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ANNO TERTIO

# GEORGII V REGIS.

A.D. 1912.

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## No. 1102.

An Act to provide for the Destruction of Wild Dogs.

[Assented to, December 14th, 1912.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Wild Dogs Act, 1912." Short title.

2. In this Act, unless inconsistent with the context or some other Interpretation meaning is clearly intended,—

"Authorised person" means a person authorised by the Minister to receive tails and scalps of wild dogs for the purposes of this Act.

"Crown lands" means Crown lands as defined in "The Crown No. 830 of 1903. Lands Act, 1903":

"Fund" means the Wild Dogs Fund constituted by this Act:

"Minister" means the Minister of the Crown to whom the administration of this Act is, for the time being, committed by the Governor:

"Justice" means Justice of the Peace for the said State:

"Occupier" includes—

(a) The owner or tenant of any freehold land:

(b) The holder of any land held under agreement or lease made or granted by or on behalf of the Crown, or by or on behalf of any person or authority holding lands belonging to the Crown or in whom or which lands belonging to the Crown are vested: "Scalp"

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“Scalp” means the two ears of a wild dog and the connecting part of the skin thereof, all in one piece:

“Suburban land” means suburban land as defined in “The Crown Lands Act, 1903”:

“This Act” includes regulations made under this Act:

No. 905 of 1905.

“Town” means town as defined in “The Vermin Act, 1905”:

“Vermin-fence” and “Vermin-fenced District” respectively, have the meanings given to those terms by section 4 of “The Vermin Act, 1905”; and in addition “Vermin-fence” includes a vermin-fence approved by the Minister in writing for the purposes of this Act:

“Wild dog” includes a dingo and any cross of the native dog, and also a dog run wild.

Wild Dogs Fund constituted.

**3.** (1) A fund, to be called “The Wild Dogs Fund,” is hereby constituted.

(2) The Fund shall consist of—

- (a) The amounts paid to the Treasurer, under section 6, on account of rates;
- (b) The subsidies paid by the Treasurer under section 7; and
- (c) Any moneys advanced by the Governor under section 8.

(3) The Fund shall be held by the Treasurer, and shall be applied in the payment of rewards for the killing of wild dogs and the repayment of moneys advanced under section 8 and the interest thereon.

Rate imposed on all lands with certain exceptions.

Cf. Act 460, 1889, ss. 3 and 4.

**4.** (1) An annual rate is hereby imposed on all lands, except—

- (a) Lands situated within any of the areas specified in the First Schedule,
- (b) Lands situated within a municipality or town,
- (c) Suburban lands,
- (d) Crown lands, and
- (e) Lands reserved for or dedicated to any public purpose and not let for any purpose other than a public purpose.

Amount of the rate.

(2) The amount of the rates hereby imposed shall be Three Pence on every square mile, or portion of a square mile, of land situated within a Vermin-fenced District, or which the Minister declares to be completely surrounded, either alone or together with other land, by a vermin fence, and Six Pence on every square mile, or portion of a square mile, of other land: Provided that when the land occupied by any person is less than three square miles in the aggregate he shall not be liable to pay any such rates.

(3) Such

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## (3) Such rates—

- (a) Shall be paid by the occupiers for the time being of the lands whereon they are imposed, and shall be a charge on the said lands: Payment and recovery.
- (b) Shall be due and payable in advance on the first day of July in every year:
- (c) Shall be paid to the Minister:
- (d) May be levied and recovered by or under the authority of the Minister in like manner as rent is recoverable under any lease; and when any such rate is levied by distress, a warrant signed by the Minister shall be sufficient authority to distrain.

5. (1) If any such rate is not paid on or before the day on which the same becomes payable, interest at the rate of five per centum per annum shall thereupon be added thereto and be deemed for all purposes to be part of the rate. Interest to be added to rates in arrear.  
Ibid., s. 5.

(2) If the rate, as thus increased, is not paid within one month after the date on which it becomes payable, further interest at the rate of ten per centum per annum shall at the end of such month be added thereto and be deemed for all purposes to be part of the rate.

(3) If the rate, as thus increased, is not paid within one month after the expiration of such first month, the same may be recovered in a summary way by the Minister or any person authorised by writing signed by him to recover rates under this Act.

(4) The production of a document purporting to be signed by the Minister, appointing a person therein named to recover rates under this Act, shall be sufficient evidence that the person therein named has been duly appointed as aforesaid, and shall be *prima facie* evidence that the person producing such document is the person thereby appointed.

6. All moneys received by the Minister on account of such rates shall be paid by him to the Treasurer to the credit of the Fund, after deducting therefrom such amounts as the Minister deems necessary to cover the costs and expenses of and incidental to receiving, collecting, and recovering such moneys, and administering this Act. Rates received to be paid to the Treasurer.  
Ibid., s. 3 (part).

7. The Treasurer shall, out of moneys provided by Parliament for the purpose, pay to the credit of the Fund a subsidy at the rate of One Pound for every Pound paid to him under section 6 during the term of the operation of this Act: Provided that the amount of subsidy in respect of any one financial year shall not exceed Two Thousand One Hundred Pounds. Subsidies to the Fund.  
New.

8. (1) It shall be lawful for the Governor, without any authority other than this Act, to make advances to the Treasurer out of the General Revenue of such sums as are for the time being required for carrying The Governor may advance Revenue in aid of the Fund.

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carrying out the objects of this Act: Provided that the total amount so advanced, and not repaid, shall not at any time exceed Two Thousand Pounds.

(2) All sums so advanced, with interest thereon at the rate of Four Pounds per centum per annum, shall be repaid to the General Revenue out of rates and subsidies paid into the Fund pursuant to this Act.

The Treasurer may pay for tails and scalps.

Cf. Wild Dog Act, 1889, s. 6.

9. (1) The Treasurer shall, out of the Fund, pay or cause to be paid as provided by section 13 for the tail and scalp of any wild dog killed, after the passing of this Act, on lands which are ratable under this Act, such sum as is from time to time fixed by the Minister by notice published in the *Government Gazette*.

(2) The Minister by any such notice may, if he thinks proper, fix different sums to be paid in respect of wild dogs killed in different localities.

Persons authorised to receive tails and scalps.

10. The Minister may, by writing under his hand, authorise any person therein mentioned to receive tails and scalps of wild dogs for the purposes of this Act.

Application for payment for tails and scalps.

Cf. Wild Dog Act, 1889, s. 7.

11. (1) Every person desiring to be paid for a tail and scalp shall make application therefor to some authorised person, and shall—

- I. Deliver such tail and scalp to such authorised person; and
- II. If required by such authorised person, make a declaration before such authorised person (who is hereby empowered to take such declaration), or before a Justice, in the form set forth in the Second Schedule, or in a form to the like effect, and containing the particulars mentioned in such Schedule.

(2) No payment shall be made in respect of any wild dog unless both the tail and the scalp thereof are delivered to the authorised person.

Authorised person to certify.

Ibid., s. 8 (part).

12. Every authorised person shall, on receiving any tail and scalp as aforesaid, destroy the same by fire, or cause them to be so destroyed, and—

- I. Make and sign a certificate in duplicate in the form set forth in the Third Schedule, or in a form to the like effect and containing the particulars mentioned in such Schedule; and
- II. Send such certificate, and the declaration (if any) of the person applying for payment, to the Minister or the officer appointed by him to receive such certificates and declarations, and deliver the duplicate certificate to the person applying for payment.

Payment by Treasurer.

Cf. *ibid.*, s. 8 (part)

13. Upon being satisfied that a person applying, as provided by this Act, is entitled to any payment under this Act, and upon the production

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production and surrender of the duplicate certificate, the Minister shall request the Treasurer to make such payment, and the Treasurer shall pay, or cause to be paid, to such person, or to his order, the amount to which he is entitled.

14. All tails and scalps received by an authorised person under this Act shall, upon his receiving them, become the property of the Crown. Tails and scalps to be property of Crown.

15. Notwithstanding anything in this Act, the Treasurer shall not be liable to make payments under this Act, except to the extent of the amount for the time being standing to the credit of the Fund. Limitation of liability of Treasurer.  
Ibid., s. 12 (part).

16. Nothing contained in or implied by this Act shall affect or alter any covenant or contract entered into by, or any liability under any Act or otherwise of, any person with reference to the destruction of vermin. Act not to affect other liabilities as to vermin.  
Ibid., s. 12 (part).

17. Any person who wilfully makes any false statement in a declaration or certificate made for the purposes of this Act shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for any term not exceeding four years. Punishment for false statement.  
Ibid., s. 9.

18. (1) The Governor may make all such regulations as may be necessary or convenient for giving effect to this Act or for carrying out its objects and purposes. Regulations.

(2) Any regulation so made may impose a penalty not exceeding Twenty Pounds for any breach of the same, or any other regulation.

(3) All regulations so made—

(a) Shall be published in the *Government Gazette* :

(b) From the date of such publication, or from a later date fixed by the order making the same, shall (subject as by subsection (4) hereof provided) be of the same effect as if they were contained in this Act :

(c) Shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

(4) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before it.

19. (1) All

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Procedure for offences.

**19.** (1) All proceedings in respect of offences against this Act not being indictable offences, or for the recovery of any moneys which by this Act may be recovered in a summary way, may be by complaint or information, which shall be heard and determined in a summary way before any Special Magistrate or any two Justices, under the Ordinance No. 6 of 1850, and any amendment thereof, or any Act for the time being in force relating to the duties of Justices as to summary proceedings.

(2) All convictions and orders made by such Magistrate or Justices may be enforced as provided by the said Ordinance or any other Act.

Appeals.

**20.** (1) There shall be an appeal from any conviction under this Act on a complaint or information heard in a summary way, or from any order dismissing any complaint or information so heard, or any other order made on any complaint or information so heard.

(2) Such appeal shall be to the Local Court of Full Jurisdiction nearest to the place where the conviction or order was made, or to the Local Court of Adelaide in its Full Jurisdiction.

(3) Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and any amendment thereof, or any Act for the time being in force regulating appeals to Local Courts: Provided that the Court on such appeal may make any order as to costs which it thinks fit, and the amount of costs so ordered may exceed Ten Pounds.

Special case.

**21.** (1) The Local Court hearing such appeal may state a special case for the opinion of the Supreme Court.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to the costs of the proceedings in that Court and in the Court below, as to the said Supreme Court appears just.

(3) The Supreme Court may send the special case back for amendment, or may itself amend the same.

(4) The Magistrate or Justices, or the Local Court, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the Supreme Court or a Judge thereof.

(5) Such order of the Magistrate or Justices, or Local Court, shall be enforced in manner provided by section 19 of this Act or otherwise by law.

Duration of Act.

**22.** This Act shall only continue in force until the thirty-first day of December, nineteen hundred and fourteen.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

DAY H. BOSANQUET, Governor.

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Section 12.

## THE THIRD SCHEDULE.

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## CERTIFICATE OF RECEIPT OF SKINS OR SCALPS.

I [*full Christian name and surname*] of [*address*], being an authorised person under the above Act, do hereby certify that \_\_\_\_\_ has this day produced and delivered to me the tails and scalps of [*number*] wild dogs which he declared to have been killed at \_\_\_\_\_, between the \_\_\_\_\_ day of 19\_\_\_\_, and the \_\_\_\_\_ day of 19\_\_\_\_, and I do further certify that the said tails and scalps have been destroyed by fire in my presence.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

[*Signature of authorised person.*]