

Act No. 19, 1902.

An Act to consolidate enactments relating to
the destruction of native dogs and the laying
of poisoned baits. [24th January, 1902.]

NATIVE DOGS
DESTRUCTION AND
POISONED BAITS.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act may be cited as the "Native Dogs Destruction and Poisoned Baits Act, 1901," and is divided into Parts as follows :—

PART I.—*Preliminary*—ss. 1-3.

PART II.—*Native dogs destruction*—ss. 4-11.

PART III.—*Poisoned baits*—ss. 12-15.

2. The Acts mentioned in the First Schedule hereto are hereby repealed.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

"justice" means justice of the peace;

"occupant" means any holder or occupier of any land under any tenure, and includes any superintendent, overseer, and other duly authorised person acting for and on behalf of any such holder or occupier; and

"poisoned bait" means any meat or other food for native dogs and containing strychnine or other poison.

Interpretation.
39 Vic. No. 15, s. 5.

PART

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PART II.

Native dogs destruction.

Limitation.

4. The enactments in this Part contained shall be construed with and subject to the provisions of section five subsection two of the Pastures and Stock Protection Act, 1898.

Occupant may tender to nearest court of petty sessions to draw trails along and poison boundary lines.
16 Vic. No. 44, s. 1.

5. Any occupant of land stocked with sheep, cattle, or horses may tender to the nearest court of petty sessions in the form of the Second Schedule for drawing trails and laying poisoned baits upon his land along lines upon the boundaries of such land, or as near thereto as may be practicable, and as, subject to the provisions of section twelve hereof, may be lawful.

Particulars to be stated.

Ibid. s. 2.

6. Every such tender shall contain as accurate a description as the tenderer can give of the boundaries of such land, and of the lines along which trails are to be drawn, and a statement of the length of such lines, and the names of any adjoining station or estate, and of the owners thereof who will be called upon to contribute towards the expense incurred in the performance of such tender.

Duty of the tenderer.

Ibid. s. 3.

7. (1) Every such tender shall be accepted by such court of petty sessions and thereupon the tenderer shall employ a sufficient number of men to draw along such lines a trail weekly, or bi-weekly, or at such other periods as to the tenderer may seem fit, and to lay down at proper distances poisoned baits during any period not exceeding one year.

Tender may be continued.

Ibid.

(2) Any such tender may, on application of the tenderer, be continued for any further period which the justices may deem necessary to insure the complete destruction of the native dogs on or in the neighbourhood of the lands of the tenderer.

Accounts to be kept.

Ibid. s. 4.

8. The tenderer shall keep an exact account of the expense incurred in the performance of his tender with a statement of the work done by the men employed to draw such trails and to prepare the poisoned baits used, and such accounts and statements may be verified quarterly or oftener as the justices in petty sessions may direct by such tenderer and by any person employed by him in the performance of the tender.

Justices to assess the proportion to be paid by adjoining owners.

Ibid. s. 5.

9. Upon the due verification of any such account and statement the justices in petty sessions shall assess the owners of any conterminous station or estate in the whole expense actually incurred by the tenderer in the due performance of such tender, and fix the quota or proportion to be paid by each of the owners of every such conterminous station or estate, regard being had, amongst other things to the benefit derived by each of such owners from the work :

Provided that if any boundary line of any such station or estate divides the same from lands of the Crown not in the occupation of any one holding a lease or license thereof, the quota or proportion of expense

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expense attaching to such vacant lands under the provisions of this Act shall be paid out of any sum which may be voted by Parliament for that purpose, and such amount shall be assessed by the justices in like manner as if such lands were under lease or license.

10. If any such owner omits to pay the quota or proportion so fixed to be paid by him within fourteen days after the award of any such justices thereon, any one or more of such justices may upon proof of such omission order the same to be paid forthwith.

Mode of recovery of sum assessed.

16 Vic. No. 44, s. 6.

11. Any person against whom a quota or proportion has been awarded under section nine may appeal against such assessment and award in the manner and subject to the conditions provided by the Act 71, 1900.

Appeal against award.

Ibid. s. 8.

PART III.

Poisoned baits.

12. The occupant of any land stocked with sheep, cattle, or horses is hereby authorised to lay poisoned baits upon such land, but no such occupant being a lessee of any Crown lands is hereby authorised to lay poisoned baits within three-quarters of a mile from any public road or track used by travelling stock, and no occupant of freehold land is hereby authorised to lay poisoned baits within one hundred yards of any road intersecting such land nor within one hundred yards of the boundary of such land.

Occupant may lay poisoned baits.

39 Vic. No. 15, ss. 1, 2.

13. (1) Any occupant who has laid poisoned baits on any land shall, if such land is intersected by a public road, post a legible notice six feet from the ground at the roadside at the boundary of such land stating that poisoned baits are so laid.

Legible notice to be posted.

Ibid. s. 3.

(2) Any person who removes such notice or who fails to comply with the provisions of this section shall be liable to a penalty not exceeding ten pounds to be recovered before any justice.

Penalty.

14. An occupant who lays poisoned baits in accordance with the provisions of this Part shall not be liable for the destruction of any dog caused by baits so laid.

Occupant not liable when acting hereunder.

Ibid. s. 4.

15. This Act shall not extend to any city or town.

Limitation.

Ibid. s. 6.

SCHEDULES.

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SCHEDULES.

Section 2.

FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
16 Vic. No. 44 ...	An Act to facilitate and encourage the destruction of Native Dogs.	The whole.
39 Vic. No. 15 ...	An Act to amend the Act sixteenth Victoria number forty-four, known as the Native Dogs Destruction Act.	The whole.

Section 5.

SECOND SCHEDULE.

I, A.B., the owner or the superintendent or overseer of A.B. (*as the case may be*), hereby tender for drawing trails and laying meat poisoned with strychnine upon lines as near to the boundaries of my station, called _____, as is lawful and practicable, such lines being of the directions and length following, viz. (*here state the direction and length of each of the lines*) for the term of one year (*or any shorter period the tenderer may desire*) from the date hereof, and I declare that the boundary of such station on or towards the north commences at (*here state as near as may be the commencing point*) and runs by compass (*here state description of this line by the compass*) about _____ miles, and that C.D. and another or others (*as the case may be*) is or are the owner or owners of the station, called _____, conterminous to this boundary line, that the boundary line of the said A.B.'s station on or towards the east commences at (*here state as near as may be the commencing point of this boundary*) and runs by compass (*here state as near as may be the direction of this line by the compass*) about _____ miles, and G.H. and another or others (*as the case may be*) is or are owner or owners of the station called _____, conterminous to this boundary line, that the boundary line of the said A.B.'s station on or towards the south commences at (*here state as near as may be the commencing point of this boundary*) and runs by compass (*here state as near as may be the direction of this line by the compass*) about _____ miles, and K.L. and another or others is or are (*as the case may be*) owner or owners of the station, called _____, conterminous to this boundary line, that the boundary line of the said A.B.'s station on or towards the west commences at (*here state as near as may be the commencing point of this boundary*) and runs by compass (*here state as near as may be the direction of this line by the compass*) about _____ miles, and O.P. and another or others is or are (*as the case may be*) owner or owners of the station, called _____, conterminous to this boundary line.

A.B.

or

A.B. by his Superintendent.

C.D. or his Overseer.

E.F. (*as the case may be*).

To the Justices in Petty Sessions at

 Act