke a notification referred to in subsection (1).

(3) This Part binds the Crown.

105. Occupiers of land to destroy extraordinarily noxious plants. The occupier of any land who fails to destroy all extraordinary noxious plants on that land commits an offence against this Act.

Penalty: For the first offence \$500; for any subsequent offence \$1 000.

106. Notice to owner and occupier to destroy extraordinarily noxious plants. (1) Without affecting any proceeding against or liability of any occupier under section 105, if an inspector is satisfied that an occupier of land is not making all reasonable endeavours to comply with that section he may, by notice in writing served on that occupier, or on the owner of the land, or on both the occupier and the owner, direct that extraordinarily noxious plants specified in the notice be destroyed on the land and specify a completion date on or before which the person on whom the notice is served shall fully comply with that direction.

(2) A notice served under subsection (1) may specify the method to be used in destroying the extraordinarily noxious plants to which the notice relates.

107. Failure to comply with direction. (1) An owner or occupier of land who has been served with a notice under section 106 and who fails to fully comply with the direction contained in the notice on or before the completion date specified in the notice commits an offence against this Act.

Penalty: For a first offence \$1 000; for any subsequent offence \$2 000.

(2) Where the owner and the occupier of land are both served with a notice under section 106 it is a defence in any proceeding against either of them under subsection (1) for the defendant to show that the other has complied with the provisions of that subsection.

108. Executive Director may carry out work and recover cost.

(1) Without affecting any proceeding against or liability of any owner or occupier under section 107, where neither the owner nor the occupier of any land has complied with the direction contained in a notice served on either or both of them under section 106 the Executive Director may by writing under his hand authorize any person to enter the land to which the notice relates and endeavour to carry out all or any of the requirements of the direction.

(2) A person authorized pursuant to subsection (1) may enter the land and endeavour to carry out all or any requirements of the direction.

(3) The expenses incurred by the Executive Director under subsection (2) and the administrative expenses incurred consequent upon the requirements of the direction not having been complied with, together with interest at the prescribed rate, shall be a debt due by the owner or occupier served with the notice referred to in subsection (1) and, if both are served, by them jointly and each of them severally, to the Executive Director and may be sued for and recovered in a court of competent jurisdiction.

(4) Where an owner of private land is liable for the expenses and interest referred to in subsection (3) they shall, until paid, be and remain a charge upon the private land (notwithstanding that the expenses have been incurred in respect of a part only of the private land) in priority to all other encumbrances whatsoever other than land tax due under the *Land Tax Act 1915-1984* but including rates due to a Local Authority and be payable by the owner thereof for the time being.

109. Powers of owner and occupier to destroy extraordinarily noxious plants. An owner or occupier of land shall have full power to do all that is necessary to destroy extraordinarily noxious plants on that land and to comply with a direction contained in a notice served on him under section 106.

110. Successors in title bound. A notice authorized under section 106 to be served on any owner shall, if service has been made on any owner, be binding on every subsequent owner to the same extent as if such notice has been served on each subsequent owner.

111. Agreements. (1) The Executive Director and an owner or occupier or both the owner and the occupier of land may enter into agreements for the supply by the Executive Director to the owner or occupier or both the owner and the occupier of materials, appliances and services for the destruction of extraordinarily noxious plants at such cost as shall be agreed.

(2) Subject to such limitations as may be prescribed the Executive Director and the owner or occupier or both the owner and the occupier of land, as parties to an agreement referred to in subsection (1), may agree to extend or vary the agreement from time to time or to discharge the agreement.

112. Power of Minister in respect of land infested by any extraordinarily noxious plant. (1) Where the Minister has reason to believe that any land is infested by any extraordinarily noxious plant he may, upon the recommendation of the Protection Board, by notice published in a newspaper circulating in the area in which the land is situated, prohibit the removal from that land of any earth, soil, clay, sand, gravel, stone, plant or other material whatsoever.

(2) The Minister may, upon the recommendation of the Protection Board, by a like notice revoke a notification referred to in subsection (1).

(3) Where a prohibition referred to in subsection (1) relates to private land the Minister shall cause a copy of the notification to be served on the person who is the owner thereof at the date on which the notification is published under subsection (1) and, where at that date the land is occupied by a person other than the owner, on the person who is the occupier thereof at that date.

113. Notification in register. (1) Upon the publication of a notice pursuant to section 112 the Executive Director shall lodge a copy thereof, certified by him to be a true copy, with the authority charged with registering the instrument of title to the land to which the notice relates and such authority shall note such notice by endorsement in its register and on every such instrument.

(2) The Executive Director may, by notice in writing served upon a person who is in possession of an instrument of title to land to which a notice referred to in subsection (1) relates, require that person to produce the instrument, within such time as is specified in the notice, to the authority charged with registering that instrument.

(3) A person who fails to comply with the requirements of a notice served on him pursuant to subsection (2) commits an offence against this Act.

Penalty: \$100.

114. Person not to remove earth, etc. Unless he has received the written permission of the Minister so to do and unless he does so in accordance with any terms, conditions or stipulations specified therein, a person who—

(a) removes; or

(b) permits or allows or suffers to be removed,

any earth, soil, clay, sand, gravel, stone, plant or other material whatsoever from any land contrary to a prohibition imposed by the Minister under section 112 commits an offence against this Act.

Penalty: \$2 000.

115. Provisions of this Part paramount. (1) To the extent necessary to give operation and effect to this Part and to any prohibition imposed pursuant to a notification referred to in section 112, the provisions of every other Act, whether passed before or after the commencement of this Act, shall be read subject to this Part.

(2) No licence, permission or other authority whatsoever granted, given or issued under any other Act shall authorize, justify or excuse any act that is an offence against section 114.

116. Destruction or disposal of extraordinarily noxious plants, etc. (1) An inspector who discovers any earth, soil, clay, sand, gravel, stone, plant or other material whatsoever that, in his opinion formed on reasonable grounds, has been removed from land contrary to this Part may seize and detain that earth, soil, clay, sand, gravel, stone, plant or other material or may require the person in possession or control of it to return it to the land from which it was removed.

(2) An inspector who discovers any plant that, in his opinion formed on reasonable grounds, has been removed from land contrary to this Part or any extraordinarily noxious plant may seize, detain and destroy the same or may require the person in possession or control of it to destroy it.

117. Power of inspectors to enter land. An inspector may at any reasonable time by virtue of and without other warrant than the provisions of this Act enter upon any land in order to ascertain—

- (a) whether extraordinarily noxious plants are in or on the land and, if so, whether those plants are being destroyed as required by this Part;
- (b) whether any earth, soil, clay, sand, gravel, stone, plant or other material whatsoever has been removed from land contrary to this Part;
- (c) whether the direction contained in a notice served under this Part is being or has been complied with.

118. Power of inspector to search conveyances, etc. An inspector may at any time search and inspect any vehicle, vessel, aircraft, train or implement in order to ascertain if any earth, soil, clay, sand, gravel, stone, plant or other material whatsoever the removal of which is prohibited under this Part or any extraordinarily noxious plant is on or in that vehicle, vessel, aircraft, train or implement.

(2) For the purpose of exercising his powers under this section an inspector—

- (a) may stop any vehicle or vessel;
- (b) may, with or without assistants, enter into or upon any vehicle, vessel, aircraft, train or implement and search and inspect every part of it and everything on or in it.

(3) A person who, being in charge of a vehicle or vessel, fails to stop the vehicle or vessel when so required by a person who makes himself known as being an inspector commits an offence against this Act.

Penalty: \$2 000.

119. Power of inspector to require washing, etc. (1) Where an inspector finds on any land, premises, vehicle, vessel, aircraft, train or implement any earth, soil, clay, sand, gravel, stone, plant or other material whatsoever that, in his opinion formed on reasonable grounds, has been removed from land contrary to this Part or any extraordinarily noxious plant he may require any person who in the opinion of the inspector is apparently in control of the land, premises, vehicle, vessel, aircraft, train or implement, as the case may be, to spray, wash or sterilize the same or any part thereof together with anything found upon the same within such time and in such manner as to the inspector seems desirable.

(2) A person who fails to comply with a requirement made under subsection (1) commits an offence against this Act.

PART VII—PLAGUE LOCUSTS

Division 1—*Interpretation, etc.*

120. **Interpretation.** In this Part unless the contrary intention appears—

“Committee” means a Plague Locust Destruction Committee constituted under this Part;

“plague locust” means—

(a) any locust of the species known as *Chortoicetes terminifera* (Walk);

(b) any locust of any other species of *Acridiidae* which is declared by Order in Council to be a plague locust, and includes the larva thereof.

121. **Areas in which Part operates.** This Part shall extend to and be in force in such Areas as the Governor in Council may from time to time by Order in Council declare.

Division 2—*Committees*

122. **Committees.** (1) The Local Authority for an Area may, and if directed by the Minister so to do shall, in accordance with the regulations, appoint a Plague Locust Destruction Committee for that Area.

(2) A Committee appointed pursuant to this Part shall be a body corporate under the name and style of the “(name of Local Authority area) Plague Locust Destruction Committee” and by that name shall have perpetual succession and an official seal which shall be judicially noticed and shall be capable in law of suing and being sued.

(3) The Committee shall appoint a secretary and may employ such persons as it deems necessary.

123. **Local Authority to notify Executive Director.** Upon a Committee being appointed for an Area pursuant to this Part the Local Authority for the Area shall notify the Executive Director accordingly.

124. **Functions of Committee.** (1) Subject to this Act, a Committee shall take all necessary and proper steps within its Area for the extermination of plague locusts.

(2) For the purpose of carrying out its functions a Committee may co-operate with any Government department and with any other Committee.

125. **Validity of proceedings.** A decision of a Committee shall not be avoided or prejudiced by reason of the fact that at the time such decision was taken—

(a) there was a vacancy in the membership of the Committee;

- (b) there was a defect in the appointment or qualifications of a member.

Division 3—Public Land

126. Department to destroy plague locusts. A Government department, on land under its control, shall at all times at which plague locusts exist at any place upon the land do and execute and continue to do and execute, in the manner prescribed, all such acts, matters and things as are prescribed for the purpose of destroying the locusts.

127. Inspection and advice. A person authorized in writing in that behalf by a Committee who finds signs or marks of plague locusts on or in the vicinity of land that is under the control of a Government department shall notify the department of that fact.

128. Agreements. (1) The Executive Director and a Government department may enter into agreements for the supply by the Executive Director to the Government department of materials, appliances and services for the purpose of destroying plague locusts at such costs as shall be agreed.

(2) Subject to such limitations as may be prescribed the Executive Director and a Government department, as parties to an agreement referred to in subsection (1), may agree to extend or vary the agreement from time to time or to discharge the agreement.

Division 4—Municipal Land

129. Local Authority to destroy plague locusts. A Local Authority, on land under its control, shall at all times at which plague locusts exist at any place upon the land do and execute and continue to do and execute, in the manner prescribed, all such acts, matters and things as are prescribed for the purpose of destroying plague locusts.

130. Notice to comply may be served on Local Authority. Where a Committee is satisfied that a Local Authority is not making all reasonable endeavours to comply with section 129 it may, by notice in writing served on that Local Authority, direct it to forthwith or within a time stated in the notice do and execute, in the manner prescribed, all such acts, matters and things, having regard to the stage of development reached by the plague locusts, as are prescribed for the purpose of destroying the locusts.

131. Powers of Committee on failure to comply with direction. If a Local Authority does not comply with a direction contained in a notice served on it under section 130 any person authorized in writing in that behalf by the Committee may enter the land to which the notice relates and carry out all or any of the requirements of the direction and the expense of doing so, together with interest at the prescribed rate, shall be a debt due by the Local Authority to the Committee and may be sued for and recovered in a court of competent jurisdiction.

Division 5—Private Land

132. Occupiers of private land to destroy plague locusts. (1) The occupier of any private land shall at all times at which plague locusts exist at any place upon the land do and execute and continue to do and execute, in the manner prescribed, all such acts matters and things as are prescribed for the purpose of destroying the locusts.

(2) A person who fails to comply with subsection (1) commits an offence against this Act.

133. Notice to occupier or owner to destroy plague locusts. (1) Without affecting any proceeding against or liability of any occupier under section 132, if a person authorized in writing in that behalf by a Committee finds upon any private land plague locusts he may serve a notice in writing on the occupier or, if there is no occupier or if the occupier cannot be located, then on the owner of such land directing him to forthwith or within a time stated in the notice do and execute, in the manner prescribed, all such acts, matters and things, having regard to the stage of development reached by the plague locusts, as are prescribed for the purpose of destroying the locusts.

(2) An owner or occupier who fails to comply with the direction contained in a notice served on him under subsection (1) commits an offence against this Act.

134. Enforcement of notice. (1) Without affecting any proceeding against or liability of any owner or occupier under section 133, where an owner or occupier of private land fails to comply with a direction contained in a notice served on him under that section, the Committee for the Area in which the land is situated may authorize in writing any person to enter the land to which the notice relates and endeavour to carry out all or any requirements of the direction.

(2) A person authorized pursuant to subsection (1) may enter the land and endeavour to carry out all or any requirements of the direction.

(3) The expenses incurred by a Committee under subsection (2) and the administrative expenses incurred consequent upon the requirements of the direction not having been complied with, together with interest at the prescribed rate, shall be a debt due by the owner or occupier served with the notice referred to in subsection (1) to the Committee and may be sued for and recovered in a court of competent jurisdiction.

(4) Where an owner of private land is liable for the expenses and interest referred to in subsection (3) they shall, until paid, be and remain a charge upon the private land (notwithstanding that the expenses have been incurred in respect of a part only of the private land) in priority to all other encumbrances whatsoever other than land tax due under the *Land Tax Act 1915-1984* and rates due to a Local Authority and be payable by the owner thereof for the time being.

135. Powers of owners and occupiers to destroy plague locusts. An owner or occupier of private land shall have full power to do and execute all such acts, matters and things as are prescribed for the purpose of destroying plague locusts.

136. Successors in title bound. A notice authorized under this Division to be served on any owner shall, if service has been made on any owner, be binding on every subsequent owner to the same extent as if such notice has been served on each subsequent owner.

Division 6—Miscellaneous

137. Minister may direct Committee to exercise power or discharge function. If a Committee—

- (a) refuses or fails to exercise or discharge any power or function conferred or imposed on it under or in pursuance of this Part;
- (b) refuses or fails to carry out any work or activity which it is empowered or required under or in pursuance of this Part to carry out; or
- (c) in the opinion of the Minister, is not exercising or discharging such power or function or carrying out such work or activity in a manner calculated to effect within its Area the objects of this Part,

the Minister may, by notice in writing served on the Committee, direct it—

- (d) to exercise or discharge such power or function or to carry out such work or activity; or
- (e) to exercise or discharge such power or function or carry out such work or activity in such manner as he thinks fit,

within the time specified in the notice.

138. When powers, etc., of Committee to be performed by Executive Director. (1) If the Committee does not comply with a notice served on it under section 137 the Minister may, by notice published in the Gazette—

- (a) declare that it shall cease to exercise or discharge such power or function or carry out such work or activity as is specified in the notice published in the Gazette; and
- (b) direct the Executive Director to exercise or discharge or carry out, as the case may be, such power, function, work or activity.

(2) In carrying out a direction given to him pursuant to subsection (1), the Executive Director shall have all the powers of the Committee and the Local Authority for the Area for which the Committee was appointed shall pay the costs, charges, fees and expenses of the Executive Director incurred in carrying out the direction.

(3) A reference in this Part to a person authorised in writing in a particular behalf by a Committee shall be taken to include, where the Executive Director is carrying out a direction given to him pursuant to subsection (1), a person authorised in writing in that behalf by the Executive Director.

(4) A notice published pursuant to subsection (1) shall remain in force for such period as is specified in the notice or if no period is specified until it is revoked by the Minister by notification published in the Gazette.

Where a period is specified in a notice it may be varied from time to time by the Minister by notification published in the Gazette.

(5) Within 21 days after complying with a direction given to him pursuant to subsection (1), the Executive Director shall give to the Local Authority for the Area for which the Committee was appointed written notification that he has complied with the direction and shall inform it with reasonable particularity of the amount of the costs, charges, fees and expenses incurred by him in so complying.

(6) The Local Authority shall pay to the Executive Director for payment into the Fund the amount notified to it pursuant to subsection (5) within 21 days of being notified or within such extended time (not exceeding 35 days from the date of giving notification) as the Minister may allow.

(7) If a Local Authority fails to comply with subsection (6), the Executive Director shall certify to the Minister the amount owing by the Local Authority.

(8) Notwithstanding the provisions of any other Act, the Minister, with the prior approval of the Governor in Council first had and obtained, may issue to the Local Authority a precept signed by him and in the prescribed form or in a form to the like effect stating therein the total amount of the costs, charges, fees and expenses notified to it pursuant to subsection (5) and not since paid and upon the issue of the precept the Local Authority shall meet the precept and pay out of its general fund in accordance with the direction contained in the precept for payment into the Fund the amount of the precept.

(9) Where a Local Authority fails to pay the amount of a precept issued under subsection (8) that amount shall be a debt due by the Local Authority to the Minister and may be sued for and recovered by him in a court of competent jurisdiction.

139. Local Authority may sue for and recover certain expenses.

(1) Where—

(a) consequent upon the Executive Director carrying out a direction given to him pursuant to section 138 (1) a notice in writing is served upon an owner or occupier of private land pursuant to section 133(1);

- (b) the owner or occupier fails to comply with a direction contained in the notice;
- (c) the Executive Director incurs expenses under section 134 (2) consequent upon the requirements of the direction contained in the notice not having been complied with; and
- (d) those expenses are paid by a Local Authority pursuant to section 138.

the expenses shall be a debt due by the owner or occupier served with the notice to the Local Authority and may be sued for and recovered in a court of competent jurisdiction.

(2) Where an owner of private land is indebted to a Local Authority pursuant to subsection (1) the debt shall, until paid, be and remain a charge upon the private land (notwithstanding that the indebtedness arose consequent upon expenses having been incurred in respect of a part only of the private land) and be payable by the owner thereof for the time being.

Whenever the amount of any such indebtedness has become a charge as aforesaid upon any private land, such charge shall be deemed to be a charge made under section 50 (7) of the *Local Government Act 1936-1984* and all the applicable provisions of that Act shall apply and extend accordingly.

140. Expenditure. (1) The Local Authority for the Area for which a Committee is appointed may at its discretion pay from its general fund to the Committee such moneys as it thinks fit for the purposes of this Part.

(2) A Committee may raise money by way of public subscription for the purposes of this Part.

141. Power of entry. (1) A person authorized in writing in that behalf by a Committee may at any reasonable time by virtue of and without other warrant than the provisions of this Act enter upon any land situated in the Area for which the Committee is appointed and into any premises on land, other than a part of any premises which part is used exclusively as a dwelling-house, to ascertain—

- (a) whether any plague locusts are on the land or premises;
- (b) whether a direction contained in a notice served under this Part is being or has been complied with.

(2) In this section premises that are used as a dwelling-house do not include the curtilage of those premises.

PART VIII—RABBITS

Division 1—Public Land

142. Department to maintain land under its control free from rabbits. A Government department shall maintain land under its control that is situated in the Rabbit District free from rabbits.

143. Inspection and advice. (1) A rabbit control officer who finds rabbits or signs or marks of rabbits on or in the vicinity of land situated in the Rabbit District that is under the control of a Government department shall notify the department of that fact.

(2) The Rabbit Board or a rabbit control officer may advise a Government department as to the measures that should be taken by it to maintain land under its control free from rabbits.

144. Agreements. (1) The Rabbit Board and a Government department may enter into agreements for the supply by the Rabbit Board to the Government department of materials, appliances and services for the purpose of maintaining land under its control situated in the Rabbit district free from rabbits at such costs as shall be agreed.

(2) Subject to such limitations as may be prescribed the Rabbit Board and a Government department, as parties to an agreement referred to in subsection (1), may agree to extend or vary the agreement from time to time or to discharge the agreement.

Division 2—Municipal Land

145. Local Authority to maintain land free from rabbits. A Local Authority shall maintain free from rabbits land under its control that is situated in the Rabbit District.

146. Notice to comply may be served on Local Authority. Where the Rabbit Board is satisfied that a Local Authority is not making all reasonable endeavours to comply with section 145 it may, by notice in writing served on that Local Authority, direct that the action specified in the notice be taken on the land specified in the notice and specify a completion date on or before which the Local Authority shall fully comply with the direction.

147. Power of Rabbit Board on failure to comply with direction. If a Local Authority does not comply with a direction contained in a notice served on it under section 146 any person authorized in writing in that behalf by the Rabbit Board may enter the land to which the notice relates and carry out all or any of the requirements of the direction and the expense of doing so, together with interest at the prescribed rate, shall be a debt due by the Local Authority to the Rabbit Board and may be sued for and recovered in a court of competent jurisdiction.

148. Agreements. (1) Subject to the provisions of the *Local Government Act 1936–1984*, the Rabbit Board and a Local Authority may enter into agreements for the supply by the Rabbit Board to the Local Authority of materials, appliances and services for the purpose of maintaining land under the control of the Local Authority that is situated within the Rabbit District free from rabbits at such costs as shall be agreed.

(2) Subject to such limitations as may be prescribed, and to the provisions of the *Local Government Act 1936–1984*, the Rabbit Board and a Local Authority, as parties to an agreement referred to in subsection (1), may agree to extend or vary the agreement from time to time or to discharge the agreement.

Division 3—Private Land

149. Duty of occupier. The occupier of any private land situated within the Rabbit District who fails at all times to maintain the private land free from rabbits commits an offence against this Act.

Penalty: For a first offence \$100; for any subsequent offence \$500.

150. Notice to owner and occupier. Without affecting any proceeding against or liability of any occupier under section 149, if the Rabbit Board is satisfied that an occupier of land is not making all reasonable endeavours to comply with that section it may, by notice in writing served on that occupier or on the owner of the land or on both the occupier and the owner, direct that the action specified in the notice be taken on or on any specified part of the land and specify a completion date on or before which the person on whom the notice is served shall fully comply with that direction.

151. Failure to comply with direction. (1) An owner or occupier of private land who has been served with a notice under section 150 who fails to fully comply with the direction contained in the notice on or before the completion date specified in the notice commits an offence against this Act.

Penalty: For a first offence \$500; for any subsequent offence \$1 000.

(2) Where the owner and the occupier of private land are both served with a notice under section 150 it is a defence in any proceeding against either of them under subsection (1) for the defendant to show that the other has complied with the provisions of that subsection.

152. Rabbit Board may carry out work and recover costs. (1) Without affecting any proceeding against or liability of any owner or occupier under section 151, where neither the owner nor the occupier of private land has complied with the direction contained in a notice served on either or both of them under section 150 the Rabbit Board may authorize in writing any person to enter the private land to which the notice relates and endeavour to carry out all or any of the requirements of the direction.

(2) A person authorized pursuant to subsection (1) may enter the land and endeavour to carry out all or any requirements of the direction.

(3) The expenses incurred by the Rabbit Board under subsection (2) and the administrative expenses incurred consequent upon the requirements of the direction not having been complied with, together with interest at the prescribed rate, shall be a debt due by the owner or occupier served with the notice referred to in subsection (1), and if both are served by them jointly and each of them severally, to the Rabbit Board and may be sued for and recovered in a court of competent jurisdiction.

(4) Where an owner of private land is liable for the expenses and interest referred to in subsection (3) they shall, until paid, be and remain a charge upon the private land (notwithstanding that the expenses have been incurred in respect of a part only of the private land) in priority to all other encumbrances whatsoever other than land tax due under the *Land Tax Act* 1915-1984 and rates due to a Local Authority and be payable by the owner thereof for the time being.

153. Powers of owner and occupier to maintain private land free from rabbits. An owner or occupier of private land situated within the Rabbit District shall have full power to do all that is necessary to maintain the land free from rabbits and to comply with a direction contained in a notice served on him under section 150.

154. Agreements. (1) The Rabbit Board and an owner or occupier or both the owner and the occupier of private land situated within the Rabbit District may enter into agreements for the supply by the Rabbit Board to the owner or occupier or both the owner and the occupier of materials, appliances and services for the destruction of rabbits at such cost as shall be agreed.

(2) Subject to such limitations as may be prescribed, the Rabbit Board and the owner or occupier or both the owner and the occupier of private land, as parties to an agreement referred to in subsection (1), may agree to extend or vary the agreement from time to time or to discharge the agreement.

155. Successors in title bound. A notice authorized under this Division to be served on any owner shall, if service has been made on any owner, be binding on every subsequent owner to the same extent as if such notice has been served on each subsequent owner.

Division 4—Miscellaneous

156. Offences concerning rabbit check fence. (1) Except where he is acting pursuant to the terms of an order made under section 180 (1), a person who, without the permission of the Rabbit Board, destroys, cuts, breaks or damages any part of the rabbit check fence or any part of the wire netting attached to the fence commits an offence against this Act.

(2) A person who—

- (a) leaves open a gate in the rabbit check fence;
- (b) causes any stock to be confined, encamped or shut in against the fence so as to be in close proximity thereto; or
- (c) removes, opens or tampers with a flood-gate or barrier of any description that forms part of the fence,

commits an offence against this Act.

157. Structures adjacent to or abutting on rabbit check fence.

(1) Except with the permission of the Rabbit Board and in compliance in every respect with the terms and conditions of the permit, the owner or occupier of private land situated within or without the Rabbit District shall not erect or cause or allow to be erected or permit to remain erected on or on the boundary of such private land a structure of any kind abutting on or within 3 metres of the rabbit check fence.

(2) The Rabbit Board may subject any permission given under subsection (1) to such terms and conditions as it thinks fit including conditions requiring the permittee to erect and maintain in respect of the structure such and so many gates as are specified in the permit, and so situated as is therein specified, for the use of the Rabbit Board, its officers and other employees.

(3) Permission under this section shall be given by way of a permit in writing wherein shall be set out the terms and conditions to which the permission is subject.

(4) A person who fails to comply with the provisions of subsection (1) or fails to comply with the terms and conditions of a permit commits an offence against this Act.

158. Evidentiary provisions. In any proceedings under or for the purposes of this Part—

- (a) it shall not be necessary to prove—
 - (i) the limits of the Rabbit District or the location of the rabbit check fence or any part of the same;
 - (ii) the signature of the chairman of the Rabbit Board;
 - (iii) the appointment of any rabbit control officer;
- (b) an averment in any complaint or other document made for the purposes of such proceedings that—
 - (i) any private land is within or outside of the Rabbit District;

- (ii) any fencing or other thing is in or forms part of the rabbit check fence,
shall be prima facie evidence of the fact averred and, in the absence of evidence to the contrary, shall be conclusive evidence of that fact.

159. Powers of rabbit control officers. (1) A rabbit control officer may at any reasonable time, by virtue of and without other warrant than the provisions of this Act, enter upon any land to which this Part applies and into any premises on land, other than a part of any premises which part is used exclusively as a dwelling-house, in order to—

(a) ascertain—

- (i) whether there are rabbits in or on the land;
(ii) whether the direction contained in a notice served under this Part is being or has been complied with;

(b) patrol and inspect the rabbit check fence.

(2) In this section premises that are used as a dwelling-house do not include the curtilage of those premises.

PART IX—SYNDICATES

160. Application, etc., may be signed by agent. For the purposes of this Part, an application or a request which is signed by a person as agent for an owner of private land shall, where that person has been authorized in writing by the owner so to do, be deemed to have been signed by the owner.

161. Syndicates and areas. Any 4 or more owners of adjoining parcels of private land may apply to the Minister for registration as—

- (a) a declared plant control syndicate;
(b) a declared animal control syndicate; or
(c) a declared plant and declared animal control syndicate,

and for the registration of their parcels of private land as a syndicate area.

162. Requirements of application. (1) Every such application shall be in writing, shall be signed by every owner who is a party thereto and shall contain the following information and particulars:—

- (a) the full name and address of every owner who is a party to the application and, if the application is made pursuant to section 164, of every owner upon whom the request referred to in that section was served who is not a party to the application;

- (b) a description of the parcel or parcels of private land held by every such owner which is or are to be included in the syndicate area;
 - (c) the usage to which every such parcel of private land is put;
 - (d) the class or classes to which the declared plants or declared animals or declared plants and declared animals (which are intended to be controlled) belong;
 - (e) the name by which it is desired to register the syndicate.
- (2) Every such application shall be accompanied by—
- (a) a statement as to the manner in which the applicants have decided or agreed that the business and affairs of the syndicate will be conducted;
 - (b) an estimate of the annual cost of the operations of the syndicate and a statement of the ways and means by which the applicants have decided or agreed that the moneys to meet such annual cost shall be raised;
 - (c) a statement of the methods proposed to be employed in the syndicate area for controlling the declared plants or declared animals or declared plants and declared animals, as the case may be, which are intended to be controlled;
 - (d) where the application is signed by a person as agent for an owner of private land—a copy of the document by which that person is authorized to sign the application.

(3) The Minister may require the applicants to furnish to him all such further or additional information and particulars as he deems fit, and such applicants shall furnish to the Minister within the time specified by him the further or additional information and particulars.

163. Registration. (1) Upon considering an application made as prescribed by section 162 and, where in respect of the application the Minister has required any further or additional information or particulars, upon the furnishing to him of such further or additional information and particulars to his satisfaction, the Minister, by notification published in the Gazette, may—

- (a) register the applicants as a syndicate of the type applied for under the name stated in the application;
- (b) register the parcels of private land to which the application relates as a syndicate area, under the same name as that of the syndicate.

(2) The Minister shall cause a copy of such notification to be served upon each and every member of the syndicate.

164. Majority may request formation of syndicate. (1) Where not less than two-thirds of 5 or more owners of adjoining parcels of private land are of the opinion that it would be beneficial for all such owners to form themselves into a declared plant control syndicate, declared

animal control syndicate or declared plant and declared animal control syndicate for the purpose of controlling declared plants or declared animals or declared plants and declared animals, as the case may be, of a specified class or of specified classes on their parcels of private land, they may request the remaining owner or owners to join with them in forming an appropriate syndicate and having their parcels of private land registered as a syndicate area.

(2) Every such request shall be in writing, shall be signed by every owner who is a party thereto and shall contain or be accompanied by, in relation to the syndicate to which the request relates, the statements and estimate prescribed by section 162 (2).

(3) Notwithstanding that any owner thereunto requested as prescribed by subsection (1) does not join in the application, at any time after 30 days after the service of the request the owners by whom the request was made and any owner upon whom the request was made may apply as prescribed by section 162 for—

(a) the registration as a syndicate of the appropriate type of all owners who signed the request and of all owners upon whom the request was served; and

(b) the registration as a syndicate area of the parcels of private land of all owners who signed the request and of all owners upon whom the request was served.

(4) Every application to which this section relates shall be accompanied by a copy of the request served upon every owner by whom the application is not signed.

(5) The Minister may, pursuant to section 162 (3), require additional information and particulars in respect of an application to which this section applies.

(6) The Minister may, in his absolute discretion, refuse an application to which this section applies.

If the Minister does not refuse the application he shall proceed as prescribed by subsection (7).

(7) Before the Minister grants registration pursuant to an application to which this section applies, he shall serve upon every owner included in the application who did not sign the application a notice stating that if such owner desires to object to being registered as a member of the syndicate to which the application relates such owner should, after the receipt by him of such notice, lodge with the Minister an objection in writing to his being so registered signed by him and setting out the grounds of such objection.

(8) If any owner served with a notice by the Minister under subsection (7) lodges with the Minister the objection referred to in such notice within 30 days after the receipt by such owner of such notice, the Minister shall consider the objection and determine whether or not to uphold it.

(9) If there are more objections than one they shall be considered and determined together.

(10) The owner making the objection and all other owners included in the application shall be entitled to make representations to the Minister in the manner and within the time prescribed.

(11) The decision of the Minister shall be final and conclusive.

(12) The Minister shall cause a copy of his decision to be served upon every owner to whom the application relates.

(13) If the Minister by his decision upholds an objection or objections the Minister shall not grant registration pursuant to the application but the owners who signed the application may, in writing signed by each of them, request the Minister to deal with the application as if it had been made in the first instance for the registration as a syndicate of all owners named in the application, other than such of them as the Minister has determined upon objection duly made under subsection (8) should not be included in the syndicate and for registration of their private land as a syndicate area.

(14) The Minister may refuse such request or if all of the parcels of private land to which the request relates are adjoining he may grant the same and thereupon, under and pursuant to section 163 (1), shall—

- (a) register as a declared plant control syndicate, declared animal control syndicate or declared plant and declared animal control syndicate, as the case may be, all owners named in the application other than such of them as the Minister has duly determined should not be included in the syndicate; and
- (b) register the parcels of private land of the owners so registered and to which the application relates as a syndicate area.

(15) If the Minister dismisses every objection that has been duly made, the Minister may, under and pursuant to section 163(1)—

- (a) register as a declared plant control syndicate, declared animal control syndicate or declared plant and declared animal control syndicate, as the case may be, all owners named in the application; and
- (b) register the parcels of private land to which the application relates as a syndicate area.

165. Withdrawal from syndicate. (1) Subject to this section, a member of a declared plant control syndicate, declared animal control syndicate or declared plant and declared animal control syndicate may apply to the syndicate—

- (a) to retire therefrom; or
- (b) in the case of a member who owns 2 or more parcels of private land included in the syndicate area registered in respect of the syndicate, to have one or more (but not all) of such parcels excluded from such area.

(2) Every such application shall be in writing signed by the owner concerned and shall state the grounds thereof.

(3) A member shall not be eligible to make a first application under this section until the expiration of a period of 12 months from and including the date of the publication in the Gazette of the notification registering the syndicate in question.

(4) A member shall not be eligible to make a second or subsequent application under this section until the expiration of a period of 12 months from and including the date when the syndicate or, upon appeal from the syndicate, the Minister refused the next preceding such application made by him.

(5) An application under this section shall be dealt with and decided by a special meeting of the members of the syndicate.

(6) The following members shall not take part in or vote at such special meeting, namely—

(a) the applicant; or

(b) any member of the syndicate who is indebted to the syndicate in respect of any rates, charges or other moneys whatsoever which have become due and payable by him to it.

(7) If the special meeting grants the application, the syndicate shall inform the Minister accordingly.

(8) If the special meeting refuses to grant the application, the applicant may request the syndicate in writing to refer the application to the Minister and the syndicate shall thereupon refer the application to the Minister.

(9) The syndicate may make to the Minister such representations as it deems fit regarding the application.

(10) Upon such a reference, the Minister may grant or refuse to grant the application.

(11) The decision of the Minister shall be final and shall be binding upon the syndicate and all members thereof, including the applicant.

(12) Where an application under this section is granted by the syndicate or, upon reference thereof to him, by the Minister, the Minister shall, according to the tenor of the application, by notification published in the Gazette notify that the applicant is retired from the syndicate or, as the case may be, that the parcel or parcels the subject of the application is or are excluded from the syndicate area registered in respect of the syndicate.

(13) Such retirement or exclusion shall be of effect on and from the date of publication of the notification in the Gazette.

(14) Upon and by virtue of retirement as prescribed by this section, every parcel of private land whereof the member retired is the owner shall be excluded from the syndicate area in question.

166. Admission of new members. (1) An owner of a parcel of private land that adjoins the syndicate area registered in respect of a syndicate, may apply to the syndicate to become a member thereof and for the inclusion of such parcel in such area.

(2) If the syndicate accepts the applicant as a member, it shall request in writing the Minister to register the applicant as a member of the syndicate and to register the parcel of private land the subject of the application as being included in the syndicate area registered in respect of the syndicate.

(3) The request shall be countersigned by the applicant.

(4) Upon receipt of a request under subsection (2) duly countersigned under subsection (3), the Minister shall by notification published in the Gazette notify that the person named in the request is a member of the syndicate which made the request and that the parcel of private land described in the request is included in the syndicate area registered in respect of such syndicate.

(5) Such membership and inclusion shall be of effect on and from the date of publication of the notification in the Gazette.

(6) Section 165 applies to a member admitted under this section as if the syndicate had been registered on the date on and from which his membership took effect.

167. Syndicate may authorize entry upon land. (1) A syndicate may authorize any person to enter upon any parcel of private land included in the syndicate area registered in respect of the syndicate for the purpose of controlling the declared plants or declared animals or declared plants and declared animals in respect of which the syndicate was formed.

(2) The person so authorized may enter upon the parcel of private land in question and may thereon adopt and use such methods as are mentioned in the statement referred to in paragraph (c) of section 162 (2) to control the declared plants or declared animals.

(3) The person so authorized, without entering upon the parcel of private land may, subject to the statement mentioned in subsection (2), distribute materials, chemicals, weedicides, poisons, poison baits, sprays and other substances by means of an aircraft.

168. Effect of retirement. The reduction, by retirement, to less than 4 in number of membership shall not affect or prejudice in any way the registration of a syndicate or its continuity of registration.

169. Where two or more owners. Two or more persons who own the one parcel of private land shall be deemed for the purposes of this Part to be one and the same owner.

170. Successors in title bound. (1) While a parcel of private land is included in the syndicate area registered in respect of a syndicate,

every owner for the time being of such parcel shall, upon and by virtue of becoming such owner (and without any notification in the Gazette) become and be a member of the syndicate.

(2) It is hereby declared that in such case, the person who was the next preceding owner ceased (and without any notification in the Gazette) to be a member of the syndicate when he ceased to be the owner.

(3) Cesser of membership of a syndicate as prescribed by subsection (2) shall not prejudice or affect in any way the liability of the person concerned for any rates, charges or other moneys due and unpaid by him to the syndicate or the right of the syndicate to recover the same.

171. Termination of registration. (1) The Minister—

(a) shall, upon a request in writing in that behalf signed by more than one half of the members of a syndicate each and every one of whom is, at the time when the request is made to the Minister, not indebted to the syndicate in respect of any rates, charges or other moneys payable by him to it; and

(b) may, without such a request, if in his opinion the registration of a syndicate should be terminated,

terminate the registration of the syndicate and of the syndicate area registered in respect of such syndicate.

(2) Such termination shall be effected by the Minister by notification published in the Gazette and shall be effective on and from the date of such publication.

172. Members to pay charges, etc. Every member for the time being of a syndicate shall be liable to pay to the syndicate all such rates, charges or other moneys as the syndicate may from time to time determine.

173. Recovery by syndicate of unpaid rates, charges or other moneys.

(1) Any unpaid amount of any rates, charges or other moneys due and payable to a syndicate by any member or other person may be recovered on behalf of the syndicate by any person thereunto authorized by the syndicate by action as for a debt in his own name as if the same were due and payable and unpaid to such person.

(2) The syndicate shall indemnify such person against all costs and expenses properly incurred by him in respect of the action and not recovered by him.

174. Financial statement. Not later than 31 July in each year a syndicate shall forward to the Executive Director a copy of the annual statement of the receipts and expenditure for the year ended on 30 June next preceding.

175. This Part not to affect other liability, etc. The provisions of this Part shall apply so as not to prejudice, affect, or otherwise howsoever derogate from any duty, obligation or liability imposed or imposed upon a person under any other provision of this Act.

176. Notification in register. (1) Upon the publication in the Gazette of a notice pursuant to section 163 (1), 165 (12), 166 (4) or 171 (2) the Executive Director shall lodge a copy of the notice with the authority charged with registering the instrument of title to the private land to which the notice relates and such authority shall note such notice by endorsement in its register and on every such instrument.

(2) The Executive Director may, by notice in writing served upon a person who is in possession of an instrument of title to land to which a notice referred to in subsection (1) relates, require that person to produce the instrument, within such time as is specified in the notice, to the authority charged with registering that instrument.

(3) A person who fails to comply with the requirements of a notice served on him pursuant to subsection (2) commits an offence against this Act.

Penalty: \$100.

PART X—FENCES

Division 1—Barrier Fences

177. Interpretation. In this Division—

“barrier fence” means a fence or any part thereof established for the purpose of section 179 (1);

“boundary land” means any private land situated wholly or in part within any vermin protection district or any division of such a district which is intersected by or any part of which abuts upon the boundary of such a district or division or, not being intersected by or abutting upon such a boundary, any part of which is situated in the neighbourhood of the boundary;

“district” means a vermin protection district;

“division” means a division of a district;

“vermin” means dingoes, foxes, feral pigs and any declared animals declared by Order in Council to be vermin for the purposes of this Division.

178. Establishment of districts and divisions. (1) The Governor in Council may by Order in Council—

(a) constitute any part of the State as a vermin protection district for the purposes of this Division;

(b) define the boundaries of and alter the boundaries of a district;

(c) assign a name to and alter the name of a district;

(d) abolish a district;

(e) divide a district into divisions for the purposes of this Division;

(f) define the boundaries of and alter the boundaries of a division;

(g) assign a name or number to and alter the name or number of a division;

(h) abolish all or any of the divisions of a district.

(2) Subject to any provision to the contrary which is contained in the Order in Council, where a district is abolished such abolition shall have the effect of abolishing all the divisions of that district.

179. Establishment and maintenance of barrier fences. (1) For the purpose of preventing the ingress into a district or division of any vermin or of any particular class of vermin sufficient fences shall be established and maintained on or as near as practicable to the boundary of the district or division.

(2) For the purposes of subsection (1) and in so far as it is practicable to do so, use shall be made at all times of fences (by whomsoever constructed or maintained) which are in existence on or near the boundary of a district or division and which, in the opinion of the Protection Board, are sufficient or capable of being made sufficient for the purposes of this Division.

180. Order by Minister. (1) For the purposes of establishing and maintaining sufficient barrier fences in respect of a district or division the Minister, upon the recommendation of the Protection Board, may by order in writing served on the owner of boundary land direct that owner to do, in respect of that land, all or any of the following things:—

(a) construct a new barrier fence and thereafter at all times maintain that fence in such a condition that it is at all times proof against the passage of vermin or, as the case may be, vermin of a class specified in the order;

(b) alter any fence specified in the order;

(c) alter any fence specified in the order and thereafter at all times maintain that barrier fence in such a condition that it is at all times proof against the passage of vermin or, as the case may be, vermin of a class specified in the order;

(d) at all times maintain any fence specified in the order in such a condition that it is at all times proof against the passage of vermin or, as the case may be, vermin of a class specified in the order.

(2) An order referred to in subsection (1) may specify the time within which a thing is required to be done and may contain directions in respect of the doing of the thing.

(3) A fence specified in an order made pursuant to subsection (1) (b), (c) or (d) in respect of any boundary land may be a fence that intersects the land or that is on or near to the boundaries or any part of the boundaries thereof or a combination of any of these.

(4) Where any boundary land is bounded by a road on the opposite side of which is a fence, whether extending for the whole length of the boundary between the boundary land and the road or not then an order

may be made pursuant to subsection (1) (b), (c) or (d) with respect to that fence and the provisions of this Division shall apply with respect to that fence as though it were situated on the boundary between the boundary land and the road and for the purposes of this Division, such fence shall be deemed to be on the boundary of or partly enclosing such boundary land.

181. Directions which may be specified in order. Without limiting the generality of subsection (2) of section 180 an order made pursuant to that section may contain all or any of the following directions:—

- (a) in the case of a new barrier fence, a direction that the fence be constructed along the line specified in the order being a line that intersects the boundary land or that is on or near to the boundaries or any part of the boundaries thereof or a combination of any of these;
- (b) a direction that the fence be constructed or altered so as to be proof against the passage of vermin or, as the case may be, vermin of a class specified in the order;
- (c) a direction that the fence be constructed in accordance with the specifications contained in the order which specifications may, without limiting the generality of the foregoing, relate to materials, height and workmanship;
- (d) a direction that the fence when constructed or altered be maintained in a specified manner.

182. Clearing of fence line. Every order made pursuant to subsection (1) of section 180 shall (unless a provision to the contrary is contained in the order) be deemed to contain a valid requirement that the line of the fence the subject of the order shall—

- (a) in the case of an order made pursuant to paragraph (a) of that subsection, within the time specified in the order for the carrying out of the construction;
- (b) in the case of an order made pursuant to paragraph (b) or (c) of that subsection, within the time specified in the order for the carrying out of the alteration; and
- (c) in the case of an order made pursuant to paragraph (d) of that subsection, forthwith upon the service of the order,

be cleared and shall at all times thereafter be kept cleared for a distance of not less than 3 metres and not more than 20 metres on each side of the fence along the length of the fence of all plants, ant hills and ant beds and the provisions of this Division shall apply as if that requirement were expressly specified in the order.

183. Adjoining holding. An order may be made pursuant to section 180 (1) in respect of any boundary land notwithstanding that the barrier fence separates or will separate that land from any adjoining or neighbouring land and every person who is, at the time of the making of the order, or thereafter becomes an owner or occupier of the adjoining or neighbouring land or any part thereof which is so separated or which is

enclosed or partly enclosed by the barrier fence shall permit a person bound by the order to comply with the same, notwithstanding the provisions of any other Act or law or any agreement to the contrary.

184. Fences controlled by Rabbit Board. Where an order is made pursuant to section 180 (1) with respect to a fence that is under the control of or maintained by the Rabbit Board the Executive Director shall cause a copy of the order to be forwarded to the Rabbit Board.

185. Notation in register. (1) Upon—

(a) an order made pursuant to section 180(1) having been served as required by that subsection;

(b) the making of an order pursuant to section 197 (1),

the Executive Director shall lodge a copy thereof, certified by him to be a true copy, with the authority charged with registering the instrument of title to the boundary land to which the order relates and such authority shall note such order by endorsement in its register and on every such instrument.

(2) Upon an order made pursuant to section 180 (1) being noted in a register pursuant to subsection (1), the order shall be binding on every subsequent owner of the boundary land to which it relates to the same extent as if it had been served on each subsequent owner.

(3) The Executive Director may, by notice in writing served upon a person who is in possession of an instrument of title to boundary land in respect of which an order referred to in subsection (1) has been made, require that person to produce the instrument, within such time as is specified in the notice, to the authority charged with registering that instrument.

(4) A person who fails to comply with the requirements of a notice served on him pursuant to subsection (3) commits an offence against this Act.

Penalty: \$100.

(5) No stamp duty or fees shall be payable with respect to any endorsement under this section.

186. Person to notify Minister of establishment of fence. (1) A person who establishes a barrier fence under an order made pursuant to section 180 (1) shall forthwith notify the Minister in writing of that fact.

(2) Upon the Minister being notified pursuant to subsection (1), the Executive Director shall cause the barrier fence to be inspected by an inspector and the Executive Director shall report to the Minister the result of that inspection.

(3) Where the Minister, upon receiving the report of the Executive Director referred to in subsection (2), is satisfied that the barrier fence has been established in compliance in every respect with the order referred to in subsection (1) he shall notify the person referred to in that subsection of that fact.

(4) Where the Minister, upon receiving the report of the Executive Director referred to in subsection (2), is satisfied that the barrier fence has not been established in compliance in every respect with the order referred to in subsection (1) he may by notice in writing served on the person then required by this Act to carry out the work require that person to do the things still required to be done to establish the barrier fence in compliance with the order and that person shall, within the time and in accordance with the directions specified in the notice, do the things specified therein.

187. Failure to comply with order or notice. (1) Where—

- (a) a person who is required by this Division to establish a barrier fence fails, in the opinion of the Minister, to establish the fence in compliance in every respect with the relevant order made pursuant to section 180 (1) within the time specified in the order; or
- (b) a person who is required by a notice referred to in section 186 (4) to do the things specified therein fails, in the opinion of the Minister, to do those things within the time specified in the notice,

the Minister may carry out all such work and do all such things as he considers necessary to establish the fence or, as the case may be, to comply with the notice.

(2) All expenses incurred by the Minister under subsection (1), together with interest at the prescribed rate shall be a debt due by the person failing, in the opinion of the Minister, to establish the barrier fence or to do the things specified in the notice, as the case may be, to the Minister and may be sued for and recovered by the Minister in any court of competent jurisdiction.

(3) Where a person is liable for the expenses and interest referred to in subsection (2) they shall, until paid, be and remain a charge upon the boundary land (notwithstanding that the expenses have been incurred in respect of a part only of the boundary land) in priority to all other encumbrances whatsoever other than land tax due under the *Land Tax Act 1915-1984* but including rates due to a Local Authority and be payable by the owner thereof for the time being.

188. Assistance to persons ordered to establish a barrier fence.

(1) From time to time, the Minister, upon the recommendation of the Protection Board, may supply such materials, including wire and wire netting as the Minister thinks fit, to a person bound by this Division to establish a barrier fence so as to assist or enable him to comply in

every respect with so much of the order in question as does not relate to the maintenance of the barrier fence upon its establishment and may from time to time pay out of the Fund the cost of all or any materials supplied pursuant to this section and the cost or any part of the cost of the conveyance of such materials to the boundary land where the materials are to be used for the purpose for which they are supplied.

(2) For the purposes of this section, but without limiting the powers of the Minister or the Protection Board hereunder, the Minister and the Protection Board in exercising their respective powers shall have due regard to any existing liability imposed by or under any other Act or any contract upon the person so bound to establish the barrier fence to construct or maintain any fence of a like description.

(3) A person who uses or causes or permits or suffers to be used any material supplied under this section for any purpose other than that for which it was supplied or who by his act or omission, whether wilful or negligent, causes any such material to become unfit for use for the purpose for which it was supplied is guilty of an offence against this Act.

Penalty: \$2 000.

(4) In addition to the penalty referred to in subsection (3) a person referred to in that subsection shall be liable for the expenses incurred by the Minister in supplying the material (including both the costs of the material and the cost, if any, of conveyance), and such expenses may be recovered by the Minister by action as for a debt in any court of competent jurisdiction.

189. Power of Minister to establish barrier fence. (1) For a purpose of this Division the Minister, upon the recommendation of the Protection Board, may cause—

- (a) any barrier fence to be constructed;
- (b) any fence to be altered;
- (c) any barrier fence to be repaired and otherwise maintained in a proper condition having regard to the purpose for which it was established;
- (d) the line of any barrier fence to be cleared and kept cleared for a distance of not less than 3 metres and not more than 20 metres on each side of the fence of all plants, ant hills and ant beds.

(2) Without limiting the generality of subsection (1) the Minister may, in the exercise of his powers thereunder, enter into arrangements with any person or authority.

(3) The provisions of this section are in addition to and not in substitution of any other provision of this Division.

190. Minister may assist in maintaining barrier fence. (1) The Minister, upon the recommendation of the Protection Board, may assist in the maintenance of any barrier fence which a person is bound by this Division to maintain—

- (a) where he is satisfied that the fence has been adequately maintained, by defraying portion of the cost of the maintenance by authorizing the payment, either by a lump sum or by instalments, from the Fund to that person of such amount per kilometre or part thereof of the fence as is determined by the Minister;
- (b) by supplying to that person such materials, including wire and wire-netting, as the Minister thinks fit and by defraying from the Fund the cost of such materials and the cost of the conveyance of such materials to the land where those materials are to be used for the purpose for which they are supplied; and
- (c) by carrying out any work (the cost of which shall be paid from the Fund) necessary for the repair and other maintenance of the barrier fence and which in the opinion of the Minister it is not reasonable for that person to carry out,

or by doing any of these things.

(2) For the purposes of this section but without limiting the powers of the Minister and the Protection Board hereunder, the Minister and the Protection Board in exercising their respective functions shall have due regard to any existing liability imposed by or under any other Act or any contract upon the person so bound to maintain the barrier fence to construct or maintain any fence of a like description.

191. Failure to maintain barrier fences. (1) An inspector may, by notice in writing served on any person who is bound by this Division to maintain any barrier fence and who has failed to maintain that fence as required under this Division, require that person within the time and in accordance with the directions contained in the notice to carry out any work specified in the notice necessary to place that fence in a proper condition and so that it is proof against the passage of the vermin required under this Division to be excluded thereby.

(2) If any person served under this section with a notice fails, within the time specified in the notice, to comply in every respect with that notice, the inspector may carry out the work specified in the notice and the cost thereof, together with interest at the prescribed rate, shall be recoverable from the person failing to comply with the notice by the Executive Director by action as for a debt in any court of competent jurisdiction.

(3) A copy of every notice under this section shall be despatched to the Executive Director immediately upon the issue thereof and the Minister may at any time direct any such notice to be revoked or to be amended in such manner as he may specify and the inspector shall revoke or, as directed, amend the notice accordingly and, where the notice is

amended, shall serve a copy of the notice as amended on the person who was served with the notice amended and the provisions of subsection (2) shall apply to that amended notice as if that notice were the notice therein referred to.

(4) If at any time any person bound by this Division to maintain any barrier fence fails in the opinion of the Minister to maintain that fence as required under this Division and the Minister considers that the circumstances warrant the taking of action under this subsection, the Minister may, either with or without the giving to that person of an opportunity of carrying out the work, carry out all such work as he considers necessary for the placing of the fence in a proper condition and so that it is proof against the passage of the vermin required under this Division to be excluded thereby.

(5) All expenses incurred by the Minister under subsection (4), together with interest at the prescribed rate shall be a debt due by the person failing, in the opinion of the Minister, to maintain the fence to the Minister and may be sued for and recovered by the Minister in any court of competent jurisdiction.

(6) The provisions of subsections (4) and (5) shall be in addition to and not in derogation of the provisions of subsection (1).

(7) Where a person is liable for the costs and interest referred to in subsection (2) or (5) they shall, until paid, be and remain a charge upon the boundary land in respect of which the costs have been incurred in priority to all other encumbrances whatsoever other than land tax due under the *Land Tax Act* 1915-1984 but including rates due to a Local Authority and be payable by the owner thereof for the time being.

192. Joining fences. (1) In this section—

“joining fence” means any fence, whenever constructed, a part of which is situated within a distance of 3 metres of a barrier fence.

(2) For the purpose of enabling the free passage of vehicles of any description along any barrier fence the Minister, upon the recommendation of the Protection Board, may, by an order in writing served on the owner or occupier of any private land on which or on any part of the boundaries of which any joining fence is situated, require him within the time and in accordance with the directions contained in the order to provide in that joining fence such and so many gates and at such places as may be specified in the order.

(3) Any person required by an order made under this section to provide in any joining fence any gate or gates who fails, within the time specified in the order, to comply in every respect with the requirements of the order shall be guilty of an offence against this Act.

(4) Where the Minister is satisfied that a person required by an order made under this section to provide in any joining fence any gate or gates has failed, within the time specified in the order, to comply in every

respect with the requirements of the order he may carry out the work of providing in the joining fence the gate or gates and the cost of carrying out such work together with interest at the prescribed rate shall be a debt due by that person to the Minister and may be sued for and recovered by the Minister in any court of competent jurisdiction.

(5) Subsections (3) and (4) shall not apply with respect to any place at which a gate is required under this section to be provided if the person required by the order to provide that gate, within the time specified by the order, provides a grid or other means permitting the free passage of vehicles at that place and by writing under his hand notifies the Minister of his having done so.

(6) Nothing in any other Act or law shall prejudice or otherwise affect any order under this section or the application of the provisions of this section thereto.

193. Openings in barrier fences not permitted except with the approval of the Minister. (1) Notwithstanding anything to the contrary in any other Act or law, no person shall make or attempt to make or permit or suffer to be made or to be continued any opening in any barrier fence, whether the opening is created by a gate or grid or otherwise howsoever and whether, in any appropriate case, the opening was created before or is created after the commencement of this Act, except under the authority of and in accordance in every respect with the approval in writing of the Minister first obtained.

(2) The Minister may from time to time approve of any such opening subject to such terms, conditions, and stipulations as he deems fit.

(3) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act.

(4) Without prejudice to the provisions of subsection (1), the Minister may, by notice in writing served on any person who fails to comply with any of the provisions of that subsection, require that person to do within the time therein specified any thing which, in the opinion of the Minister, is necessary or desirable for the purpose of preventing the continuance of that failure.

(5) If the person served with such notice fails, within the time specified in the notice, to comply in every respect with the requirements of the notice, the Minister may do the thing required by the notice to be done and the cost of doing the same shall be recoverable by the Minister from that person by action as for a debt in any court of competent jurisdiction.

194. Offences. Any person who—

(a) damages any part of any barrier fence; or

- (b) without the consent of the Minister—
 - (i) removes any part of any barrier fence; or
 - (ii) does any act whereby any part of any barrier fence ceases to be proof against the passage of vermin required under this Division to be excluded thereby; or
 - (c) passing through any barrier fence at any place leaves any gate thereof at that place open; or
 - (d) opens and leaves open any gate in any barrier fence,
- shall be guilty of an offence against this Act.

195. Powers of inspectors. An inspector may at any reasonable time, by virtue of and without other warrant than the provisions of this Act, enter upon any land in order to—

- (a) ascertain whether it is desirable that a barrier fence be established on that land;
- (b) ascertain whether all the requirements of an order or notice to which this Division applies are being or have been complied with;
- (c) inspect any barrier fence.

196. Power to enter adjoining land. (1) For the purpose of complying with any provision of this Division or with any requirement of any order or notice made or given under this Division in relation to any fence and for the purpose of enabling the Minister to carry out any work or do any thing pursuant to section 187 (1), 189 (1), 191 (4), 192 (4) or 193 (5) and for the purpose of enabling an inspector to carry out any work pursuant to section 191 (2), without further or other authority, a person may enter, to the extent necessary for that purpose, upon private land adjoining or that will adjoin the fence and do thereon such things as are necessary or are reasonably required for that purpose.

(2) Unless circumstances do not permit of such notice, the occupier of the adjoining private land shall at all times be given reasonable notice beforehand of the proposed entry thereon.

197. Revocation of order. (1) The Minister, upon the recommendation of the Protection Board, may by order in writing revoke an order made pursuant to section 180 (1).

(2) Where the Minister revokes an order pursuant to subsection (1) he shall give notice of the revocation to the owner of the boundary land to which the order relates.

Division 2—Ring Fences

198. Application, etc., may be signed by agent. For the purposes of this Division, an application or a notice which is signed by a person as agent for an owner of private land shall, where that person has been authorized in writing so to do, be deemed to have been signed by the owner.

199. Ring fences. (1) The owners of any 4 or more adjoining parcels of private land may, for the purpose of more effectively controlling any class or classes of declared animals on that private land and for the purpose of preventing any class or classes of declared animals from entering upon that private land, apply to the Minister for his approval to their enclosing the whole of the private land with a ring fence.

(2) An application referred to in subsection (1) shall be in writing, be signed by each of the applicants and contain the following information:—

- (a) the full name and address of each person who is a party to the application;
- (b) a description of each parcel of private land to which the application relates;
- (c) details of the use made or proposed to be made of each of the parcels of private land;
- (d) particulars of any agreement in respect of the construction and maintenance of the proposed ring fence;
- (e) particulars of any agreement in respect of the control of any class or classes of declared animals on any of the parcels of private land;
- (f) details of the estimated cost of—
 - (i) constructing the ring fence;
 - (ii) maintaining the ring fence;
 - (iii) controlling any class or classes of declared animals on the private land,together with particulars of how that cost is to be financed;
- (g) particulars of the design of the proposed ring fence including details of any gates or grids therein;
- (h) details of the proposed fence line;
- (i) the class or classes of declared animals against the passage of which the ring fence is intended to be proof.

(3) The Minister shall cause a copy of the application to be referred to the Protection Board for its consideration.

(4) The Protection Board shall consider an application referred to it pursuant to subsection (3) and shall make recommendations in respect thereof to the Minister.

200. Minister to consider Board's recommendation. Upon his having considered the recommendations of the Protection Board and upon his having considered such other information as to him seems desirable the Minister may grant or refuse to grant an application made under section 199 or determine that he is prepared to grant the application subject—

- (a) to any proposal contained in the application being modified in a particular manner;

(b) to certain terms and conditions; or

(c) a combination of the matters mentioned in paragraphs (a) and (b).

201. Applicants to be advised of Minister's decision. (1) The Minister shall advise the applicants in writing of his decision with respect to the application.

(2) Where the Minister has determined that he is prepared to grant the application subject to any of the matters mentioned in paragraph (a), (b) or (c) of section 200 each applicant shall within 60 days of receiving written notice of that determination notify the Minister in writing as to whether or not he is prepared to accept that decision.

(3) If any applicant notifies the Minister in writing that he is not prepared to accept the decision referred to in subsection (2) then the application shall be taken to have been withdrawn.

(4) If any applicant fails to notify the Minister as required by subsection (2) the application shall be taken to have been withdrawn.

(5) Where each of the applicants notifies the Minister in accordance with subsection (2) that he is prepared to accept the decision therein referred to the Minister shall grant the application.

202. Governor in Council may constitute owners a group. (1) Where the Minister grants an application pursuant to this Division the Governor in Council may by Order in Council constitute the persons who are the parties to the application a group for the establishment of the proposed ring fence and for the control within that fence of the class or classes of declared animals specified in the Order in Council.

(2) An Order in Council referred to in subsection (1) may prescribe all matters and things that shall be done to give effect to the proposals as submitted in the application or accepted by the persons who made the application.

203. Effect of Order in Council. (1) An Order in Council referred to in section 202 shall take effect upon its publication in the Gazette and shall be binding upon all owners of private land within the proposed ring fence and their respective successors in title.

(2) An owner of private land situated within a proposed ring fence who does anything which he is prohibited by an Order in Council referred to in subsection (1) from doing or who omits to do anything which he is required by that Order in Council to do is guilty of an offence against this Act.

Penalty: \$1 500.

(3) Where in the opinion of the Minister an owner of private land has omitted to do anything which he is required by an Order in Council referred to in subsection (1) to do then that thing may be done by any person authorized to do the same by the Minister (which person may enter the private land for that purpose) and the costs thereby incurred by the Minister may be recovered by him from the owner by action as for a debt in any court of competent jurisdiction.

204. Notification in register. (1) The Executive Director shall lodge a copy of an Order in Council referred to in section 202 with the authority charged with registering the instrument of title to any private land situated within a proposed ring fence and such authority shall note such Order in Council by endorsement in its register and on every such instrument.

(2) The Executive Director may, by notice in writing served upon the person who is in possession of an instrument of title to any private land to which an Order in Council referred to in subsection (1) relates, require that person to produce the instrument, within such time as is specified in the notice, to the authority charged with registering that instrument.

(3) A person who fails to comply with the requirements of a notice served on him pursuant to subsection (2) commits an offence against this Act.

Penalty: \$100.

205. Contribution from Fund. The Minister, on the recommendation of the Protection Board, may pay to a group constituted by an Order in Council referred to in section 202 from the Fund an amount towards the cost of erecting the proposed ring fence and controlling the class or classes of declared animals specified in that Order in Council.

Division 3—Fencing of Reserves and Stock Routes

206. Establishment of stock-proof fence. (1) Where a Local Authority considers it necessary for the protection or improvement of a reserve for travelling stock or a stock route situated wholly or partly within its Area that a stock-proof boundary fence should be erected, the Local Authority may by notice in writing served on the owner of any private land which adjoins that reserve or stock route require that owner to establish such a fence within the time specified in the notice between the private land and the reserve for travelling stock or, as the case may be, stock route and thereafter to maintain it in a stock-proof condition.

(2) For the purpose of subsection (1) use may be made of any existing fence between the private land and the reserve for travelling stock or, as the case may be, stock route.

(3) Where an owner of private land fails to establish a stock-proof fence—

- (a) in a case where he has not objected pursuant to section 208, within the time specified in a notice given to him under subsection (1);
- (b) in a case where he has objected pursuant to section 208 and the Minister has determined not to uphold his objection, within the time specified by the Minister pursuant to section 208 (5),

the Local Authority may establish or complete the establishment of the fence and for that purpose any person authorized in writing by the Local Authority so to do may enter the private land.

(4) Where an owner of private land fails to maintain in a stock-proof condition a stock-proof fence which he has been required to establish under subsection (1) and which has been established either by him or the Local Authority or partly by him and partly by the Local Authority the Local Authority may so maintain the fence and for that purpose any person authorized in writing by the Local Authority so to do may enter the private land.

(5) All the costs incurred by a Local Authority in doing any act under subsection (3) or (4) may be recovered by it from the owner of private land who under subsection (1) was required to do that act by action as for a debt in any court of competent jurisdiction.

207. Establishment of declared animal proof fence. (1) Where a Local Authority considers it necessary for the protection or improvement of a reserve for travelling stock or a stock route situated wholly or partly within its Area that an existing fence on any boundary of the reserve or stock route should be made proof against the passage of any class or classes of declared animals, the Local Authority may by notice in writing served on the owner of any private land adjoining the boundary require the owner to make such fence so proof within the time specified in the notice and upon completion of the work by the owner the Local Authority shall pay to the owner one half of the cost thereof.

(2) Where an owner of private land fails to comply with a notice served on him under subsection (1)—

- (a) in a case where he has not objected pursuant to section 208, within the time specified in the notice;
- (b) in a case where he has objected pursuant to section 208 and the Minister has determined not to uphold the objection, within the time specified by the Minister pursuant to section 208 (5),

the local Authority may do any work necessary to make the fence proof against the passage of the class or classes of declared animals specified in the notice and may recover half of the cost thereof from the owner.

(3) For the purpose of enabling a Local Authority to carry out any work pursuant to subsection (2) any person authorized in writing by the Local Authority so to do may enter the private land concerned.

(4) Where pursuant to this section a fence is made proof against the passage of any class or classes of declared animals the owner of the private land to whom the notice was given under subsection (1) and the Local Authority shall each pay half the cost of maintaining the fence in good and substantial repair.

(5) If the owner of private land and the Local Authority cannot agree in regard to the cost of the maintenance referred to in subsection (4) the amount of the cost shall be determined by the Minister upon application in writing by either party.

(6) The costs payable by an owner of private land to a Local Authority under this section may be recovered by it from him by action as for a debt in any court of competent jurisdiction.

208. Objection. (1) An owner of private land who objects to a notice given to him pursuant to section 206 or 207 may lodge written notice of his objection with the Minister within 14 days of his receipt of the notice.

(2) The owner shall, within 7 days of his having lodged a notice of objection with the Minister pursuant to subsection (1), cause a copy of that notice to be given to the Local Authority concerned.

(3) Where a notice of objection is lodged with the Minister pursuant to subsection (1) the owner and the Local Authority concerned may make representations to the Minister in the manner and within the time prescribed.

(4) The Minister shall consider the objection and determine whether or not to uphold it.

(5) Where the Minister determines not to uphold the objection he shall specify the time within which the fence is to be established or, as the case may be, made proof against the passage of the class or classes of declared animals concerned.

(6) The Minister shall cause written notice of his decision to be given to the owner of the private land who lodged the objection and the Local Authority concerned.

(7) The decision of the Minister shall be final and conclusive.

209. Provisions of this Division do not apply in certain cases. Notwithstanding sections 206 or 207 a notice referred to in either of those sections shall not be given in respect of any private land which is held—

- (a) under an occupation licence within the meaning of the *Land Act 1962-1984*; or
- (b) under a lease from the Crown having less than 5 years to run at the date of the giving of the notice.

PART XI—FINANCIAL PROVISIONS

210. Rural Lands Protection Fund. There shall be created within the Trust and Special Funds of the public accounts kept by the Treasurer a fund to be called the " Rural Lands Protection Fund ".

211. Precept. Subject to subsection (2), the Minister may in respect of any year issue a precept signed by him and in the prescribed form or in a form to the like effect to any Local Authority directing that the amount specified in the precept be paid by that Local Authority to the Minister for payment into the Fund and upon the issue by the Minister to the Local Authority of the precept the Local Authority is authorized and required to meet the precept and pay out of its general fund, in accordance with the direction contained in the precept, the amount of the precept.

(2) The Governor in Council, on the recommendation of the Minister, may by Order in Council specify the maximum amount which may be specified in a precept issued under subsection (1) and the amount specified in any such precept shall not exceed that maximum amount.

(3) The amount specified in and the direction contained in a precept issued under subsection (1) may differ as regards different Local Authorities.

(4) Where the Minister is of the opinion that by virtue of anything done under this Act or under an Act repealed by this Act or partly under this Act and partly under an Act repealed by this Act a part of an Area has benefited in a special way as regards the rest of the Area he may, in a precept issued under subsection (1), specify—

(a) an amount, being a portion of the amount of the precept, which in his opinion could properly be raised by the Local Authority for the Area by means of a rate levied upon all rateable land in that part; and

(b) the part (by such means as the Minister considers sufficient to identify it),

and where he does so the Local Authority shall have full power and authority to make and levy a rate upon or in respect of that rateable land to the extent of the amount necessary to recoup the amount so specified.

(5) For the purpose of enabling a Local Authority to furnish and provide the necessary moneys to meet and pay out of its general fund the amount of any precept issued under subsection (1) to the Local Authority, the Local Authority shall have full power and authority to increase the general rate in any year to be made and levied upon or in respect of all rateable land in its Area to the extent of the amount necessary to recoup—

(a) in a case to which subsection (4) does not apply—the amount of the precept;

(b) in a case to which subsection (4) does apply—the amount of the precept less any amount specified pursuant to that subsection.

(6) Where a Local Authority fails to pay the amount of a precept issued under subsection (1) that amount shall be a debt due by the Local Authority to the Minister and may be sued for and recovered by him in a court of competent jurisdiction.

212. Receipts. There shall be paid into the Fund—

- (a) all moneys standing to credit in—
 - (i) The Stock Routes and Pests Destruction Fund kept under the *Stock Routes and Rural Lands Protection Act 1944–1984*;
 - (ii) the Rabbit Control Fund established under the *Rabbit Act 1964–1984*; and
 - (iii) the Barrier Fences Fund established under the *Barrier Fences Act 1954–1984*,
at the commencement of this Act;
- (b) all moneys paid by Local Authorities pursuant to a precept issued under section 211;
- (c) all travelling stock rates, charges, fees and other moneys paid to any Local Authority under this Act;
- (d) all moneys transmitted to the Treasury for payment into the Fund under section 214;
- (e) all penalties recovered in respect of offences committed against this Act;
- (f) except as provided by section 46, the proceeds of the sale of any machinery, equipment or materials under this Act;
- (g) the proceeds of the hiring out of any machinery or equipment under this Act;
- (h) the amount of any expenses incurred under this Act that are recovered by the Minister or the Executive Director;
- (i) all moneys otherwise required by this Act to be so paid;
- (j) such sums as may from time to time be appropriated by Parliament for a purpose of this Act;
- (k) such other moneys as may be prescribed.

213. Expenditure—General. There may be paid from the Fund moneys required for all or any of the following purposes and for no other purpose—

- (a) defraying the expenses incurred in the execution of this Act;
- (b) defraying the expenses incurred by a Local Authority or a Plague Locust Destruction Committee in discharging its responsibilities under this Act;
- (c) the defrayment of expenditure approved by the Minister to be incurred by the Rabbit Board;

- (d) any payment authorized by the Minister pursuant to this Act to be made from the Fund;
- (e) any other payment required or permitted by this Act to be made out of the Fund.

214. Local Authorities to transmit certain moneys to the Treasury. All travelling stock rates, fees and other charges which having been paid to and received by a Local Authority under the *Stock Routes and Rural Lands Protection Act 1944–1984* prior to the commencement of this Act are in the possession of such Local Authority at such commencement and all such moneys which are paid to and received by a Local Authority after such commencement shall be transmitted by such Local Authority to the Treasury for payment into the Fund and every such Local Authority shall render to the Minister or to any person appointed by him, such accounts and particulars as the Minister or such person shall deem necessary to ensure compliance by such Local Authority with the provisions of this section.

215. Cessation of Funds. Upon compliance with paragraph (a) of section 212 the Funds mentioned in subparagraphs (i), (ii) and (iii) of that paragraph shall no longer be kept in the Treasury.

PART XII—GENERAL

Division 1—Use of Poisons, etc.

216. Protection of human health and life. (1) In this section—

“take”, in relation to an animal, means to trap, snare, shoot or catch that animal by any means other than poisoning and “taking” has a corresponding meaning.

(2) Where—

- (a) the Minister proposes to specify in a notice under section 77; or
- (b) a Local Authority or an authorized person or inspector proposes to specify in a notice under section 81,

the use of poison or other means likely to endanger or be detrimental to human health or life for the control of declared animals in any area he or, as the case may be, it shall notify the Executive Director accordingly and the Executive Director shall cause notice to be published in the Gazette and in a newspaper circulating in the area and in such other manner as the Executive Director considers necessary in order to notify the public of the proposal.

(3) Where pursuant to section 217 (1) (a) the Executive Director proposes to authorize a person to use poison or other means likely to endanger or be detrimental to human health or life for the control of declared animals in any area, the Executive Director shall cause notice

to be published in the Gazette and in a newspaper circulating in the area and in such other manner as the Executive Director considers necessary in order to notify the public of the proposal.

(4) Where the Rabbit Board proposes—

- (a) to specify in a notice under section 146 or 150 the use of;
or
- (b) pursuant to section 217 (1) (b), to authorize a person to use, poison or other means likely to endanger or be detrimental to human health or life for the purpose of maintaining land free from rabbits it shall cause notice to be published in the Gazette and in a newspaper circulating in the area in which the land is situated and in such other manner as the Rabbit Board considers necessary in order to notify the public of the proposal.

(5) In a notice published under subsection (2), (3) or (4) the Executive Director or as the case may be, the Rabbit Board shall cause to be stated—

- (a) the proposal;
- (b) the area to which the proposal relates;
- (c) notification—
 - (i) that the taking of animals of a class specified in the notice is prohibited absolutely until such time as a further notice cancelling the prohibition is published by the Executive Director or, as the case may be, the Rabbit Board; or
 - (ii) that the taking, for human consumption, of animals of a class specified in the notice is prohibited until such time as a further notice cancelling the prohibition is published by the Executive Director or, as the case may be, the Rabbit Board;
- (d) notification that the taking of animals of a class specified in the notice in breach of the prohibition is an offence against subsection (7); and
- (e) a warning that animals taken in breach of the prohibition are likely to endanger or be detrimental to human health or life if handled or consumed.

(6) Where the Executive Director has caused a notice to be published under subsection (2) or (3) or the Rabbit Board has caused a notice to be published under subsection (4), if the Executive Director or, as the case may be, the Rabbit Board is of the opinion that the prohibition mentioned in that notice may without danger or detriment to human health or life be cancelled, the Executive Director or, as the case may be, the Rabbit Board shall cause a further notice cancelling the prohibition to be published in the Gazette and in a newspaper circulating in the area concerned.

(7) Where under this section the taking or the taking for human consumption of animals of any class is, for the time being, prohibited in an area, a person who takes or, as the case may be, takes for human consumption such an animal in that area in breach of that prohibition commits an offence against this Act.

217. Authority to use poison, set traps, etc. (1) Subject to this Act, it shall be lawful—

- (a) for any person acting with the authority of the Executive Director for the purpose of controlling declared animals to enter upon any land and to lay poison and set traps or snares on that land;
- (b) for any person acting with the authority of the Rabbit Board for the purpose of maintaining land situated in the Rabbit District free from rabbits, to enter upon any land and to lay poison and set traps or snares on that land;
- (c) for any person acting with the authority of a Plague Locust Destruction Committee appointed for an Area for the purpose of destroying plague locusts existing upon land in that Area to enter upon any such land and to do all such acts, matters and things as are prescribed for that purpose.

(2) A person authorized pursuant to subsection (1) (a) or (b) may without entry upon the land lay any poison thereon by means of an aircraft.

(3) Subject to this Act it shall be lawful for the owners and occupiers of land and all persons acting with their authority—

- (a) for the purpose of controlling declared animals, to lay poison and set traps or snares on the land;
- (b) where the land is situated within the Rabbit District, for the purpose of maintaining the land free from rabbits, to lay poison or set traps or snares on the land;
- (c) where the land is situated in an Area for which a Plague Locust Destruction Committee is appointed, for the purpose of destroying plague locusts existing upon the land, to do all such acts, matters and things as are prescribed for that purpose.

(4) Unless notice has been given to the actual occupant (if any) of the land of the intention to use poison—

- (a) a person acting with the authority of the Executive Director shall not use poison for the control of declared animals on or in relation to any land;
- (b) a person acting with the authority of the Rabbit Board shall not use poison for the purpose of maintaining the land free from rabbits;
- (c) a person acting with the authority of a Plague Locust Destruction Committee shall not use poison for the purpose for destroying plague locusts existing upon the land.

(5) Any person who, without lawful authority (proof whereof shall lie upon him) destroys, removes or interferes with any trap, snare, poison, matter or thing which is used for the purpose of—

- (a) controlling declared animals and which is lawfully placed upon any land for that purpose;

- (b) maintaining any land situated in the Rabbit District free from rabbits and which is lawfully placed on any such land for that purpose;
 - (c) destroying plague locusts existing on land situated in an Area for which a Plague Locust Destruction Committee is appointed and which is lawfully placed on any such land for that purpose,
- commits an offence against this Act.

218. Cyanide of potassium not to be used. Notwithstanding section 217, a person who uses cyanide of potassium to—

- (a) control any declared animal;
 - (b) maintain any land free from rabbits; or
 - (c) destroy any plague locusts,
- commits an offence against this Act.

Penalty: \$1 000.

Division 2—Agents

219. Attorneys and agents to represent principal. (1) An attorney or agent of an owner who is absent from the State shall be deemed to represent his principal for the purposes of this Act so far as regards land which the attorney or agent is authorized to manage or of which he is authorized to hold possession or the rents and profits of which he is authorized to collect on behalf of the owner.

- (2) Service on such a representative of the owner of land of—
 - (a) a notice or other document required or authorized to be served on the owner by this Act;
 - (b) a summons or legal process for the recovery of money payable by the owner in respect of the land pursuant to the provisions of this Act,

shall be regarded as effective service on the owner.

Division 3—Procedure

220. Manner in which documents may be served. (1) For the purposes of this Act a document may be served on a person—

- (a) by delivering it personally to the person;
- (b) by leaving it for him at his usual or last known place of abode or business;
- (c) by sending it by post or transmitting it by telegram to—
 - (i) his last known place of abode or business;
 - (ii) his last known postal address; or

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- (iii) the address (if any) shown in a rate book kept by a Local Authority pursuant to the *Local Government Act 1936-1984* as his address for the service of rate notices under that Act; or
- (d) where an address for service pursuant to paragraph (b) or (c) cannot be discovered by the person desiring to serve the document, by advertising the document at least twice in a newspaper circulating in the area in which the land to which the document relates is situated, an interval of at least a week being allowed to elapse between the advertisements.
- (2) For the purposes of this Act a document may be served on a body corporate by leaving it at or sending it by post or transmitting it by telegram to its principal place of business or any other place where it carries on business.
- (3) Any document authorized or required by this Act to be served on the occupier or owner, as the case may be, of any land, shall in cases where several persons are the occupiers or owners thereof be duly served if served on one of such occupiers or owners provided that the names of all the occupiers or owners as the case may be, are shown on the document.
- (4) Non-service on the owner shall not affect the validity of service on the occupier, nor shall non-service on the occupier affect the validity of service on the owner.
- (5) A document by this Act authorized or required to be served on the owner or occupier of any land may, if the name of the owner or occupier is not known, be addressed to him by the description of "owner" or "occupier" of the land, describing it, in respect of which the document is given, without further name or description.
- (6) In a document made for a purpose of this Act a description of the land affected by the document shall be sufficient if the description allows of no reasonable doubt as to the land affected, notwithstanding that the description does not particularly define the land.
- (7) In the case of service by telegram, the service shall be presumed, unless the contrary is shown, to have been effected at the time when, in the ordinary course, the telegram would be delivered.
- (8) The provisions of this section shall be in addition to and not in derogation of any other provision of this Act relating to the service of documents.
- (9) In this section—
"document" means a document made for any of the purposes of this Act.

221. Proof of ownership or occupancy. The averment in a claim, complaint or other document in proceedings instituted for the purposes of this Act, that a person is or was at any time the owner or occupier of land shall be prima facie evidence thereof and in the absence of evidence to the contrary conclusive evidence thereof.

222. Evidentiary provisions. (1) In any proceedings under this Act to recover the amount of any costs, charges or expenses recoverable by—

- (a) the Minister;
- (b) the Executive Director;
- (c) a Local Authority;
- (d) the Rabbit Board; or
- (e) a Plague Locust Destruction Committee,

it shall be sufficient to produce—

- (f) in a case to which paragraph (a) refers, a certificate purporting to be signed by the Minister;
- (g) in a case to which paragraph (b) refers, a certificate purporting to be signed by the Executive Director;
- (h) in a case to which paragraph (c) refers, a certificate purporting to be signed by the chairman of the Local Authority concerned;
- (i) in a case to which paragraph (d) refers, a certificate purporting to be signed by the chairman of the Rabbit Board; or
- (j) in a case to which paragraph (e) refers, a certificate purporting to be signed by the chairman of the Plague Locust Destruction Committee concerned,

certifying the amount of those costs, charges or expenses and such certificate shall be prima facie evidence that such costs, charges or expenses were actually and lawfully incurred and the onus of disapproving the amount thereof shall be upon the defendant.

(2) In any proceedings instituted by or on behalf of a Local Authority under this Act it shall not be necessary to prove the corporate name of the Local Authority, its constitution or the limits of its area but this subsection shall not prejudice the right of any defendant to prove such limits.

(3) In proceedings for an offence against this Act—

- (a) the authority of the complainant to institute those proceedings shall be presumed until the contrary is proved;
- (b) it shall not be necessary to prove the appointment of any inspector, authorized person or rabbit control officer.

(4) Every notice, order or other document under this Act that requires authentication by—

- (a) a Local Authority shall be sufficiently authenticated if it is authenticated in the manner provided for in section 52 (1) of the *Local Government Act 1936-1984*;

- (b) the Rabbit Board shall be sufficiently authenticated if it purports to be signed by the chairman of or the clerk to the Board;
- (c) a Plague Locust Destruction Committee shall be sufficiently authenticated if it purports to be signed by the chairman or secretary of the Committee.

223. Proof of plant or animal. In any proceedings for an offence against this Act a certificate purporting to be signed by the Executive Director or by a person authorized by the Executive Director so to do stating that the plant or animal in relation to which the proceedings are brought is a plant or animal of the kind specified in the certificate shall be prima facie evidence that the plant or animal is of the kind so specified and in the absence of evidence to the contrary conclusive evidence thereof.

224. Proof of document, etc. (1) In all proceedings in which a document is to be proved the document and its effective service may be sufficiently proved by or on behalf of the complainant by the production of what purports to be a copy, bearing what purports to be a certificate signed by a person authorised to issue the original, that the copy is a true copy of the original and that the original was served on the date specified in the certificate.

(2) In proceeding under or for the purposes of this Act—

- (a) evidence of a management programme may be given by the production of the Gazette purporting to contain it, evidence of its publication in a newspaper may be given by the production of what purports to be the newspaper containing the programme and the newspaper shall be taken to have been published (until the contrary is proved) on the day on which it bears date;
- (b) evidence of a document authorised or required pursuant to this Act to be advertised or published in a newspaper may be given by the production of what purports to be a newspaper purporting to contain it and the newspaper shall be taken to have been published (until the contrary is proved) on the day on which it bears date;
- (c) evidence of a document authorized or required pursuant to this Act to be published in the Gazette may be given by the production of the Gazette purporting to contain it;

(3) The validity of any document or of the effective service of it shall not be affected by any error, misdescription or irregularity which does not mislead or which is not likely to mislead.

(4) In this section—

“document” means a document made for any of the purposes of this Act.

225. General penalty. Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty of \$500.

226. **Proceedings for offences.** A prosecution for an offence against this Act shall be by way of summary proceedings under the *Justices Act 1886-1982* on complaint by—

- (a) a person authorized in writing by the Minister;
- (b) where the offence is one referred to in Part VI—
 - (i) an inspector; or
 - (ii) a person authorized in writing by the Executive Director;
- (c) where the offence is one referred to in Part VII—
 - (i) a person authorized in writing under the official seal of the Plague Locust Destruction Committee for the Area in which the offence is alleged to have been committed; or
 - (ii) a person authorized in writing by the Executive Director;
- (d) where the offence is one referred to in Part VIII, the chairman of the Rabbit Board;
- (e) where the offence is one referred to in a Part of this Act other than a Part referred to in paragraph (b), (c) or (d)—
 - (i) an authorized person or inspector; or
 - (ii) a person authorized in writing by the Executive Director.

227. **Continuing offences.** (1) Where—

- (a) by or under this Act an act or thing is required or directed to be done within a particular period or at or before a particular time;
- (b) failure to do that act or thing within the period or at or before the time referred to in paragraph (a) constitutes an offence; and
- (c) that act or thing is not done within the period or at or before the time referred to in paragraph (a),

the following provisions of this subsection have effect:—

- (d) the obligation to do that act or thing continues, notwithstanding that that period has expired or that time has passed, until that act or thing is done and a failure to do that act or thing constitutes an offence;
- (e) where a person is convicted of an offence that, by virtue of paragraph (d), is constituted by failure to do that act or thing after the expiration of that period or after that time, as the case may be, that person is guilty of a separate and further offence in respect of each day after the day of the conviction during which the failure to do that act or thing continues; and
- (f) the penalty applicable to each such separate and further offence is \$20.

(2) Charges against the same person for any number of offences under subsection (1) (e) may be jointed in the same complaint if those offences relate to a failure to do the same act or thing.

(3) If a person is convicted of more than one offence under paragraph (e) of subsection (1), the court may impose one penalty in respect of all the offences of which the person is so convicted under that paragraph but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a penalty were imposed in respect of each offence separately.

Division 4—Regulations

228. Governor in Council may make regulations. The Governor in Council may make regulations not inconsistent with this Act providing with respect to all matters, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

229. Regulations—general. Without limiting the generality of section 228 the Governor in Council may make regulations—

- (a) with respect to the manner of applying for any permit or other authority under this Act and any variation or renewal thereof;
- (b) prescribing forms for use under this Act;
- (c) prescribing rates of interest payable under this Act on debts due to the Minister, the Executive Director, the Rabbit Board, a Plague Locust Destruction Committee or a Local Authority;
- (d) prescribing fees and charges under or for the purposes of this Act and regulating and controlling the payment and collection of the same;
- (e) requiring the supply by Local Authorities to the Executive Director of such information as is prescribed or as the Executive Director, either generally or in a particular case, may require;
- (f) making it an offence for a person to contravene or fail to comply with a regulation or a term or condition imposed pursuant to a regulation;
- (g) prescribing the persons who may institute proceedings in respect of a breach of the regulations;
- (h) with respect to all matters required or permitted by this Act to be prescribed and in respect of which the manner of prescription is not specified.

230. Regulations—Plague Locusts. Without limiting the generality of section 228 the Governor in Council may make regulations for or with respect to—

- (a) the qualifications to be possessed by persons who are appointed as members of a Plague Locust Destruction Committee and the term of appointment of members of a Committee;

- (b) the appointment of a chairman and deputy chairman of a Plague Locust Destruction Committee;
- (c) the custody and use of the official seal of a Plague Locust Destruction Committee;
- (d) the procedure and conduct of meetings and the business of a Plague Locust Destruction Committee;
- (e) the vacating of his office by a member of a Plague Locust Destruction Committee and the filling of a casual vacancy occurring in the office of a member;
- (f) the dissolution of the body corporate constituted by the appointment of a Plague Locust Destruction Committee, the effect of such dissolution on the appointment of a member of the Committee and the vesting of assets and assignment of liabilities consequent upon the dissolution of the body corporate;
- (g) providing for the funds to be kept by a Plague Locust Destruction Committee and providing for, regulating and controlling the manner and form in which they shall be kept;
- (h) the auditing of a Plague Locust Destruction Committee's accounts.

231. Regulations—stock routes, etc. Without limiting the generality of section 228 the Governor in Council may make regulations—

- (a) regulating and controlling the use by travelling stock of stock routes and reserves for travelling stock;
- (b) regulating and controlling the use by stock other than travelling stock of stock routes and reserves for travelling stock;
- (c) regulating and controlling the use by travelling stock or other stock of facilities for watering stock and other improvements upon or provided in respect of stock routes or reserves for travelling stock;
- (d) prescribing fees and charges payable for or in respect of the use of facilities for watering stock and other improvements on or provided in respect of stock routes or reserves for travelling stock and fees or charges payable for or in respect of the use by stock (other than travelling stock) of stock routes and reserves for travelling stock and regulating and controlling the payment and collection of such fees and charges;
- (e) with respect to the making, levying, collection and payment of all rates on travelling stock;
- (f) for securing the maintenance of fencing erected pursuant to Division 3 of Part X or any corresponding previous law of the State.

232. Regulations—rabbits. Without limiting the generality of section 228 the Governor in Council may make regulations—

- (a) regulating and controlling the business of the Rabbit Board;
- (b) providing for, regulating and controlling the procedure and conduct of meetings of the Rabbit Board;
- (c) providing for the funds (including a general fund) to be kept by the Rabbit Board and providing for, regulating and controlling the manner and form in which they shall be kept;
- (d) prescribing the books of account to be kept by the Rabbit Board and the manner and form in which they shall be kept;
- (e) in relation to the Rabbit District, regulating and controlling the use of poisons and poison baits for destroying rabbits.

233. Regulations—declared plants and declared animals. (1) Without limiting the generality of section 228 the Governor in Council may make regulations—

- (a) with respect to—
 - (i) the measures, whether mechanical, biological, chemical or otherwise, to be taken and things to be done with respect to the control of declared plants and declared animals;
 - (ii) the dissemination of information and the giving of directions relating to the measures, things and action referred to in subparagraph (i) of this paragraph;
 - (iii) the time at which or the period within which those measures or that action shall be taken, those directions shall be complied with and those things shall be done;
 - (iv) the enforcement of the taking of those measures or that action, compliance with those directions or the doing of those things;
- (b) with respect to the use of appliances and materials for controlling declared plants and declared animals and the manner of mixing materials;
- (c) prohibiting or regulating the use of any particular chemical or spray in or for the control of declared plants or declared animals or for the destruction of other plants or animals whether that chemical or spray is applied by aircraft or by any other means, at any time or during particular periods or in relation to any area or boundary specified in the regulations;
- (d) with respect to the disposal of declared plants by incineration and other methods;
- (e) controlling the movement of persons into, on and from land in or upon which declared plants are or are suspected to be present;
- (f) with respect to the movement of stock from land in or upon which declared plants are or are suspected to be present;

- (g) with respect to the keeping of stock on land in or upon which declared plants are or are suspected to be present;
- (h) with respect to the fencing of land in or upon which declared plants are or are suspected to be present;
- (i) prescribing the time, period or method of cultivating land in or upon which declared plants are or are suspected to be present;
- (j) with respect to the use, storage or carriage in any area of any vehicle, machine (including an aeroplane) or thing which harbours or is likely to harbour the propagules of any declared plant;
- (k) imposing conditions and restrictions on—
 - (i) the introduction into the State of animals that are declared animals of category A4 in respect of the whole of the State;
 - (ii) the introduction into a part of the State of animals that are declared animals of category A4 in respect of that part of the State;
 - (iii) the keeping, sale or disposal in a part of the State of animals that are declared animals of category A6 in respect of that part of the State;
- (l) prohibiting or regulating—
 - (i) the setting and use of traps, other than live capture traps, for the purpose of capturing declared animals;
 - (ii) the laying of poison for the purpose of destroying declared animals,
in any area specified in the regulations;
- (m) with respect to the movement of stock, vehicles, machinery or any other thing on or from land in or upon which declared animals are or are suspected to be present;
- (n) preventing interference with experiments conducted by or on behalf of the Protection Board or the Executive Director on or in relation to declared plants or declared animals and, without limiting the generality of the foregoing—
 - (i) prohibiting or regulating entry to a location on which such experiments are being conducted;
 - (ii) prohibiting the trapping, catching or killing of all or any declared animals on any location on which such experiments are being conducted;
- (o) with respect to the paying of bonuses, the circumstances and manner in which bonuses may be claimed and the prevention of fraudulent or other improper practices in connexion therewith.

234. General provisions as to regulations. (1) Regulations may be made under this Act—

- (a) so as to apply—
 - (i) generally or to any specified class or classes of case or subject-matter;
 - (ii) at all times or at any specified time or times;
 - (iii) throughout the State or in any specified part or parts of the State;
 - (b) so that different regulations apply to different parts of the State or different classes of persons or different classes or categories of declared plants or declared animals or in different circumstances or so that regulations apply differently according to such factors as may be specified;
 - (c) so as to require a matter affected by them to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) as approved by or to the satisfaction of a specified person or body or a specified class of person or body;
 - (d) so as to confer on or delegate to a specified person or body or a specified class of person or body a discretionary authority;
 - (e) so as to provide that, in specified cases or a specified class of case or specified classes of cases, whether on specified conditions or unconditionally, persons or things or a class or classes of persons or things may be exempted from the provisions of the regulations, either wholly or to such extent as is specified;
 - (f) so as to require any matter or thing to be verified by statutory declaration.
- (2) In subsection (1) “ specified ” means specified in the regulations.

235. Penalties under regulations. (1) Regulations made under this Act may impose for a breach of a regulation so made a maximum penalty of \$500.

(2) Subject to subsection (1), the regulations may provide for the penalty in respect of a breach of any particular regulation to increase for each successive breach of the same regulation by the same offender.

Division 5—Miscellaneous

236. Destruction of straying dogs. (1) Any—

- (a) member of the Police Force of Queensland;
- (b) officer of the Lands Department;
- (c) officer of a Local Authority for the Area or part of the Area in respect of which this section is in force;

(d) owner or occupier or any agent of the owner or occupier of rural land which is situated wholly or partly within an Area or part of an Area in respect of which this section is in force; or

(e) person in charge of travelling stock in an Area or part of an Area in respect of which this section is in force,

who at any time finds at large on rural land (other than rural land situated in a National Park) or on a stock route or reserve for travelling stock any dog, whether registered under any law or not, which is not then in the immediate custody, protection or control of some person may and is hereby authorized to destroy (and, for the purpose of so doing, to seize) such dog then and there.

(2) To the extent necessary to give operation and effect to this section the provisions of this Act and of every other Act or law shall be read and construed subject to this section.

(3) This section shall be in force in such Areas or parts of Areas as are specified by Order in Council.

237. Registration of domestic dogs. (1) The Governor in Council may, on the recommendation of the Protection Board, by Order in Council declare that every dog (other than a dingo) kept in or introduced into any Area specified in such Order in Council shall be registered with the Local Authority for such Area.

(2) The Local Authority shall charge such annual registration fee, not being less than one dollar, as may be determined by the Minister.

(3) The Local Authority shall supply to the owner of every dog so registered a disc showing some distinguishing mark or lettering which indicates that such dog is registered by the Local Authority.

(4) A registration to which this section applies shall remain in force for a period of 12 months and may be renewed from time to time.

(5) A dog found in an Area in respect of which an Order in Council referred to in subsection (1) is in force and which is not registered pursuant to this section may be destroyed by an officer of the Lands Department, an officer of the Local Authority for the Area or by a member of the Police Force of Queensland.

(6) The Governor in Council shall not exercise his power under this section in respect of any Area where the by-laws of the Local Authority for that area provide for the compulsory registration of all dogs within that Area.

238. Dividing Fences Act not to apply. The *Dividing Fences Act* 1953-1982 does not apply to fences erected under or pursuant to or deemed to be erected under or pursuant to this Act.

239. Certificate of appointment. Each inspector and rabbit control officer shall be provided with a certificate (in the prescribed form) of his appointment as such and shall, if required to do so, produce that certificate to the owner or occupier of any land or premises he may enter pursuant to the powers conferred on him by this Act.

240. Indemnity. (1) Liability at law shall not attach to the Crown or any person on account of any act or thing done or omitted to be done pursuant to this Act or done or omitted to be done bona fide for the purposes of this Act and done or omitted to be done without negligence.

(2) The seizure, detention, destruction, disposal, forfeiture or other dealing with of any plant, animal or other thing whatsoever under this Act shall not confer upon any person a right to compensation.

(3) Without limiting the generality of the foregoing provisions of this section, no action or other remedy shall lie against nor shall any sum by way of compensation, damages or otherwise be payable by the Crown, the Minister, a Government department or any Local Authority for any loss or injury sustained by any owner or person in possession of any livestock poisoned by eating on any public land or any road or land under the control of a Local Authority any plant, grass or herbage which has been poisoned by the servant or agent or permittee of the Minister or such department or Authority in the destruction of or in an endeavour to destroy any declared plant or extraordinarily noxious plant if the Minister or, as the case may be, such Government department or Local Authority has given notice twice in some newspaper circulating in the area where the work is to be carried out and caused public notice of the use of poison to be affixed in a conspicuous manner in all places where work is being carried out and has served such notice on each resident occupier of any land abutting on the place where the work is being carried out.

241. Civil liability. Except where this Act expressly otherwise provides—

(a) a cause of action in civil proceedings shall not be constituted by a breach of a duty that depends for its existence upon a provision of this Act;

and

(b) no provision of this Act shall be construed to derogate from any duty had by a person independently of this Act or to prejudice any right of action had by any person in respect of a breach of such a duty.

242. Name and address may be required. An authorized person, inspector, rabbit control officer or member of a Plague Locust Destruction Committee acting in the exercise or performance of his powers or functions under this Act may—

(a) require any person to state his name and address;

- (b) require any occupier of land to state, to the best of his knowledge, information and belief, the name and address of the owner of that land.

243. Obstruction, etc. Any person who—

- (a) without lawful excuse, wilfully obstructs, hinders or resists an inspector, authorized person, rabbit control officer or other person in the exercise or performance of his powers or functions under this Act;
- (b) without lawful excuse, refuses or wilfully fails to comply with any lawful requirement of an authorized person, inspector, rabbit control officer or member of a Plague Locust Destruction Committee under this Act; or
- (c) wilfully makes any false statement to or misleads, or attempts to mislead an inspector, authorized person, rabbit control officer or other person in the exercise or performance of his powers or functions under this Act.

commits an offence against this Act.

244. Seizure of plants, etc. (1) Where an authorized person or inspector seizes any plant, animal or other thing whatsoever pursuant to this Act that plant, animal or other thing may be left by him at the place where it was seized.

(2) Unless he is authorized by the Executive Director or an authorized person or inspector so to do, a person who removes or otherwise interferes with any plant, animal or other thing seized by an authorized person or inspector pursuant to this Act commits an offence against this Act.

245. Personating officers. Any person who falsely represents himself to be or personates an authorized person, inspector or rabbit control officer commits an offence against this Act.

246. Authorized person, etc., may be accompanied by assistants, etc. Where, under the provisions of this Act or of a warrant granted under this Act, an authorized person, inspector, rabbit control officer or other person is authorized to enter land, or premises on land, for any purpose—

- (a) he may, with or without assistants or contractors enter and remain on that land or in those premises for such period as is reasonable for carrying out that purpose;
- (b) he shall have for himself and those assistants or contractors such rights of ingress, egress and regress into, over and across that land for that period with such vehicles, instruments, appliances and materials as are reasonable for carrying out that purpose.

PART XIII—SAVINGS AND TRANSITIONAL PROVISIONS

247. **Saving of appointments.** (1) All persons appointed or employed pursuant to section 6 of *The Stock Routes and Rural Lands Protection Act of 1944* or section 5 of *The Barrier Fences Act of 1954* and holding office or employed at the commencement of this Act shall remain in office or employment, as the case may be, as if this Act had been in force at the time when they were appointed or employed and they shall for all purposes be deemed to have been appointed or employed pursuant to section 10 of this Act.

(2) Where a person referred to in subsection (1) was, at the commencement of this Act, excluded from the operation of all or any provisions of the *Public Service Act 1922–1978* pursuant to the proviso to section 6 (3) of *The Stock Routes and Rural Lands Protection Act of 1944* or pursuant to paragraph (b) of the proviso to section 5 (2) of *The Barrier Fences Act of 1954* that person shall continue to be so excluded as if this Act had been in force at the time when he was so excluded and he shall for all purposes be deemed to have been so excluded pursuant to section 10 (3) of this Act.

(3) Without limiting the generality of subsection (1)—

(a) the person who, at the commencement of this Act was the Executive Director or the Assistant Executive Director; and

(b) every person who, at the commencement of this Act was an inspector

for the purposes of *The Stock Routes and Rural Lands Protection Act of 1944* shall without further or other appointment be the Executive Director, the Assistant Executive Director or, as the case may be, an inspector for the purposes of this Act.

(4) Every person who at the commencement of this Act was an inspector appointed under section 5 (2) of *The Barrier Fences Act of 1954* shall without further or other appointment be an inspector for the purposes of this Act.

(5) All persons appointed pursuant to section 7 of *The Rabbit Act of 1964* and all persons employed pursuant to section 23 of that Act and holding office or employed at the commencement of this Act shall remain in office or employment, as the case may be, as if this Act had been in force at the time when they were appointed or employed and they shall for all purposes be deemed to have been appointed or employed pursuant to section 47 or, as the case may be, section 48 of this Act.

(6) Without limiting the generality of subsection (5)—

(a) every person who, at the commencement of this Act was a rabbit control officer; and

(b) the person who, at the commencement of this Act was the clerk to the Rabbit Board,

for the purposes of *The Rabbit Act of 1964* shall without further or other appointment be a rabbit control officer or, as the case may be, the clerk to the Rabbit Board for the purposes of this Act.

248. Orders made pursuant to Barrier Fences Act. (1) Every order made pursuant to section 8 of *The Barrier Fences Act of 1954* and in force at the commencement of this Act shall continue in force after that commencement as if this Act had not commenced and for that purpose the provisions of *The Barrier Fences Act of 1954* shall continue to apply to and in respect of every such order.

(2) For the purpose of enforcing the provisions of *The Barrier Fences Act of 1954* in so far as they apply to or in respect of an order referred to in subsection (1) a reference in that Act—

(a) to the Minister shall be taken to refer to the Minister within the meaning of this Act;

(b) to an inspector shall be taken to refer to a person who is an inspector for the purposes of this Act.

(3) Notwithstanding that the provisions of *The Barrier Fences Act of 1954* are to continue to apply to an order referred to in subsection (1) after the commencement of this Act as if this Act had not commenced, every such order may be revoked pursuant to section 196 of this Act and for the purpose of such revocation a reference in that section to “any order made pursuant to section 173 (1)” shall be read as a reference to “any order referred to in section 248 (1)”.

(4) Every order made pursuant to section 16 of *The Barrier Fences Act of 1954* and in force at the commencement of this Act shall be deemed, on and from that commencement, to be an order made pursuant to section 192 of this Act and the provisions of this Act shall apply to and in respect of every such order.

249. Permits granted pursuant to Rabbit Act. (1) Subject to its being cancelled pursuant to subsection (3) of section 34 of *The Rabbit Act of 1964*, a permit granted pursuant to section 34 of that Act and in force at the commencement of this Act shall continue in force after that commencement as if this Act had not commenced for the period for which it was issued and for that purpose the provisions of *The Rabbit Act of 1964* shall continue to apply to and in respect of every such permit.

(2) For the purposes of applying the provisions of *The Rabbit Act of 1964* to and in respect of a permit referred to in subsection (1), a reference in that Act to the Minister shall be taken to refer to the Minister within the meaning of this Act.

(3) The period for which a permit referred to in subsection (1) was issued under *The Rabbit Act of 1964* shall not be extended or, as the case may be, further extended.

(4) Every permit granted pursuant to section 42 of *The Rabbit Act of 1964* and in force at the commencement of this Act shall, on and from that commencement, be deemed to be a permit issued pursuant to section 157 of this Act and the provisions of this Act shall apply to and in respect of every such permit.

250. Rabbit Control Authority. (1) On the commencement of this Act the appointment of all persons who were members of The Rabbit Control Authority constituted by *The Rabbit Act of 1964* at that commencement shall be terminated and the Authority shall cease to exist.

(2) All plant, machinery, equipment and materials vested in The Rabbit Control Authority at the commencement of this Act shall, on and from that commencement, vest in the Minister and may be used by him for any of the purposes of this Act.

251. Notices, etc., under Stock Routes and Rural Lands Protection Act. (1) Every notice issued under section 23A of *The Stock Routes and Rural Lands Protection Act of 1944* and every notification published in the Gazette under section 23B of that Act in force at the commencement of this Act shall continue in force after that commencement as if this Act had not commenced and for that purpose the provisions of *The Stock Routes and Rural Lands Protection Act of 1944* shall continue to apply to and in respect of every such notice and notification.

(2) For the purpose of applying the provisions of *The Stock Routes and Rural Lands Protection Act of 1944* to and in respect of a notice or notification referred to in subsection (1), a reference in that Act—

- (a) to the Minister shall be taken to refer to the Minister within the meaning of this Act;
- (b) to the Executive Director shall be taken to refer to the Executive Director within the meaning of this Act;
- (c) to an inspector shall be taken to refer to a person who is an inspector for the purposes of this Act.

(3) Every notification published in the Gazette pursuant to section 23D (3) of *The Stock Routes and Rural Lands Protection Act of 1944* and in force at the commencement of this Act shall be deemed, on and from that commencement, to be a notification pursuant to section 112 of this Act and the provisions of this Act shall apply to and in respect of every such notification.

(4) Every stock route declared as such under *The Stock Routes and Rural Lands Protection Act of 1944* and existing at the commencement of this Act shall on and from that commencement be a stock route for the purposes of this Act.

252. Permit granted pursuant to s. 28 of Stock Routes and Rural Lands Protection Act. (1) Subject to its being cancelled pursuant to subsection (2) (c) of section 28 of *The Stock Routes and Rural Lands Protection Act of 1944* a permit granted pursuant to that Act and in force at the commencement of this Act shall continue in force after that commencement as if this Act had not commenced for the period for which it was issued and for that purpose the provisions of *The Stock Routes and Rural Lands Protection Act of 1944* shall continue to apply to and in respect of every such permit.

(2) For the purpose of applying the provisions of *The Stock Routes and Rural Lands Protection Act of 1944* to and in respect of a permit referred to in subsection (1), a reference in that Act to the Minister shall be taken to refer to the Minister within the meaning of this Act.

(3) The period for which a permit referred to in subsection (1) was issued under *The Stock Routes and Rural Lands Protection Act of 1944* shall not be extended or, as the case may be, further extended.

253. Syndicates registered under The Stock Routes and Rural Lands Protection Act. (1) Every Dingo Destruction Syndicate and every Dingo Destruction Syndicate Area registered under *The Stock Routes and Rural Lands Protection Act of 1944* at the commencement of this Act shall be deemed, on and from that commencement, to be a declared animal syndicate or, as the case may be, a syndicate area registered under section 163 of this Act and the provisions of this Act shall apply to and in respect of every such Syndicate and Syndicate Area.

(2) Where at the commencement of this Act an application made pursuant to section 28B of *The Stock Routes and Rural Lands Protection Act of 1944* has not been finally dealt with, the application shall, on and from that commencement, be deemed to be an application made pursuant to Part IX and the provisions of this Act shall apply to and in respect of every such application.

254. Savings—general. (1) All works, matters and things commenced by the Minister, the Executive Director, a Local Authority or The Darling Downs—Moreton Rabbit Board under any of the repealed Acts may be continued and completed as if no such repeal had been made.

(2) Any contract or agreement made in pursuance of any of the repealed Acts between the Minister, the Executive Director, a Local Authority or The Darling Downs—Moreton Rabbit Board and any person, in force at the commencement of this Act, shall continue in force to the same extent as if no such repeal had been made.

(3) Where the management and control of any facility for watering travelling stock or any other facility provided under *The Stock Routes and Rural Lands Protection Act of 1944* for the improvement of stock routes is vested in a Local Authority pursuant to that Act such management and control shall continue to vest in the Local Authority on and from the commencement of this Act.

255. Saving of certain agreements. (1) Without limiting the generality of section 254(2) and subject to subsection (2), every agreement made between a Local Authority and the owner of any holding pursuant to section 17 of *The Stock Routes and Rural Lands Protection Act of 1944* and every agreement deemed by subsection (5) of that section to have been made under that section that is in force at the commencement of this Act shall continue in force to the same extent as if this Act had not commenced.

(2) The Minister may, by notice published in the Gazette, terminate any agreement referred to in subsection (1) where that agreement relates wholly or in part to a facility for watering travelling stock and that facility is situated on a stock route or a reserve for travelling stock.

(3) An action shall not lie against the Crown, the Minister or a Local Authority by reason of the Minister exercising his power under subsection (2).

(4) Upon the publication in the Gazette of a notice pursuant to subsection (2), the Executive Director shall lodge a copy of the notice with the Authority charged with registering the instrument of title to the holding in question and such authority shall note such notice by endorsement in its register and upon every such instrument.

(5) The Executive Director may by notice in writing served upon a person who is in possession of an instrument of title to the holding referred to in subsection (4) require that person to produce the instrument, within such time as is specified in the notice, to the authority charged with registering that instrument.

(6) A person who fails to comply with the requirements of a notice served on him pursuant to subsection (5) commits an offence against this Act.

Penalty: \$100.

256. Plague Grasshopper Destruction Committees. (1) Every body corporate constituted by the appointment of a Plague Grasshopper Destruction Committee pursuant to the provisions of *The Plague Grasshoppers Extermination Act of 1937* shall, on the commencement of this Act, cease to exist.

(2) Without limiting the generality of section 224 the Governor in Council may make regulations—

- (a) providing for the disposal of property which was vested in a Plague Grasshopper Destruction Committee referred to in subsection (1) immediately before the commencement of this Act and, where that property comprises any moneys, the disposal of the amount of any interest which has accrued thereon since that commencement;
- (b) prescribing the person or persons who may deal with that property and the manner in which it may be dealt with and indemnifying any person or persons who deal with the property in the manner prescribed.

257. Acts Interpretation Act. The provisions of this Part are in addition to and not in derogation of the *Acts Interpretation Act 1954-1977*.

SCHEDULE 1

[s. 4]

Year and number of Act	Short title	Extent of Repeal
1 Geo. 6 No. 7	<i>The Plague Grasshoppers Extermination Act of 1937</i>	The whole
No. 62 of 1971	<i>Plague Grasshopper Extermination Act Amendment Act 1971</i>	The whole
8 Geo. 6 No. 16	<i>The Stock Routes and Rural Lands Protection Act of 1944</i>	The whole
10 Geo. 6 No. 31	<i>The Stock Routes and Rural Lands Protection Act Amendment Act of 1946</i>	The whole
10 Geo. 6 No. 36	<i>The Stock Routes and Rural Lands Protection Acts Amendment Act of 1946 (No. 2)</i>	The whole
13 Geo. 6 No. 6	<i>The Land Acts and Other Acts Amendment Act of 1948</i>	Part IV
13 Geo. 6 No. 50	<i>The Land Acts and Other Acts Amendment Act of 1949</i>	Part V
15 Geo. 6 No. 26	<i>The Stock Routes and Rural Lands Protection Acts Amendment Act of 1951</i>	The whole
10 Eliz. 2 No. 2	<i>The Stock Routes and Rural Lands Protection Acts Amendment Act of 1961</i>	The whole
11 Eliz. 2 No. 12	<i>The Stock Routes and Rural Lands Protection Acts and Another Act Amendment Act of 1962</i>	The whole
No. 36 of 1963	<i>The Stock Routes and Rural Lands Protection Acts Amendment Act of 1963</i>	The whole
No. 51 of 1964	<i>The Stock Routes and Rural Lands Protection Acts Amendment Act of 1964</i>	The whole
No. 28 of 1967	<i>The Stock Routes and Rural Lands Protection Acts Amendment Act of 1967</i>	The whole
No. 56 of 1978	<i>Stock Routes and Rural Lands Protection Act and Another Act Amendment Act 1978</i>	The whole
No. 48 of 1984	<i>Stock Routes and Rural Lands Protection Act and Other Acts Amendment Act 1984</i>	The whole

SCHEDULE—*continued*

Year and number of Act	Short title	Extent of Repeal
3 Eliz. 2 No. 1	<i>The Barrier Fences Act of 1954</i>	The whole
No. 7 of 1964	<i>The Rabbit Act of 1964</i>	The whole
No. 22 of 1966	<i>The Rabbit Acts Amendment Act of 1966</i>	The whole
No. 50 of 1968	<i>Rabbit Acts Amendment Act 1968</i>	The whole

SCHEDULE 2

RABBIT CHECK FENCE

[s. 6 (1)]

The part of the boundary of the Rabbit District commencing on the shore of the South Pacific Ocean at the south-east corner of the State, and thence by the southern boundary thereof westerly to the Shire of Rosenthal, at the south corner of portion 50v, parish of Rosenthal, by the south-western boundary of that shire, by the southern and south-western boundaries of the parish of Tummaville to the south corner of portion 131v, parish of Gore, by roads northerly to the north-east corner of portion 118v, north-westerly and westerly to the north-west corner of portion 54v, parish of Domville, south-westerly to the east corner of portion 95, north-westerly to the south corner of portion 85, westerly to the south-west corner of portion 4116 and northerly and north-westerly to the west corner of that portion, by the south-western boundary of the parish of Domville, by the south-western and western boundaries of the parish of Yandilla to the north-west corner of portion 699, by the road intersecting portion 33, parish of Wilkie northerly, by the western boundaries of the parishes of Yandilla and Cecil Plains to the Shire of Wambo, by the southern and western boundaries of that shire to portion 38, parish of Braemar, by the south-western boundary of that portion, by the eastern boundaries of portions 22, 21, 20 and 2 and portions 18, 17, 14 and 47 to 50 parish of Kogan, by the north-eastern boundaries of portions 51, 28 and 26, parish of Hunter, by the west boundaries of subdivision 2 of portion 1532 and subdivision 2 of portion 1254, R. 35 parish of Earle and portions 20v, 191, 37v, 19v, 17v, 18v and 28 to the Western Railway, by that railway north-westerly to Glasson Street, Chinchilla, by that street south-westerly, by the northern boundary of portion 1v, parish of Chinchilla, by the south and west boundaries of portion 285, by the south-western boundaries of portions 168, 1521, 67 and 159 parish of Colamba to the Western Railway; and by that railway westerly to the western boundary of the Shire of Chinchilla.

SCHEDULE 3

DARLING DOWNS-MORETON RABBIT DISTRICT [s. 33]

Commencing on the shore of the South Pacific Ocean at the south-east corner of the State, and bounded thence by the southern boundary thereof westerly to the Shire of Rosenthal at the south corner of portion 50v, parish of Rosenthal, by the south-western boundary of that shire, by the southern and south-western boundaries of the parish of Tummalville to the south corner of portion 131v, parish of Gore, by roads northerly to the north-east corner of portion 118v, north-westerly and westerly to the north-west corner of portion 54v, parish of Domville, south-westerly to the east corner of portion 95, north-westerly to the south corner of portion 85, westerly to the south-west corner of portion 4116 and northerly and north-westerly to the west corner of that portion, by the south-western boundary of the parish of Domville, by the south-western and western boundaries of the parish of Yandilla to the north-west corner of portion 699, by the road intersecting portion 33, parish of Wilkie northerly, by the western boundaries of the parishes of Yandilla and Cecil Plains to the Shire of Wambo, by the southern and western boundaries of that shire to portion 38, parish of Braemar, by the south-western boundary of that portion, by the eastern boundaries of portions 22, 21, 20 and 2 and portions 18, 17, 14 and 47 to 50 parish of Kogan, by the north-eastern boundaries of portions 51, 28 and 26, parish of Hunter, by the west boundaries of subdivision 2 of portion 1532 and subdivision 2 of portion 1254, R. 35 parish of Earle and portions 20v, 191, 37v, 19v, 17v, 18v and 28 to the Western Railway, by that railway north-westerly to Glasson Street, Chinchilla, by that street south-westerly, by the northern boundary of portion 1v, parish of Chinchilla, by the south and west boundaries of portion 285, by the south-western boundaries of portions 168, 1521, 67 and 159 parish of Colamba to the Western Railway, by that railway westerly to the western boundary of the Shire of Chinchilla, by the western, northern and north-eastern boundaries of that shire, by the north-eastern boundaries of the Shire of Wambo and the parishes of Rosalie and Milton, by the north-eastern and northern boundaries of the parish of Goombungee, by the northern and north-eastern boundaries of the parish of Douglas, by the eastern boundary of the parish of Geham to the Shire of Gatton, by the northern boundaries of the Shires of Gatton, Laidley, Moreton, Beaudesert and Albert easterly, southerly and again easterly to the South Pacific Ocean; and by the shore thereof southerly to the point of commencement.