

3 ELIZ. II. No. 1, 1954. *Barrier Fences Act.*

FENCING.

- (1) *Barrier Fences Act of 1954* 3 *Eliz. II. No. 1*
- (2) *Dividing Fences Act of 1953* 2 *Eliz. II. No. 7*

An Act to provide for the establishment and maintenance of sufficient fences for the purpose of preventing the ingress into the pastoral and agricultural areas of this State of Dingoes and, where considered so desirable, of any other Vermin which may be excluded by those means, and to provide for purposes incidental thereto.

3 ELIZ. II.
NO. 1.
THE BARRIER
FENCES ACT
OF 1954.

[ASSENTED TO 20TH APRIL, 1954.]

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 AND ADMINISTRATION.

PART I.—
PRELIMINARY
AND ADMINIS-
TRATION

1. This Act may be cited as "*The Barrier Fences Act of 1954.*" Short title.

***2.** This Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*. Commence-
ment of
this Act.

3. This Act is divided into Parts, as follows:—

Parts of this
Act.

- PART I.—PRELIMINARY AND ADMINISTRATION ;
- PART II.—BARRIER FENCES ;
- PART III.—FINANCIAL PROVISIONS ;
- PART IV.—MISCELLANEOUS.

4. Unless otherwise indicated or provided—

Construction
of this Act,
&c.

- (i.) The provisions of this Act shall be in addition to and not in substitution for or in diminution of the provisions of † "*The Stock Routes and Rural Lands Protection Acts, 1944 to 1951*" (in this Act referred to as "*the Principal Act*"), or the provisions of any other Act or

* Commenced 24 May 1954 (Proc. publ. Gaz., 22 May 1954, p. 295).

† 8 G. 6 No. 16 and amending Acts.

law, and the provisions of this Act, as well as the provisions of any other Act or law, may apply at any time to the one and the same fence ;

- (ii.) The provisions of the Principal Act, with all necessary adaptations thereof, shall, as far as possible, extend for the purposes of, but not in derogation of, this Act ; and
- (iii.) Without limiting the provisions of paragraph (ii.) aforesaid, all terms used in this Act shall have the meanings, if any, assigned to them by the Principal Act.

Minister to administer this Act.

5. (1.) This Act shall be administered by the Minister and, subject to the Minister, by the Coordinating Board, by the inspectors and other officers appointed under and for the purposes of this Act, and by the Superintendent and other officers appointed under and for the purposes of the Principal Act.

Appointment of officers.

(2.) (a) For the purposes of this Act, the Governor in Council may from time to time by notification published in the *Gazette* appoint such inspectors and other officers as he deems necessary for the effectual execution of this Act, and, whenever any such officer is by reason of absence or for any other reason unable to carry out his duties or a vacancy exists in any such office, may likewise appoint any person to act temporarily in that officer's stead or, as the case may be, in that vacant office.

(b) Where any officer of any Department of the Government of this State is appointed to, or to act in, any such office he may, if the appointment is not a full-time appointment, hold such appointment in conjunction with the office for the time being held by him in that Department.

(c) Nothing in this Act shall prejudice or in any way affect the application of the provisions of **"The Public Service Acts, 1922 to 1953,"* and of the regulations thereunder, to any officer, whether appointed to act temporarily or not, appointed under and for the purposes of this Act.

(d) The provisions of this subsection shall not derogate from the provisions of paragraph (ii.) of section four of this Act.

* 13 G. 5 No. 31 and amending Acts.

1954.

*Barrier Fences Act.*PART I.—
PRELIMINARY
AND
ADMINISTRATION.

6. (1.) For the purposes of this Act the Governor in Council may from time to time by Order in Council do all or any of the following things:—

Vermin
Districts.

- (i.) Constitute any parts of Queensland as Vermin Districts ;
- (ii.) Divide any such Districts into two or more Divisions ;
- (iii.) Fix the boundaries of any such Districts and of any such Divisions by such means as he deems fit ;
- (iv.) Assign a name to any such District and a name or number to any Division of a Vermin District, and vary any such name or number ;
- (v.) Abolish, subdivide, or alter the boundaries of, any such District or Division, and amalgamate any such Districts or Divisions or parts of such Districts or Divisions.

(2.) The boundaries of every Vermin District and of every Division of every Vermin District, and, where under this Act the Governor in Council divides any Vermin District into different parts for any of the purposes hereof, the boundaries of every such part, shall be judicially noticed.

PART II.—BARRIER FENCES.

PART II.—
BARRIER
FENCES.

7. (1.) For the purpose of preventing the ingress into every Vermin District and into every Division of every Vermin District of dingoes and, where with respect to any of those Districts or Divisions the Minister upon the recommendation of the Co-ordinating Board considers it desirable to also prevent the ingress of any other vermin which may be excluded by those means, such other vermin, sufficient fences shall be established and maintained on, or as near as practicable to, the boundaries of those Districts and of those Divisions.

Establishment and
maintenance
of barrier
fences.

(2.) So far as practicable in the execution of this Act, use shall be made at all times of fences (by whomsoever constructed or maintained and whenever constructed) on or near to the boundaries of Vermin Districts and of Divisions of Vermin Districts, which are in existence and which in the opinion of the Co-ordinating Board are sufficient or capable of being made sufficient for the purposes

of this Act (and in this Act those fences are, unless otherwise indicated or provided, referred to as “existing fences”).

(3.) The fences, including any parts thereof, established as required by subsection one of this section (whether established by the construction of new fences or by the use of existing fences upon or without alteration for the purpose, or partly by one method and partly by the other) are in this Act referred to as “barrier fences”, and any holding situated wholly or in part within any Vermin District or any Division of any Vermin District and which is intersected by, or any part of which abuts upon, the boundaries of such Vermin District or of such Division, or not being intersected by or abutting upon such boundaries, any part of which is situated in the neighbourhood of those boundaries, shall in relation to that Vermin District or, as the case may be, that Division of the Vermin District and for the purposes of this Act be deemed to be a “boundary holding”.

(4.) Barrier fences may, at the Minister’s discretion, differ, not only according to the kinds of vermin required under this Act to be excluded thereby, but according to circumstances even where the same kind of vermin is so required to be thereby excluded.

Power of the
Minister to
require
construction
of barrier
fence, &c.

8. (1.) For the purpose of the establishment and maintenance of sufficient barrier fences for every Vermin District and every Division of every Vermin District, from time to time the Minister, upon the recommendation of the Co-ordinating Board, may make an order in writing, in relation to any such District or Division and to any boundary holding, directed to any person who jointly or severally, whether at law or in equity, is for the time being entitled to possession of the boundary holding, requiring him, and if so specified, within the time and in accordance with the directions specified in the order, to do, in relation to that holding, all or any of the following things:—

- (i.) Construct a new barrier fence and thereafter at all times to maintain that barrier fence in a proper condition and so that the fence is at all times proof against the passage of the vermin specified in the order;

1954.

*Barrier Fences Act.*PART II.—
BARRIER
FENCES.

- (ii.) Alter any existing fence specified in the order and, unless excepted by the order, thereafter at all times to maintain that barrier fence in a proper condition and so that the fence is at all times proof against the passage of the vermin specified in the order ;
- (iii.) Maintain any existing fence specified in the order thereafter at all times in a proper condition and so that the barrier fence is at all times proof against the passage of the vermin specified in the order.

Wherever possible, a true copy of the order shall be served on the person to whom it is directed.

(2.) (a) Any existing fence specified in any order made under subsection one of this section in relation to any boundary holding may be an existing fence intersecting the holding or on or near to the boundaries or any part of the boundaries thereof or a combination of any of these.

(b) The directions specified in any order made under subsection one of this section may include all or any of the following :—

- (i.) (In the case of a new fence) a requirement that the barrier fence be constructed along such line as may be specified in the order, being any line intersecting the holding or on or near to the boundaries or any part of the boundaries thereof or a combination of any of these ;
- (ii.) A requirement that the barrier fence be constructed or altered so as to be proof against the passage of the vermin specified in the order ;
- (iii.) A requirement that the barrier fence be constructed or altered in accordance with such specifications with respect to materials, workmanship, height, and otherwise howsoever as may be specified in the order ;
- (iv.) A requirement that the barrier fence when constructed or altered or, as the case may be, the existing barrier fence be thereafter at all times maintained as specified :

Provided that the provisions of this paragraph (b) and any direction or the absence of any direction in this section referred to in any order made under this section shall not prejudice or otherwise affect the order or any other provisions of this Act.

Clearing of
fencing lines.

(3.) Every order made under this section shall be deemed (unless in any case the order expressly specifies that the provisions of this subsection shall not apply with respect thereto) to contain a requirement that the line of the barrier fence the subject of the order shall (within the time specified for the construction of the new barrier fence or, as the case may be, alteration of the existing fence or, if it is an order to maintain an existing fence, then forthwith) be cleared and shall at all times thereafter be kept cleared for a distance of not less than ten feet and not exceeding fifteen feet on each side of the fence along the length of the fence of all trees, undergrowth, timber, stumps of trees, shrubs, bushes, other vegetable growth, and anthills and antbeds, and the provisions of this Act shall apply accordingly as if that requirement were expressly specified in the order.

Dividing
fences.

(4.) (a) An order may be made under this section in relation to any boundary holding although the barrier fence the subject of the order or some part thereof separates or will separate wholly or partly that holding from any adjoining or neighbouring holding and the person to whom it is directed and every person who may then or at any time thereafter be entitled, whether jointly or severally or at law or in equity, to possession of the boundary holding or any part thereof shall be bound by that order, and every person who may then or at any time thereafter be entitled, whether jointly or severally or at law or in equity, to possession of the adjoining or neighbouring holding or any part thereof so separated, or enclosed or partly enclosed, by that barrier fence or part thereof shall be bound to permit the compliance with that order, notwithstanding the provisions of any other Act or law or agreement or order whatsoever to the contrary.

(b) Any order made under this section may differ, as regards its requirements or in any other respect whatsoever from any other order made hereunder.

Rabbit
Board
fences.

(5.) Where any order is made under this section with respect to any existing fence owned as for the full or a partial share or interest therein by, or which is

1954.

*Barrier Fences Act.*PART II.
BARRIER
FENCES.

under the control of or maintained by, any Rabbit Board constituted under **"The Rabbit Acts, 1913 to 1951,"* a copy of such order shall be served upon that Rabbit Board.

(6.) Where any boundary holding is bounded by a road on the opposite side of which is an existing fence, whether extending for the whole length of the boundary between the holding and the road or not, then an order may be made under this section with respect to that existing fence directed to the person entitled to the possession of the holding as aforesaid and he and every person who may then or at any time thereafter be so entitled to possession of the holding shall be bound thereby and the provisions of this Act shall apply with respect to such existing fence as if that fence were situated on the boundary between the holding and the road, and for the purposes of this Act such fence shall be deemed to be on the boundary of, or partly enclosing, such holding.

9. Upon the making of any order under the provisions of section eight of this Act and whether the order is served on the person to whom it is directed or not, the Superintendent shall lodge that order with the authority charged with the registration, with respect to the holding in relation to which the order is made, of certificates of title, instruments of lease, or, as the case may be, other instruments of title evidencing the entitlement of persons to possession of the land and with the registration of dealings permissible by law in connection therewith. Registration of orders, &c.

The authority with whom the order is lodged shall, notwithstanding the provisions of any other Act, forthwith cause that order to be registered in his register wherein the instruments of title as aforesaid are registered and thereupon such order shall run with the land as if it were a covenant permissible by law by the owner thereof for himself and his assigns touching and concerning the land and shall bind every person who may then or at any time thereafter be entitled, whether jointly or severally or at law or in equity, to possession of the holding or any part thereof intersected by, or enclosed or partly enclosed by, the fence the subject of the order.

* 4 G. 5 No. 7 and amending Acts.

The authority required as aforesaid to register the order is hereby empowered from time to time to make all necessary endorsements in relation to the registration on all instruments of title concerned, and for that purpose, any person who is in possession of an instrument of title shall, when and as required thereunto by the Superintendent, produce that instrument to that authority.

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

Any person being required, pursuant to this section, by the Superintendent to produce an instrument of title who fails as aforesaid to produce that instrument of title shall be guilty of an offence against this Act.

Compliance
with order to
be notified,
&c.

10. Any person who establishes any barrier fence, whether by the construction of a new fence or by the alteration of an existing fence or partly by one method and partly by the other, in compliance in every respect with so much of an order made under section eight of this Act as does not relate to the maintenance of the barrier fence upon its establishment, shall forthwith notify the Minister by writing under his hand of the fact.

Upon the Minister being notified as aforesaid, the Superintendent shall, as soon as possible, cause an inspection to be made, by any person he may appoint to make the inspection, of the work done on the fence in question.

If upon the inspection the Minister is satisfied that the fence has been established in compliance in every respect with the order, the Minister shall cause the person who notified the completion of the work to be advised accordingly.

If the Minister is satisfied that the fence has not been established in compliance in every respect with the order, the Minister shall cause the person then required by this Act to carry out the work to be notified of the things required yet 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 so specified.

1954.

*Barrier Fences Act.*PART II.—
BARRIER
FENCES.

11. If any person bound by this Act to establish any barrier fence, whether by the construction of a new fence or by the alteration of an existing fence or partly by one method and partly by the other, fails, in the opinion of the Minister, to comply in every respect with so much of the order made under section eight of this Act as does not relate to the maintenance of the barrier fence upon its establishment, within the time in that order specified, or if any person required by a notification given under section ten of this Act to do the things by that notification specified fails, in the opinion of the Minister, to do those things within the time specified by the notification, the Minister may cause all such work to be carried out or, as the case may be, all such things to be done in relation to the fence in question as he considers necessary for the establishment of the fence in compliance with the order or, as the case may be, for compliance with the notification.

Failure to
comply with
order.

The cost of the carrying out of any work or of the doing of any things under the provisions of this section shall be recoverable by, or by any person authorised by, the Minister from the person failing to carry out the work or to do those things, as the case may be, by action as for a debt in any court of competent jurisdiction.

12. (1.) From time to time the Minister, upon the recommendation of the Co-ordinating Board, may supply such materials, including wire and wire-netting, as the Minister deems fit, to any person bound by this Act 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 Barrier Fences 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 holding where those materials are to be used for the purpose for which they are supplied.

Assistance
to persons
ordered to
establish
barrier
fences, &c

(2.) For the purposes of this section but without limiting the powers of the Minister and the Co-ordinating Board hereunder, the Minister and the Co-ordinating 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 establish the barrier fence, to construct or maintain any fence of a like description.

(3.) Any 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 shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred pounds and, in addition, shall be liable for the expense incurred by the Minister for the supplying of that material (including both the cost of the material and the cost, if any, of conveyance), and such expense may be recovered by, or by any person authorised by, the Minister by action as for a debt in any court of competent jurisdiction.

Power of the
Minister to
construct
barrier
fences, &c.

13. (1.) For the purpose of the establishment and maintenance of sufficient barrier fences for every Vermin District and every Division of every Vermin District, from time to time the Minister, upon the recommendation of the Co-ordinating Board, may cause—

- (i.) Any barrier fence, proof against the passage of dingoes and, if he thinks fit, any other vermin, to be constructed ;
- (ii.) Any existing fence to be altered so as to be proof against the passage of dingoes and, if he thinks fit, any other vermin ;
- (iii.) Any barrier fence upon its establishment as aforesaid to be repaired and otherwise maintained in a proper condition and so that the barrier fence is at all times proof against the passage of dingoes and, if he thinks fit, any other vermin ;
- (iv.) Any existing fence to be repaired and otherwise maintained in a proper condition and so that the barrier fence is at all times proof against the passage of dingoes and, if he thinks fit, any other vermin.

(2.) Without limiting the provisions of subsection one of this section the Minister may, in the exercise of his powers thereunder, enter into any arrangement with the owner of any holding and enter into any arrangement with any Rabbit Board constituted under **" The Rabbit Acts, 1913 to 1951,"* or with any other person or authority.

* 4 G. 5 No. 7 and amending Acts.

1954.

Barrier Fences Act.

(3.) The provisions of this section are in addition to and without prejudice to any other provisions in this Act contained.

14. (1.) From time to time the Minister, upon the recommendation of the Co-ordinating Board, may assist in the maintenance of any barrier fence which any person is bound by this Act to maintain—

Minister
may assist in
maintaining
barrier
fences.

- (i.) By defraying portion of the cost of the maintenance in any year of the barrier fence by payment, either by a lump sum or by instalments, from The Barrier Fences Fund, to that person of such amount per mile or part of a mile of the fence as is determined for that year by the Minister upon the recommendation of the Co-ordinating Board ;
- (ii.) By supplying to that person such materials, including wire and wire-netting, as the Minister, upon the recommendation of the Co-ordinating Board, deems fit and by defraying from The Barrier Fences Fund the cost of such materials and the cost of the conveyance of such materials to the holding where those materials are to be used for the purpose for which they are supplied ; and
- (iii.) By carrying out any work (the cost of which shall be paid from The Barrier Fences Fund) necessary for the repair and other maintenance of the barrier fence, and which in the opinion of the Minister upon the recommendation of the Co-ordinating Board 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 Co-ordinating Board hereunder, the Minister and the Co-ordinating 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.

15. (1.) An inspector appointed under and for the purposes of this Act from time to time may, by notice in writing served on any person who is bound by this

Failure to
maintain
barrier
fences.

Act to maintain any barrier fence and who has failed to maintain that fence as required under this Act, 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 Act to be excluded thereby.

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 or cause to be carried out the work specified in the notice and the cost thereof shall be recoverable from the person failing to comply with the notice by, or by any person authorised by, the Minister, by action as for a debt in any court of competent jurisdiction.

A copy of every notice under this section shall be despatched to the Superintendent 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 the next preceding paragraph shall apply to that amended notice as if that notice were the notice therein referred to.

(2.) If at any time any person bound by this Act to maintain any barrier fence fails in the opinion of the Minister to maintain that fence as required under this Act 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, cause all such work to be carried out 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 Act to be excluded thereby.

The cost of the carrying out by the Minister under the provisions of this subsection of any work shall be recoverable by, or by any person authorised by, the Minister from the person failing to maintain the fence by action as for a debt in any court of competent jurisdiction.

1954.

Barrier Fences Act.

The provisions of this subsection shall be in addition to and not in derogation of the provisions of subsection one of this section.

16. (1.) For the purposes of this section “joining fence” means any fence, whenever constructed, which at any material time joins on, or approaches to, or terminates at, or any part of which is situated within a distance of ten feet of, any barrier fence. Joining
fences.

(2.) For the purpose of enabling the free passage of vehicles of any description along any barrier fence, from time to time the Minister, upon the recommendation of the Co-ordinating Board, may, by an order in writing served on the owner of any holding 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 and liable to a penalty not exceeding one hundred pounds.

Moreover upon such failure, whether proceedings are taken for an offence in relation thereto or not or whether the person failing to comply with the order is convicted or not on the taking of any such proceedings, the Minister may carry out the work of providing in the joining fence the gates as required and the cost of carrying out such work shall be recoverable from the person failing to comply with the order by, or by any person authorised by, the Minister by action as for a debt in any court of competent jurisdiction :

Provided that the provisions of this subsection 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.

(4.) 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.

Openings in
barrier
fences not
permitted
except with
the approval
of the
Minister.

17. (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 coming into operation of this Act, except under the authority of and in accordance in every respect with the approval in writing of the Minister first obtained.

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

Any person who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds, and if he continues to fail to comply with that provision after the expiration of seven days from the date when he is convicted for failing to comply with the same provision with respect to the same opening in the barrier fence he shall be deemed to have committed a continuing offence and shall be liable to a penalty not exceeding two pounds for each and every day on which the offence continues.

(2.) Without prejudice to the provisions of subsection one of this section, 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.

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, or by any person authorised by, the Minister from that person by action as for a debt in any court of competent jurisdiction.

1954.

*Barrier Fences Act.*PART II.—
BARRIER
FENCES.

The provisions of this section may be enforced against any person failing to comply with the provisions of subsection one of this section whether proceedings under that subsection are taken against him for such failure or not or whether he is convicted or not on the taking of any proceedings.

PART III.—
FINANCIAL
PROVISIONS.

PART III.—FINANCIAL PROVISIONS.

18. (1.) There shall be established at the Treasury a Fund to be called "The Barrier Fences Fund".

The Barrier
Fences
Fund.

(2.) There shall be paid into this Fund—

Receipts.

- (i.) All rates and other moneys paid under this Act to Local Authorities ;
- (ii.) All penalties and other moneys whatsoever recovered or received under or for the purposes of this Act ;
- (iii.) Such sums as may from time to time be loaned for the purposes of this Act ; and
- (iv.) Such sums as may from time to time be appropriated by Parliament for the purposes of this Act.

(3.) This Fund shall be used for all or any of the following purposes, but for no other purpose :—

Expenditure.

- (i.) Expenses incurred in the execution of this Act ;
- (ii.) Defraying the cost of materials supplied or used under or for the purposes of this Act, including all incidental costs, charges, and expenses ;
- (iii.) Defraying the cost or part of the cost of conveying any materials to the holding where they are to be used for the purposes of this Act ;
- (iv.) Defraying the cost of construction, alteration, and repair and other maintenance of fences for the purposes of this Act, including, but without limiting the provisions of this paragraph, the defraying of the cost to Rabbit Boards constituted under **"The Rabbit Acts, 1913 to 1951,"* of the alteration of fences and the maintenance thereof under any arrangements made between the Minister and those Rabbit Boards ;

* 4 G. 5 No. 7 and amending Acts.

- (v.) In the repayment to the Treasurer of any moneys loaned for the purposes of this Act together with interest thereon as fixed pursuant to this Act ;
- (vi.) Making any other payments required or permitted by this Act to be made out of this Fund.

Loans.

(4.) Subject to the appropriation by Parliament of moneys for the purpose, the Governor in Council from time to time by Order in Council published in the *Gazette* may authorise the lending of moneys to the Minister for the purposes of this Act.

The amount of every such loan shall be paid into The Barrier Fences Fund and the due repayment of the moneys loaned together with the due payment of interest thereon as fixed pursuant to this Act shall be a charge upon this Fund.

Every Order in Council authorising a loan as aforesaid shall prescribe the period of the loan (which shall not exceed a period of thirty years from the date when the Order in Council is published in the *Gazette*), the rate of interest to be paid on moneys not repaid, and the times when and the manner in which (including, if the Governor in Council thinks fit, provision for a sinking fund for the redemption of moneys loaned and payment of interest and all provisions incidental or relating thereto) the periodical repayments of the moneys loaned and payments of interest shall be made to the Treasurer, and any other matters with respect to the loan which the Governor in Council deems desirable to be thereby prescribed.

In every case the Order in Council shall make such provision as shall require the loan with interest to be liquidated within the period fixed for the loan.

**Annual
rates.**

19. (1.) From time to time in respect of any year and in respect of any Vermin District the Governor in Council, upon the recommendation of the Co-ordinating Board, may, by Order in Council published in the *Gazette*, determine that funds shall be raised for the purpose of executing this Act by means of a rate levied upon all land rateable for the purposes of this Act and situated within the Vermin District, and thereupon the provisions of this Act with respect to rates shall apply for the purposes of the making, levying, collection, and recovery of that rate accordingly.

1954.

*Barrier Fences Act.*PART III.—
FINANCIAL
PROVISIONS.

The Governor in Council may make determinations as aforesaid in respect of every year and in respect of every Vermin District, and where in any year determinations as aforesaid are made in respect of two or more Vermin Districts those determinations may differ and different determinations may be made in respect of different years.

(2.) The amount of the rate to be levied as a result of any determination as aforesaid shall be such sum as the Governor in Council may specify in the Order in Council by which the determination is made, but the Governor in Council may fix different amounts for different parts of the Vermin District concerned, in which event there shall be specified in the Order in Council those different parts of the Vermin District (by such means as the Governor in Council considers sufficient to distinguish them) and the amount of the rate for each and every such part :

Provided that the rate in respect of any year or in respect of any Vermin District or any part of any Vermin District shall not exceed two pence half penny in the pound of the rateable value of the land upon which the rate is levied.

The Governor in Council may also specify in the Order in Council by which any determination as aforesaid is made any other matters with respect to the levying of the rate as he deems necessary or desirable.

(3.) Land shall be rateable for the purposes of this Act where it is rateable for the purposes of **"The Local Government Acts, 1936 to 1953,"* with the exception of—

- (i.) Land which is not situated within the Vermin District ;
- (ii.) Land used or intended to be used for residential, industrial, manufacturing, business, or mining purposes and situated in the area of any city or town, or, in the case of a shire, of any townships therein ;
- (iii.) Land comprising a holding or part of a holding which holding or part is exempted from rating in pursuance of this Act.

* 1 G. 6 No. 1 and amending Acts.

(4.) For the purposes of this Act the rateable value of any land shall be the rateable value thereof for the time being for the purposes of **The Local Government Acts, 1936 to 1953.**

Local
Authorities
responsible
for levying
rates.

(5.) If at any time the Governor in Council determines in respect of any Vermin District that funds for the purposes of this Act shall be raised by means of a rate levied upon all land rateable for the purposes of this Act and situated within the Vermin District, then every Local Authority whose Area or part of whose Area is comprised in that Vermin District shall, in accordance with the determination of the Governor in Council, levy the rate upon all land rateable for the purposes of this Act and situated within its Area and within the Vermin District by service of a notice thereof upon the person who is the owner, within the meaning of **The Local Government Acts, 1936 to 1953,** of that land and such rate shall be payable by that person at the office of the Local Authority and shall be so paid within two months after the service of the notice as aforesaid.

(6.) Subject to the provisions of this section, the provisions of **The Local Government Acts, 1936 to 1953,** relating to the levying, collection, and recovery of rates by a Local Authority shall, with all necessary adaptations thereof, apply for the purposes of this Act and as if the rates made and levied under this Act were the rates therein referred to, and the Local Authority shall collect and recover all rates payable by virtue of this section and pay all such moneys into The Barrier Fences Fund.

(7.) The Governor in Council from time to time may exempt any holding or part of any holding from rating for the purposes of this Act, or remit and discharge in whole or in part any rates payable, or refund in whole or in part any rates paid for the purposes of this Act, where he considers, upon the recommendation of the Co-ordinating Board, that for any reason whatsoever such exemption, remission and discharge, or, as the case may be, refund should be made.

Any such exemption may be made by Order in Council published in the *Gazette.*

1954.

*Barrier Fences Act.*PART III.—
FINANCIAL
PROVISIONS.

20. (1.) Notwithstanding any thing to the contrary in any Act, from time to time the Minister, upon a request in writing made in respect of any year and in respect of any Vermin District by any Local Authority whose Area or part of whose Area is comprised in that Vermin District (and made prior to the time when a rate in respect of that year and Vermin District is required under the provisions of section nineteen of this Act to be levied by the Local Authority or, if no time is fixed by a determination that funds be raised by such a rate, prior to the time when such a rate would normally be levied by the Local Authority in consequence of such a determination), and if that request is accompanied by a statement in writing certified to by the chairman and clerk of such Local Authority evidencing the total rateable value of all lands in that Local Authority's Area and within the Vermin District which are rateable under and for the purposes of this Act, shall issue in relation to such Vermin District and in respect of such year to such Local Authority a precept signed by him and in the form prescribed by this section or in a form to the like effect stating therein an amount, being the amount of the funds which it is estimated would be raised by the Local Authority in relation to such Vermin District and in respect of such year on the levying by it of a rate consequent on a determination made or intended to be made in respect of that Vermin District and year by the Governor in Council under the provisions of the said section nineteen.

Upon the issue to the Local Authority of the precept, the Local Authority shall be released from any obligation to levy a rate under the provisions of section nineteen of this Act in respect of the year and Vermin District in question, but notwithstanding any Act to the contrary, the Local Authority shall comply with such precept and pay out of its General Fund into The Barrier Fences Fund the amount stated therein :

Provided that any determination, made in respect of the year and Vermin District, to raise funds by means of a rate shall remain binding on those Local Authorities concerned to which no precept in relation to the year and Vermin District is issued.

Precept
on Local
Authority.

(2.) A precept under subsection one of this section shall be in the following form or in a form to the like effect :—

Precept.

“ *The Barrier Fences Act of 1954.* ”

To the Council of the Town (or City or Shire)
of

These are to require you, the Council of the Town (or City or Shire) of , from and out of your General Fund to pay, in relation to the Vermin District and in respect of the year commencing on and including the first day of July, 19 , on or before the day of , 19 , into the hands of for placing to the credit of The Barrier Fences Fund, the sum of pounds, being the amount of funds to be raised for the purposes of the above Act in the Area of your Local Authority.

Dated this day of , 19 .
Secretary for Public Lands.

(3.) For the purpose of enabling any Local Authority to which any precept is issued under this section to provide the necessary moneys to comply with the precept, the Local Authority may increase its General Rate in respect of the year in question to be made and levied in respect of all land rateable for the purposes of this Act within its Area and within the Vermin District concerned to the extent necessary to pay the amount of the precept, but so that the amount of the increase in its General Rate in respect of any land shall not exceed the amount of the rate fixed in respect of that land by the determination, if any, made under the provisions of section nineteen of this Act for that year.

(4.) The Governor in Council may refund from the moneys paid by a Local Authority under any such precept the whole or any part of such increase in the General Rate of the Local Authority paid in respect of any land where he considers, upon the recommendation of the Co-ordinating Board, that for any reason whatsoever such refund should be made.

1954.

*Barrier Fences Act.*PART IV.—
MISCELLANEOUS.

PART IV.—MISCELLANEOUS.

21. **“The Dividing Fences Act of 1953”* shall not apply with respect to any barrier fence.

² Eliz. II.
No. 7 not to
apply to
barrier
fences.

22. (1.) Any inspector appointed under and for the purposes of this Act or any other person administering this Act may enter and re-enter upon any land at any time for the purposes of this Act and do thereon such things as are necessary or are reasonably required for the purpose of executing this Act.

Inspection,
&c.

(2.) Without prejudice to the provisions of subsection one of this section, the Minister may arrange for the inspection of barrier fences at such intervals as he may determine.

(3.) Any inspector appointed under and for the purposes of this Act may be provided by the Minister out of moneys from The Barrier Fences Fund with the use of any vehicle, plant, equipment, implement, or material for the purpose of carrying out his duties under or for the purposes of this Act.

23. (1.) Any order or notice under this Act served upon or given to any person for the time being entitled, whether jointly or severally or at law or in equity, to possession of any holding shall be deemed to have been given to every person who then or at any later time is entitled, whether jointly or severally or at law or in equity, to possession of the holding.

Effect of
order or
notice, &c.

(2.) Where pursuant to this Act a time is specified in any order or notice hereunder for the doing of any thing, the Minister, if he deems it necessary or desirable so to do, may by writing under his hand from time to time extend the time specified to such period as he may allow and such extension shall thereupon be deemed to be included in the order or notice and the provisions of this Act shall apply accordingly.

24. (1.) For the purpose of complying with any provisions of this Act, or with any requirement of any order or notice made or given under this Act, in relation to any fence, without further or other authority, any person and his agents, servants, and contractors

Power to
enter
adjoining
land, &c.

* 2 Eliz. 2 No. 7.

and their agents and servants, may at all reasonable times enter and re-enter, to the extent necessary for the purpose, upon holdings adjoining the fence and do thereon such things as are necessary or are reasonably required for the purpose :

Provided that, unless circumstances do not permit of such notice, the owner of the adjoining holding shall at all times be given reasonable notice beforehand of the proposed entry thereon.

(2.) Any person who without lawful excuse obstructs in any way the entry upon any holding, or the doing upon any holding of any thing, under the authority of this section, or attempts so to do, shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds.

Offences.

25. Any person who—

- (i.) Wilfully damages any part of any barrier fence ; or
- (ii.) Without the consent of the Minister—
 - (a) Removes any part of any barrier fence ; or
 - (b) Does any act whereby any part of any barrier fence ceases to be proof against the passage of any vermin required under this Act to be excluded thereby ; or
- (iii.) Passing through any barrier fence at any place leaves any gate thereof at that place open ; or
- (iv.) Opens and leaves open any gate in any barrier fence,

shall be guilty of an offence against this Act and liable to a penalty of not exceeding one hundred pounds.

Notifications,
penalties,
regulations,
&c.

26. Judicial notice shall be taken of every notification under this Act published in the *Gazette* and, without limiting the provisions of paragraph (ii.) of section four of this Act, the provisions of subsections one and two of section fifty-four of the Principal Act and of section sixty-two of the Principal Act shall extend, with all necessary adaptations, for the purposes of this Act.