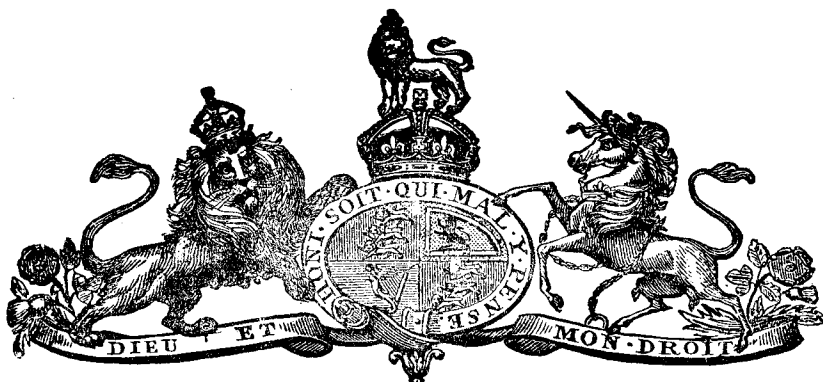


1257

TASMANIA.



1935.

ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 58.

ANALYSIS.

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Short title.</li> <li>2. Repeal.</li> <li>3. Amendment of 53 Vict. No. 42. <ul style="list-style-type: none"> <li>Section 4.</li> <li>New section 3.</li> <li>Appointment of Chief Inspector.</li> <li>New section 4.</li> <li>Municipal inspectors.</li> <li>Section 7.</li> <li>New section 10.</li> <li>Notice to destroy rabbits.</li> <li>New sections 22 to 26.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Notice to occupier to destroy rabbits.</li> <li>Offences.</li> <li>Protection of officers.</li> <li>Provision if council fails to carry out this Act.</li> <li>Remedy for non-payment of expenses.</li> <li>Schedule.</li> <li>4. Further amendments of Principal Act and of 57 Vict. No. 22.</li> </ul> |
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AN ACT to amend the *Rabbits Destruction Act* 1889. [20 December, 1935.]

A.D. 1935.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :--

1 This Act may be cited as the *Rabbits Destruction Act* 1935.

Short title,

8d.]

*Rabbits Destruction.*

A.D. 1935.

Repeal.

Amend-  
ment of  
53 Vict.  
No. 42.  
Section 4.

**2** The enactments set forth in the first schedule are hereby repealed to the extent therein indicated.

**3** The Principal Act is hereby amended—

I. As to section four—

(a) By deleting the words—

- (i) “context” to “determines” and substituting “contrary intention appears”;
- (ii) “sending” to “through the”;
- (iii) “addressed” to “Tasmania”; and
- (iv) “published” to “Launceston,” and the figure “4” (at the beginning) and substituting “2—(1)”;

(b) By expunging the definitions of “Crown land,” “Inspector,” and “Writing”; and

(c) By inserting—

- (i) The figures—“ (2) ” (before “Where reference”), and “ (3) ” (before “Where the name”);
- (ii) “ ‘Chief Inspector’ means the Chief Inspector appointed under this Act : ”;
- (iii) “ ‘District’ means a municipality : ”;
- (iv) “ ‘Inspector’ means any inspector appointed under the *Stock Act 1932*, and includes the Chief Inspector : ”;
- (v) “ ‘Municipal inspector’ means an inspector of rabbits appointed by a municipal council for the purposes of this Act : ”; and
- (vi) “ (4) This Act shall not apply to Franklin Island.”;

New section 3.

Appoint-  
ment of  
Chief  
Inspector.

II. By substituting for repealed section three thereof the following new section three:—

“ **3** The Governor may appoint some person to be Chief Inspector, and may appoint such other officers as he may think necessary for the purposes of this Act.”:

New section 4.

Municipal  
inspectors.

III. By substituting for section four thereof (hereby transposed) the following new section four:—

“ **4**—(1) Every council shall appoint for its district a sufficient number of municipal inspectors for the purposes of this Act.

(2) Every municipal inspector, on or before the seventh day of each month, shall furnish to the warden a report in writing setting forth particulars of the inspections made by him during the preceding month and the methods employed in the district for the destruction of rabbits.

*Rabbits Destruction.*

A.D. 1935.

(3) The warden shall cause a copy of every such report to be forwarded to the chief inspector on or before the fifteenth day of the month in which it was received by him.” :

## IV. As to section seven thereof by inserting—

Section 7.

(a) “ (1) ” (at the beginning) : and

(b) “ (2) Every inspector and municipal inspector, at all reasonable hours, may enter on any land within the district in respect of which he is appointed for the purpose of seeing whether there are rabbits on such land, and shall have free right of ingress and egress, into, over, and across such land.” :

## V. By substituting for repealed section ten the following new section ten:—

New section 10.

“10—(1) An inspector, by notice in the prescribed form, may require the occupiers of all land situated within any infected district specified in the notice, or such part thereof as may be specified in the notice, to destroy the rabbits on such land. Notice to destroy rabbits.

(2) Such notice shall be published in a newspaper, and a copy of the notice shall be delivered or sent by post to, and thereupon shall for the purposes of this Act be deemed to have been served upon, each such occupier.” :

## VI. By substituting for repealed sections twenty-two to twenty-six thereof the following new sections twenty-two to twenty-six :—

New sections 22 to 26.

“22—(1) When the occupier of any land in an infested district has failed to destroy the rabbits on such land, a municipal inspector at any time, by notice in writing in the prescribed form, may require such occupier to take effective measures for the destruction of rabbits on such land by the laying of poison, destruction of burrows, or such other means as may be specified in such notice. Notice to occupier to destroy rabbits.

(2) Whenever an inspector, after having made an inspection, is of opinion that any municipal inspector has neglected in a proper case to exercise the powers vested in him by subsection (1) of this section in such manner as to ensure effective measures being taken by an occupier for the destruction of rabbits on the land of such occupier ; or, if the inspector is of opinion that the occupier has failed to comply with the requirements of the municipal inspector, such inspector may exercise all the powers vested in the municipal inspector under that subsection.

(3) No occupier served with a notice under this section shall fail to comply with the requirements of such notice to the satisfaction of the municipal inspector or inspector, as the case may be.

Penalty : Ten pounds.

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A.D. 1935 Offences.

“ 23—(1) No person shall—

- i. Keep in captivity or have in his possession : or
- ii. Convey or transport from any one part of the State to any other part—

any live rabbit of any kind or species, except in accordance with the prescribed conditions.

Penalty : Ten pounds.

(2) No person passing through any wire-netted rabbit-proof gate, which affords access, ingress, or egress through a wire-netted rabbit-proof fence, to, into, or out of any land, shall fail to shut such gate or to fasten the same.

Penalty : Ten pounds.

(3) No person shall wilfully damage any wire-netted rabbit-proof gate or fence.

Penalty—Minimum : Two pounds. Maximum : Ten pounds.

(4) The inspector or any municipal inspector or any member of the police force may destroy any rabbits kept or conveyed in contravention of this section.

(5) Any regulation under this Act may prescribe the cases in which, and the conditions under which, rabbits of any specified kind or species may be kept or conveyed.

Protection of officers.

“ 24—(1) No municipal inspector or inspector exercising any of the powers, authorities, or discretions conferred upon him by this Act shall be deemed a trespasser, or be liable for any damage thereby occasioned if such powers and authorities are exercised reasonably and in pursuance of this Act.

(2) Where any such inspector intends to lay poison on the land of any occupier, he shall give seven days' written notice to such occupier stating approximately where such poison is to be laid.:

Provision if council fails to carry out this Act.

“ 25—(1) Upon the receipt by the Minister of a report in writing from the Director of Agriculture that any council has failed efficiently to carry out the provisions of this Act, the Governor may appoint such persons as he may think necessary as inspectors to carry out such provisions in the district of such council at the cost of such council.

(2) Where any expense has been incurred under the provisions of subsection (1) hereof in any financial year, the Governor, after the close of such year, may issue a precept to the council concerned requiring it to pay to the Treasurer the amount of such expenses, and the council shall comply with such precept.

Remedy for non-payment of expenses.

“ 26 If any council to which any such precept as aforesaid has been issued fails to comply with the requirements thereof as and when directed thereby, the Governor may appoint a receiver as provided by the *State Loans to Local Bodies Act 1929* in case of default in payment of moneys

*Rabbits Destruction.*

under that Act, and the person so appointed shall have, in respect of the moneys payable under such precept, the like powers, duties, and obligations as a receiver appointed under that Act.” :

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VII. As to the schedule thereto—

Schedule.

- (a) By deleting the figures “(1)” to “(4)” in the headings to forms and substituting “Form I.,” “Form II.,” “Form III.,” and “Form IV.” respectively : and
- (b) By expunging Forms I. and III. and substituting therefor respectively the following new forms :—

“ FORM I.

NOTICE UNDER SECTION 10.

*The Rabbits Destruction Act 1889.*

Municipality of [*specify municipality*].

NOTICE TO DESTROY RABBITS.

Notice is hereby given that the occupiers of all land situate within [*here specify district or part thereof*] are required to destroy the rabbits on such land.

Section 11 of the above Act provides that, within seven days of the service of this notice, occupiers must commence to take action to destroy rabbits on their land, and must continue to do so until the rabbits are destroyed. In default of compliance with this notice, occupiers are liable to a penalty of ten pounds.

Dated this            day of            19 .

Signature .....

FORM III.

NOTICE UNDER SECTION 22.

*The Rabbits Destruction Act, 1889.*

To [*here insert name of occupier and his address*].

I, [*here insert name of inspector*] a municipal inspector [*or an inspector*] under the *Rabbits Destruction Act 1889*, hereby require you forthwith to take effective measures for the destruction of rabbits on your land situate at [*here describe lands*] by [*here specify steps to be taken*].

Dated this            day of            19 .

Signature.....

NOTE.—Failure to comply with this notice will render you liable to a penalty of ten pounds.”

4 The Principal Act is further amended as set forth in the second schedule.

Further amendments of Principal Act.

*Rabbits Destruction.*

A.D. 1935.

**THE FIRST SCHEDULE.**

Regnal Year and Number.	Title of Act.	Extent of Repeal.
53 Vict. No. 42 ...	<i>The Rabbits Destruction Act 1889</i>	Sections 2, 3, 5, 10, 22, 22A, 22B, 22C, 23 to 28, 35, 38, 39
57 Vict. No. 22 ...	<i>The Rabbits Destruction Amendment Act 1893</i>	The whole Act
9 Ed. VII. No. 39	<i>An Act to repeal the Rabbits Destruction Act 1901</i>	The whole Act
12 Geo. V. No. 13	<i>The Rabbits Destruction Act 1921</i>	The whole Act
20 Geo. V. No. 94	<i>The Rabbits Destruction Act 1929</i>	The whole Act
21 Geo. V. No. 17	<i>The Rabbits Destruction Act 1930</i> .....	The whole Act

**THE SECOND SCHEDULE.**

## AMENDMENTS OF THE RABBITS DESTRUCTION ACT 1889.

Act and Section Amended.	How Amended—
53 Vict. No. 42— Section 6 .....	By expunging or deleting the words, as the case may be— “ shall ” to “ and ”; and “ such ”
Section 8 .....	“ Fund ”
Section 11 .....	“ Not less ” to “ twenty-five ” and substituting “ ten ”; and “ In any ” to “ behalf ”
Section 12 .....	“ then ” to “ Inspector to ” and substituting “ the municipal inspector, or any inspector, may ”; and “ or person ” and inserting “ every ” (before “ such inspector ”)

*Rabbits Destruction.*

Act and Section Amended.	How Amended—	A.D. 1935.
	By expunging or deleting the words, as the case may be—	
Section 14	“the allowance” to “same” (in line 11) and substituting “such memorandum”; “allowance” and substituting “memorandum” (in line 12); and inserting “a memorandum of” (after “sign” in line 9)	
Section 16	“or” to “person”; “or which” to “Act Fund” and substituting “shall be defrayed out of the Consolidated Revenue”	
Section 17	“shall have” (twice occurring); “the” (before “proportion”) and substituting “a”; “hereinafter” to “say” and substituting “as hereinafter provided”; and inserting— I. “(1)” (at commencement): II. “has” (after “thereof” in first line): III. “I.” (before “incurred”) and “II.” (before “paid”): IV. “(2) Such proportion shall be—” (in a new line, following “provided,” hereby inserted): and V. “I.” (before “In the case”); “II.” (before “Where such”), and “III.” (before “And where such,” and transposing “and” in that expression to follow “money” in the preceding line); and substituting “(3)” for “and” (in the next line after paragraph III.)	
Section 18	“or sums”; and “Fund”	
Section 19	“the last preceding section” and substituting “section eighteen”; “before a justice”; and “the” to “(2)” and substituting “form II. in the schedule”	
Section 27	“guilty” to “be”; “any” to “exceeding”; “shall” (in line 5); “be liable”; and “forfeit and pay” (in line 6)	
Section 32	“the form” to “(4)” and substituting “form IV. in the schedule”	
Section 33	“shall” to “session” and substituting “may make regulations for the purposes of this Act”	
Section 34	“information” and substituting “complaint”; “competent and”; and “any statute” to “notwithstanding”	
Section 36	“and all” to “Act”; and “and shall” to “Fund”	
Section 37	“fee or”; and “under” to “otherwise”	

