

5 Edw. VII. No. 8, 1905. *Marsupial Boards Act.*

No action or other proceeding shall lie or be taken against any such purchaser as aforesaid, or against any Local Authority or any officer or fund thereof, or against any State officer, or against the assurance fund established under "*The Real Property Acts, 1861 to 1887*,"* or any fund administered or controlled by the State or any State officer, in respect of any sale of land or of any estate or interest therein heretofore made or purporting to have been made under the provisions of this Subdivision of this Act, or by reason of any failure to comply with any of the said provisions, or of any omission, irregularity, insufficiency, or inaccuracy in the observance of any of the said provisions, whether in substance or in form, on the part of any such purchaser, or any such Local Authority or officer thereof, or any such State officer :

Provided always that this section shall not be construed so as to afford any protection to any Local Authority, officer, or person who has been guilty of fraud or wilful default in connection with any such sale."

3. Nothing in this Act contained shall affect or in any way prejudice any caveat entered or action commenced or notice of action given before the first day of October, one thousand nine hundred and five, with respect to the validity of any sale of land or of any estate or interest therein, made or purporting to have been made under Subdivision VI. of Part XII. of the Principal Act, or render valid any transfer or conveyance of land or of any estate or interest therein, the validity whereof was at that date directly or indirectly in dispute under such caveat or action; and all such caveats and actions, whether completed or pending at that date, shall be of the same effect and may be continued, proceeded with, and completed as if this Act had not been passed.

Saving of proceedings pending or completed.

MARSUPIALS.

An Act to Encourage the Destruction of Marsupials and Dingoes.

5 Edw. VII.
No. 8.

THE
MARSUPIAL
BOARDS
ACT OF 1905.

[ASSENTED TO 9TH NOVEMBER, 1905.]

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 Queensland in

* 25 Vic. No. 14, *supra*, page 2148; 41 Vic. No. 18, *supra*, page 2196; 48 Vic. No. 4, *supra*, page 2206; and 51 Vic. No. 3, *supra*, page 2207.

Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

Short title
and
commence-
ment of Act.

1. This Act may be cited as “*The Marsupial Boards Act of 1905*,” and shall commence and take effect on and from the first day of January, one thousand nine hundred and six.

Interpreta-
tion.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively :—

- “Board”—The Marsupial Board of a District ;
- “Cattle” includes horses ;
- “Clerk”—The clerk of the Board ;
- “Dingo”—A dingo or half bred dingo or any undomesticated dog generally known as a wild dog inhabiting the bush and apparently having no owner and being under no control ;
- “District”—A Marsupial District constituted or deemed to be constituted under this Act ;
- “Holding”—Any country land held in fee-simple or under lease, license, or otherwise ;
- “Manager”—The resident manager of a holding, the owner whereof does not reside in the District ;
- “Marsupial”—A wallaby, padda-melon, bandicoot, or kangaroo rat ;
- “Member”—A member of the Board ;
- “Minister”—The Secretary for Agriculture or other Minister of the Crown charged for the time being with the administration of this Act ;
- “Owner”—The person for the time being entitled to possession of a holding ;
- “Resident”—Resident in the District ;
- “Scalp”—
 - (a) With respect to marsupials, means and includes a strip of the skin down the face, with both ears and both nostrils attached ;
 - (b) With respect to dingoes, means and includes a portion of the skin of the head of a dingo, to which both ears are attached, and a strip of the skin down the back with the tail ;
- “Scalper”—A person engaged in the occupation of the destruction of marsupials or dingoes, and who holds a subsisting permit in that behalf issued under this Act ;

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“Special District”—A Special Marsupial District constituted or deemed to be constituted under this Act ;

“Stock” includes cattle and sheep ;

“Year”—The period of time from the first day of July to the next following thirtieth day of June, inclusive.

3. Except as by this Act is otherwise provided, all the provisions of this Act relating to a District shall equally apply to a Special District.

Application of Act to Special Districts.

4. In calculating the proportionate number of sheep and cattle under this Act, five sheep shall be deemed to be the equivalent of one head of cattle.

Proportion of sheep and cattle.

5. (1.) Any District, Special District, Board, member, officer, or person constituted, elected, or appointed under “*The Marsupial Boards Act, 1897*,”* and the several Acts amending and continuing the operation of the same (hereinafter called “the expired Acts”), shall continue, and shall be deemed to have been constituted, elected, or appointed, as the case may be, under this Act.

Continuation of existing Districts, &c., subject to this Act.

(2.) All the rights, duties, assets, and liabilities of a Board constituted under the expired Acts, and existing at the commencement of this Act, shall thereafter devolve upon the Board under this Act ; and any money due to a Board under the expired Acts may be recovered in any manner in which money due to a Board under this Act may be recovered.

(3.) Any Act or document referring to the expired Acts or any of them shall be construed to refer to this Act or the corresponding enactment of this Act.

Constitution of Districts.

6. The Governor in Council may from time to time, by Order in Council—

Governor in Council may constitute, unite, divide, or abolish Districts or Special Districts.

- (a) Constitute any part of Queensland a District or a Special District for the purposes of this Act ;
- (b) Unite two or more Districts or Special Districts into one District or Special District ;
- (c) Divide a District or a Special District into two or more Districts or Special Districts ;

* 61 Vic. No. 18, *supra*, page 6343 ; 1 Edw. VII. No. 18, *supra*, page 8173 ; and 4 Edw. VII. No. 16, *supra*, page 8741.

- (d) Alter the boundaries of a District or of a Special District;
- (e) Abolish a District or Special District.

In every case in which it may be necessary so to do, the Governor in Council may, by Order in Council, settle and adjust any questions or rights which by reason of the exercise of any of the foregoing powers should in his opinion be settled or adjusted, and may declare and apportion the assets and liabilities of the respective Boards, whether old or new, between them.

Every such Order in Council shall have the same effect as if it were a part of this Act, so that the rights and liabilities of the respective Boards, and the respective powers, rights, and authorities in respect of their assets, shall be as declared by the Order in Council.

Constitution of Boards.

Boards to be constituted.

7. For every District there shall be a Board, which shall consist of five members—one member to be appointed by the Governor in Council, and four members to be elected or appointed as hereinafter provided. The member so appointed shall, subject to this Act, remain in office for two years.

Qualification of members and electors.

8. (1.) In every District every resident owner or manager of a holding in respect of which the annual return of stock required to be made under "*The Stock Returns Act of 1893*"* has been made of not less than one hundred and fifty head of cattle, or a proportionate number of sheep or of sheep and cattle, shall be qualified to be elected a member of the Board.

(2.) In every Special District every resident owner or manager of a holding in respect of which such return has been made of not less than twenty-five head of cattle, or a proportionate number of sheep or of sheep and cattle, shall be qualified to be elected a member of the Board.

(3.) Every such person shall, however, cease to be so qualified or to be a member if at any time the number of stock depastured on the holding is reduced below the number herein prescribed in respect of the District or Special District, as the case may be, unless in any such case the Minister directs that any member shall retain office notwithstanding such reduction until the next biennial election.

* 57 Vic. No. 10, *supra*, page 4868.

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(4.) Every resident owner or manager of a holding in respect of which such return has been made in the case of a District of not less than fifty head of cattle, or in the case of a Special District of not less than fifteen head of cattle, or in either case a proportionate number of sheep or of sheep and cattle, shall be entitled to a vote or votes at any election of members according to the following scale :—

District.	Special District.	Number of Votes.
50 head of cattle and under 1,000 head	15 head of cattle and under 100 head	1 vote
1,000 head of cattle and under 5,000 head	100 head of cattle and under 500 head	2 votes
5,000 head of cattle and upwards	...	3 votes

(5.) Provided always that—

- (a) No such person shall have more than three votes in respect of all stock so returned for all holdings owned or managed by him in the District or Special District, as the case may be ;
- (b) No such person who is exempted from the payment of assessment, or whose assessment remains unpaid on the thirty-first day of March next preceding the election, shall be entitled to vote.

9. An election of members shall be held before the thirtieth day of June in every alternate year on a day to be appointed by the Board. Biennial elections to be held.

The rules, forms, and directions contained in the Second Schedule to this Act shall, as to all matters to which they extend, regulate the proceedings in relation to all elections held in pursuance of this Act. Rules as to elections. Schedule II.

10. If at the time appointed for an election no election is held or the number of members elected is less than the number of members to be elected, the Governor in Council may appoint a sufficient number of duly qualified persons to be a member or members of the Board to fill the vacancy or vacancies which ought to have been filled at such election. Governor in Council may appoint members in certain events.

Election or appointment of members to be gazetted.

11. As soon as conveniently may be after every election or appointment of a member or members, a notification thereof shall be published in the *Gazette*, but a Board shall be deemed to be duly constituted, and may transact business immediately upon election or appointment.

Vacation of office through non-attendance.

12. The office of a member shall be vacated if he is absent from two or more consecutive ordinary meetings of the Board without leave obtained from the Board in that behalf.

Retiring member eligible for re-election.

13. Every member who goes out of office or resigns his office shall, if otherwise qualified, be eligible for reappointment or for re-election.

Vacancies.

14. Whenever a casual vacancy arises from any cause whatsoever, a person shall be appointed or elected to fill such vacancy, as the case may be, but if no person is elected the Governor in Council may appoint some duly qualified person to fill such vacancy, and the member so appointed or elected shall remain in office only so long as the retiring member would have done if no vacancy had occurred. Such election shall be held at such time as the Board determine, and shall be conducted in the manner prescribed by this Act with respect to biennial elections.

Members failing to perform duty may be removed.

15. If in the opinion of the Governor in Council the members or any member of a Board fail or fails to discharge the duties imposed upon them or him under this Act, the Governor in Council may remove such members or member, and in that case a fresh election or appointment shall forthwith be had.

Proceedings, Powers, and Duties of Boards.

Chairman.

16. (1.) At the first meeting of the Board, or at some adjournment thereof, the Board shall elect one of the members to be chairman, who shall, subject to the provision hereinafter contained, hold office for a period of twelve months, when a new election for the office of chairman shall be held.

The Board may grant to the chairman a reasonable sum by way of remuneration for his services as such chairman.

(2.) If the chairman resigns his office of chairman or member, the Board shall elect a member to be chairman in his stead.

(3.) If within one month of the time appointed for the election of a chairman no chairman is elected, the Governor in Council may appoint one of the members to be chairman.

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17. The rules set forth in the Third Schedule to this Act shall in all matters to which they relate govern the proceedings and business of the Board, and shall be observed.

Rules for
proceedings
and business.
Schedule III.

18. The Board shall from time to time appoint a clerk and one or more receivers of scalps.

Clerk and
receivers.

The Minister may, if satisfied that the number of receivers appointed by a Board is insufficient for the effectual execution of this Act, cause a notice to be served upon the Board requiring them to appoint one or more additional receivers as may be specified in the notice; and thereupon the Board shall make such appointment accordingly.

19. (1.) Subject to this Act, no person is entitled to destroy marsupials or dingoes on a holding within a District unless he holds a subsisting permit as a scalper under this Act:

Who may
destroy
animals.

Provided that nothing herein shall be construed to prevent the owner or manager of any holding, or any employee of such owner or manager, or any person who has the authority of such owner or manager, from destroying marsupials or dingoes upon such holding without such permit.

(2.) Every person who desires to become a scalper shall register his name and place of residence with the clerk.

Permits to
scalpers.

The clerk may thereupon issue to such person a written permit in that behalf, which shall remain in force for the current year, but may be renewed from year to year.

For every such permit there shall be paid the annual fee of two shillings and six pence.

If the clerk refuses to issue such permit, the applicant may appeal from his decision to a police magistrate or any two justices sitting in petty sessions on giving to the clerk the prescribed notice of his intention so to do.

The Court shall hear and determine the matter of the appeal, and its decision shall be final and shall be obeyed, but shall not have any effect beyond the current year.

(3.) Save as hereinafter mentioned, every scalper shall have authority by virtue of his permit, after such notice to the owner as the Board may direct, to enter upon any holding within the District with such number of horses as the Board may deem necessary, and remain thereon as long as is necessary for the purposes of his occupation and destroy thereon marsupials and dingoes.

Any person who obstructs a scalper from so entering or remaining upon a holding, or from destroying marsupials or dingoes thereon, shall be liable to a penalty not exceeding twenty pounds.

(4.) Provided that the owner or manager of any holding may apply in writing to the Board that his holding shall be exempt from the operation of this section, either absolutely or during a specified period, on the grounds stated in such application. Whereupon the Board, after hearing all persons interested who desire to be heard and taking into consideration the application and any evidence adduced in support thereof or in opposition thereto, may by order—

(a) Grant the application without modification or with any modification which appears to the Board to be proper; or

(b) Reject the application.

If the Board grant the application without modification or with such modification as aforesaid, notice of the order of the Board shall, at the expense of the applicant, be published in some newspaper generally circulating within the District during two consecutive weeks next after the making of the order; and at the expiration of such two weeks it shall not be lawful during the period, if any, fixed by the order for any scalper to destroy marsupials or dingoes upon the holding therein referred to or to enter or be upon such holding for the purpose of such destruction. And any scalper who offends against this provision shall be liable to a penalty not exceeding twenty pounds:

Provided, however, that any order of the Board may be reviewed by the Board at any time if it appears that the circumstances so require.

(5.) The Board, whenever they think it necessary so to do, may employ scalpers and pay to them such wages and allowances out of the Marsupial Fund as they think proper. All skins of marsupials and dingoes obtained by such scalpers shall be the property of the Board, and shall be dealt with as they think proper.

By-Laws.

By-laws.

20. (1.) The Board may from time to time make by-laws with respect to all or any of the following matters:—

(i.) The times for holding meetings of the Board, the summoning and adjournment of such meetings, and the preservation of order thereat, and the transaction and management of business;

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- (ii.) The duties of the clerk, receivers, and other officers of the Board ;
- (iii.) The manner in which, and the conditions under which, scalps shall or may be delivered to officers of the Board, and the conditions under which certificates in respect of the same will be granted ; and
- (iv.) Any other matters or things necessary for the more effectual execution of this Act.

The by-laws may impose a penalty not exceeding twenty pounds for any breach thereof.

The by-laws shall be signed by the chairman and shall be submitted for the approval of the Governor in Council, and if approved by him shall be published in the *Gazette*, and thereupon such by-laws shall have the force of law in the District.

(2.) A by-law or part of a by-law may be repealed by the Governor in Council by Order in Council. Governor in Council may repeal by-laws.

Annual Returns.

21. On or before the thirtieth day of September, in every year the Board shall cause to be prepared and transmitted to the Minister a return showing— Annual returns to be transmitted to the Minister.

- (a) The total amount actually raised and levied by assessment and expended during the year ending on the thirtieth day of June then last past ;
- (b) The number of scalps of marsupials and dingoes paid for by the Board during such period ; and
- (c) Such further information as the Minister may require.

The return shall be signed and certified by the chairman, and countersigned and verified by the clerk.

Any person who knowingly makes, signs, or countersigns a false return under this section shall be liable to a penalty not exceeding thirty pounds. Penalty for false return.

Assessments.

22. Every Board shall, save as hereinafter provided, in each year, make and levy an assessment not exceeding seven shillings and six pence on every twenty head of cattle, and not exceeding seven shillings and six pence on every one hundred sheep. Assessment.

Such assessment shall be paid by the owner of stock upon the actual number of stock returned by him for the District in the annual return required to be made under

“*The Stock Returns Act of 1893*,”* subject to such annual adjustment between the several Boards concerned as the Minister may think proper :

Provided that—

- (a) No assessment shall be payable in respect of any holding with regard to which the number of stock returned is less than fifty head of cattle in the case of a District, or less than fifteen head of cattle in the case of a Special District, or in either case a proportionate number of sheep or of sheep and cattle ;
- (b) Unless with the approval of the Minister, no assessment shall exceed five shillings on every twenty head of cattle or one hundred sheep ;
- (c) If the funds to the credit of a Board remaining unexpended at the end of any year appear to be sufficient for the execution of this Act for another year, the Governor in Council may excuse the Board from making an assessment for such period as he thinks fit ;
- (d) The Governor in Council may, by Order in Council, declare that stock ordinarily depastured within any portion of a District distant not more than five miles from a town shall be exempt from assessment, and thereupon such stock shall be exempt accordingly.

Holding situated in more than one District.

23. When a holding is situated partly in one District and partly in another or other Districts, the holding shall for all purposes of this Act be deemed to be situated wholly within the District in which the greater part of the holding is situated, and shall accordingly be assessed solely by the Board of that District.

Second assessment.

24. The Board may levy a second assessment during any year after an interval of not less than six months from the date of levying the first assessment.

But the amount of such second assessment shall not, together with the amount of such first assessment, exceed seven shillings and six pence on every twenty head of cattle or one hundred sheep.

Minister may require Board to levy assessment in certain cases.

25. If the Board of any District in which an assessment of not less than one shilling and three pence on every twenty head of cattle and on every one hundred sheep has been levied during the year then last past complain that

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an adjoining District is infested with marsupials or dingoes, and that the Board of such District neglect to levy a sufficient assessment for their destruction, the Minister may require such Board forthwith to make and levy an assessment of not less than one shilling and three pence on every twenty head of cattle or one hundred sheep, and such Board shall make and levy such assessment accordingly.

26. The Board shall cause notice of the making of every assessment to be published in the *Gazette*, and once at least in some newspaper generally circulating in the District; and the assessment shall be deemed to have been duly levied on the last day on which such notice was so published.

When assessment deemed to be levied.

27. The amount of every assessment shall be paid to the clerk within two months after the assessment has been levied, or it shall be paid within such time to the nearest clerk of petty sessions, who shall forthwith transmit the same to the clerk of the Board.

Payment of assessment.

28. If an owner fails to pay the amount of an assessment, the Board may enforce payment of the same, together with one-tenth more by way of penalty, by complaint against the owner or manager before a police magistrate or any two justices of the peace, or by action in any court of competent jurisdiction. In all cases such assessment and penalty may be levied by distress and sale of any stock, the property of such owner, found depasturing on the holding on which the stock in respect of which the assessment is payable are ordinarily depastured. Moreover, such assessment and penalty shall be and remain a first charge upon the holding, notwithstanding any change that may take place in the ownership thereof.

Assessment, how enforced.

Endowment.

29. A sum of money by way of endowment shall from time to time be paid out of the Consolidated Revenue by the Treasurer, upon a warrant signed by the Governor, and placed to the credit of the Marsupial Fund of each District, in accordance with the following scale:—

Amount of endowment.

- (i.) When the amount actually levied and raised by assessment and actually expended in respect of any year exceeds five shillings on every twenty head of cattle or one hundred sheep, such endowment shall be equal to the amount so levied, raised, and expended;

- (ii.) When such amount is five shillings or less but exceeds two shillings and six pence on every twenty head of cattle or one hundred sheep, such endowment shall be a sum equal to one-half of such amount ;
- (iii.) When such amount is two shillings and six pence or less but is not less than six pence on every twenty head of cattle or one hundred sheep, such endowment shall be a sum equal to one-fourth of such amount ;
- (iv.) When such amount is less than six pence on every twenty head of cattle or one hundred sheep, no endowment shall be paid.

Application of Funds.

Marsupial Fund.

30. (1.) All moneys received by a Board under this Act shall be paid to the credit of a fund, to be called the "Marsupial Fund," in some bank to be appointed by the Board, and shall be held and applied by the Board solely for the purposes of this Act.

Application of Marsupial Fund.

(2.) The Marsupial Fund shall be applied in payment of bonuses for scalps in the manner hereinafter mentioned, and in payment of salaries and other expenses necessarily incurred in carrying this Act into execution.

Bonuses for Scalps.

Scalps to be destroyed.

31. The rates of bonus payable in respect of scalps of marsupials or dingoes shall be fixed by the Board at their first meeting in each year.

Rates of bonus.

Such rates shall be not less than four pence for the scalp of a wallaby, and not less than two pence for the scalp of a padda-melon, bandicoot, or kangaroo rat, and not less than five shillings for the scalp of a dingo, in each case irrespective of age.

Minister may increase rate of bonus where inadequate.

If the Minister is satisfied, upon the complaint of the Board of any District, that the rates of bonus fixed by the Board of an adjoining District operate to the disadvantage of the complainant Board, the Minister may, by an order published in the *Gazette*, increase such rates of bonus for the current year to such amount as he deems proper, and thereupon such increased rates shall be paid by such Board for the current year in lieu of the rates fixed by them.

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32. When the scalps of any marsupials or dingoes killed within a District are delivered to the clerk, or to any receiver of scalps, a certificate in the form in the First Schedule to this Act, signed by the clerk or receiver, and also by the chairman or a member, shall be granted to the person delivering the scalps. Such certificate shall entitle the holder to be paid a bonus for each scalp so delivered when or so soon as funds are available; and, if funds are not available when a certificate is granted, payments shall be made by the Board as soon as practicable to the holders of certificates in the order of their respective dates :

Board to grant certificate for scalps. Schedule I.

Provided that—

- (a) Before any such certificate is granted the person so delivering scalps shall, upon being required so to do by the clerk, receiver, chairman, or member, furnish satisfactory evidence that he is entitled to such certificate ;
- (b) No certificate shall be granted in respect of any scalps which are not delivered to the clerk or receiver within three months after the destruction of the animals from which such scalps were obtained.

33. When the Board are of opinion that the amount to the credit of the Marsupial Fund will not be sufficient to provide for all payments by way of bonus required by this Act to be made, the Board may publish a notice to that effect twice in some newspaper generally circulating in the District; and in such case the Board may, after one month has elapsed from the last publication of such notice, postpone any payments in respect of certificates for scalps until a further notice is published by the Board in manner aforesaid rescinding the former notice.

Board exempt from liability in certain cases.

A notice or notices under which a Board may postpone such payments shall not continue in force for a total period exceeding three months in any one year without the consent of the Minister, which consent shall not be given unless the Board have levied during that year an assessment or assessments in the aggregate of at least two shillings and six pence on every twenty head of cattle or one hundred sheep.

34. All scalps delivered under this Act shall forthwith be destroyed by fire in the presence of the persons granting the certificate, who shall thereafter forward to the Board a certificate that they have been so destroyed.

Destruction of scalps.

*Offences.***35.** Any person who—

Obtaining certificates for scalps of animals killed beyond District.

(i.) Knowingly procures or attempts to procure a certificate for scalps of marsupials or dingoes which have not been destroyed within the District in respect of which the certificate is issued or is applied for shall be liable to a penalty not exceeding twenty pounds;

Possession of scalps of animals not destroyed in District.

(ii.) Is found within a District having in his possession any scalp of a marsupial or dingo which has not been destroyed within such District shall be deemed to be guilty of an attempt to procure a certificate contrary to this Act, and shall be liable to a penalty not exceeding twenty pounds;

Procuring certificates for scalps of animals killed beyond State, or for false statement.

(iii.) Knowingly procures or attempts to procure a certificate for scalps of marsupials or dingoes which have been destroyed out of Queensland, or for scalps for which a certificate has been previously granted, or wilfully makes any false statement with respect to any scalps, or knowingly procures or attempts to procure certificates for fictitious or pretended scalps, shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned, with or without hard labour, for any term not exceeding six months.

Recovery and application of penalties.

36. (1.) All penalties imposed for any breach of this Act or any Regulation made thereunder may be recovered on the complaint of the clerk or any member in a summary way before a police magistrate or any two justices of the peace.

(2.) All moneys received by way of penalty shall be placed to the credit of the Marsupial Fund.

Regulations.

Regulations.

37. The Governor in Council may from time to time make Regulations for carrying this Act into effect, and may impose a penalty not exceeding twenty pounds for any breach thereof.

All such Regulations shall upon being published in the *Gazette* have the same effect as if they were enacted in this Act, and shall not be questioned in any proceedings whatsoever.

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SCHEDULE I.

“*The Marsupial Boards Act of 1905.*”

CERTIFICATE OF DESTRUCTION.

I hereby certify that _____, in the District [*or Special District*] of _____, delivered to me [*number to be stated in words*] scalps, more particularly enumerated in the Schedule below. And I further certify that such scalps have been duly destroyed, in my presence, as required by the abovenamed Act.

Clerk [*or Receiver of Scalps*].

Dated at _____ this _____ day of _____, 19 _____.

Schedule of Scalps delivered as above.

Description.	Number.	Amount.
Wallabies		
Padda-melons, Bandicoots, or Kangaroo Rats		
Dingoes		

We certify that _____, of _____, in the District [*or Special District*] of _____, is entitled to the abovenamed sum of _____, as bonuses on scalps of Marsupials [*or Dingoes*] destroyed by him.

Dated at _____ this _____ day of _____, 19 _____.

Clerk.

Chairman [*or Member*].

[*Insert date*] _____, 19 _____.

I have this day received from the Clerk of the Board the sum of _____, being amount of bonuses owing to me in accordance with the above certificate.

A.B.



SCHEDULE II.

RULES TO BE OBSERVED FOR ELECTIONS.

1. For the purposes of every election the Board shall from time to time appoint a returning officer who shall, subject to the right to resign, hold office by writing under his hand addressed to the chairman of the Board, hold office during the pleasure of the Board.

2. The clerk shall, in every alternate year, as soon as practicable after the thirty-first day of March next preceding the election of members, prepare an alphabetical list containing the name and particulars of the place of abode of every person who is entitled to vote at elections of members, and in such list shall set opposite the name of every person the number of votes to which he is entitled. Clerk to prepare a list of electors.

Such list shall be certified by the clerk by writing under his hand to be correct, and, when so certified, shall be conclusive evidence of the right of every person named therein to vote.

List to form
the roll.

3. The said list, when so certified, shall be delivered by the clerk to the returning officer, and shall be the roll of electors to be used at every election, and such roll shall continue in force until a new roll is made.

Notice of
election.

4. Twenty-eight clear days before the day appointed for any election, the returning officer shall give public notice of such election by advertisement in some newspaper generally circulating in the District, and, by such notice, shall specify a day, not less than ten nor more than fourteen days after the time of giving such notice, and named therein, as the day of nomination; and shall require all candidates at such election to be nominated at some place to be named in such notice, in manner hereinafter mentioned.

Nomination.

5. In order that any person may become a candidate at such election, he shall be nominated in manner following, that is to say—Before four o'clock in the afternoon of the day next preceding the day of nomination, there shall be delivered at the place aforesaid, to the returning officer, a nomination-paper in the following form, or to the like effect—

We, the undersigned electors of the Marsupial District [*or* Special Marsupial District] of _____, hereby nominate [*stating Christian and surname*], of _____, for the office of member of the Marsupial Board of the said District [*in the case of a casual vacancy, add in the place of A.B., deceased, or as the case may be*].

Dated the _____ day of _____, 19 _____.

[*Here are to follow the Signatures.*]

And such nomination-paper shall be signed by not less than three persons entitled to vote at the election :

Provided that no person shall be nominated as a candidate whose name is not contained in the roll of electors entitled to vote at the election; or who is not a member of a firm, the name of which is contained in such roll; or who is not the manager, secretary, or other duly appointed officer or agent, or a member, of a corporate body the name of which is contained in such roll.

Result if only
sufficient
number
nominated.

6. If, at the expiration of the time limited for the nomination of candidates, the number of candidates does not exceed the number of members to be elected, the returning officer shall, at noon on the day of nomination, at the place aforesaid, publicly declare such candidates to be duly elected, and they shall be duly elected accordingly.

Result if
more
nominated
than required
to be elected.

7. If, at the expiration of the time limited for the nomination of candidates, the number of candidates exceeds the number of members to be elected, the returning officer shall, at noon on the day of nomination, at the place aforesaid, publicly announce the names of the candidates, and the place at which a poll will be taken, and shall also forthwith give public notice by advertisement, in some newspaper generally circulating in the District, stating the names of the candidates, and that a poll will be taken for the election of such members on the day appointed for holding the election, and naming such day and the polling-place.

Substitute for
returning
officer.

8. If the returning officer is prevented from attending to any of his duties by illness or other sufficient cause, he may, or in case of his refusal or inability the clerk shall, by writing under his hand, appoint a substitute to act for him. And such substitute shall thereupon for the time being have, perform, and be subject to all the powers, authorities, duties, and liabilities of the principal.

1905.

Marsupial Boards Act.

9. Forthwith after a poll stands appointed for any election, the returning officer shall transmit by post to every person entitled to vote at the election a voting-paper, or, if a voter appears by the roll of electors to be entitled to give more votes than one, then so many voting-papers as are equal to the number of votes which such voter appears to be entitled to give. The envelopes containing the voting-papers, so posted by the returning officer, shall be endorsed with the words "Voting-paper, Marsupial Board."

Every voting-paper shall contain the names in full, in alphabetical order, of all the candidates, and shall be in the following form or to the like effect, and shall be initialled by the returning officer:—

VOTING-PAPERS.

[*This voting-paper, having been completed and signed before some other person entitled to vote at the same election, a justice of the peace, or the returning officer, must be placed in a closed envelope, addressed to the returning officer, and endorsed "Voting Paper," and be transmitted to the place of nomination through the post.*]

A.B. (*initials of Returning Officer*).

Marsupial Board of

I [*Christian and surname in full*], of _____, am an elector of this Marsupial District, and am entitled to vote at the election of [*insert number of members to be elected*] member of the Board, which is to take place at [*state place of nomination*], and closes on the _____ day of _____ 19 _____.

Witness—

Electer.

Electer (*or J.P., or Returning Officer*).

NAMES OF CANDIDATES.

(Strike out the names of the candidates for whom you do not wish to vote.)

Doe, John Jones, James Roe, Richard Thompson, Henry
--

10. Every voting-paper so transmitted to a voter shall be accompanied by an unsealed envelope, addressed to the returning officer at the polling-place and endorsed, "Voting-paper, _____ Marsupial Board." Envelope.

11. In printing voting-papers regard shall be had to the following rules, that is to say,— Printing voting-papers.

- (a) The name of every candidate shall be printed in plain capital letters of not smaller than pica type;
- (b) The name of one candidate only shall be printed in one line;
- (c) On each side of every such line there shall be a blank space of not less than one quarter of an inch;
- (d) Reasonable space shall be left for the signature of the voter and of the witness to the voter's declaration;
- (e) If two candidates have the same surname and Christian name, the residence and occupation of each such candidate shall be added to his name.

Marsupial Boards Act. 5 EDW. VII. No. 8,

Filling up
declaration.

12. Before posting the voting-papers the returning officer shall cause the form of declaration on each voting-paper to be filled in with—

- (a) The Christian name and surname in full, when known, of the person entitled to vote;
- (b) The place of residence or place of business of the person entitled to vote;
- (c) The polling-place;
- (d) The number of members to be elected; and
- (e) The date on which the poll will close.

Retirement.

[**Sic* in
Gazette;
semble
"sign".]

13. If a candidate desires to retire from his candidature he may, before the voting-papers are posted, *signed and deliver to the returning officer or to the clerk a notice in the following form or to the like effect:—

I, A.B., hereby retire from being a candidate at the election of members of the Marsupial Board, to be held on the _____ day of _____ next [*or instant*].

Dated this _____ day of _____, 19 _____
(Signed) A.B.

Witness: C.D.

The returning officer, on receipt of such notice, shall make known as publicly as possible, by advertisement or otherwise, the fact of such candidate's retirement; and, if the number of candidates is, by his retirement, reduced to the number of persons to be elected at the election, shall, as soon as conveniently may be, declare the remaining candidate or candidates to be duly elected, and, if the number is not so reduced, shall omit or erase the name of the candidate so retiring from the voting-papers.

Ballot-box.

14. After posting the voting-papers, the returning officer shall provide a locked ballot-box, with a cleft or opening therein capable of receiving the voting-papers, and he shall forthwith place such ballot-box in charge of the postmaster at the place of nomination, but shall himself retain the key thereof. The postmaster shall be responsible for the safe custody of such ballot-box until it is demanded from him by the returning officer at the close of the election, and, if required to do so, shall give to the returning officer a written receipt for the same.

Mode of
voting.

15. The person voting shall strike out from the voting-paper the name of every candidate for whom he does not wish to vote, and shall then sign such paper in the presence of some other person, who is entitled to vote at the same election, or of a justice of the peace, or of the returning officer. The person in whose presence the person voting has so signed as aforesaid shall attest the said signature, and the person voting shall then place the voting-paper in a closed envelope, addressed to the returning officer at the polling-place, and endorsed "Voting-paper, Marsupial Board," and shall transmit the same by post.

Illiterate
voter.

16. The signature or mark of a person voting, who cannot write, must be attested by a justice of the peace or by the returning officer. No person who cannot write shall be competent to attest the signature of a person voting.

Duplicate
voting-paper.

17. At any time before three o'clock in the afternoon of the day appointed for closing the poll, the returning officer may issue a second or duplicate voting-paper to any person entitled to vote, whose original voting-paper has miscarried or has been destroyed: Provided that such person shall first make a declaration before the returning officer that he has not received the original voting-paper, or that it has been destroyed, and that he has not already voted at the election.

1905.

Marsupial Boards Act.

18. The returning officer may, at the request of a person voting, strike out from the voting-paper the name of any candidate for whom such person does not wish to vote, and may attest the signature of such person; but the returning officer shall not personally receive any vote except through the post, as hereinbefore provided. Returning officer may assist voter.

19. The postmaster at the place of nomination shall cause to be deposited in the ballot-box every post letter addressed to the returning officer, and endorsed "Voting-paper, Marsupial Board," which is posted or received through the post between the day of nomination and four o'clock in the afternoon of the day appointed for closing the poll. Duty of postmaster.

20. At four o'clock on the day appointed for closing the poll, the returning officer shall demand from such postmaster and, if required to do so, shall give to such postmaster a written receipt for the ballot-box, and shall forthwith convey the same to the polling-place. Delivery up of ballot-box.

21. The returning officer shall then and there, in the presence of the poll clerk (if any) and of such candidates and scrutineers (of whom each candidate may, by writing under his hand, appoint one) as may attend, examine and count the number of votes for each candidate, and shall make out a written statement, signed by himself and countersigned by the poll clerk (if any), and by any scrutineers who are present, and consent to sign the same, containing the numbers, in words as well as in figures, of the votes received for each candidate, and shall, as soon as possible, there openly declare such numbers, and shall at the same time and place declare the name or names of the candidate or candidates elected, and shall forthwith thereafter certify to the clerk, by writing under his hand, the name or names of the candidate or candidates so elected and the date of the declaration of the result of the election. At the time of opening the ballot-box, the returning officer shall produce, for the information of the scrutineers, an alphabetical list, signed by him, of all persons to whom he has posted or issued voting-papers. Count, &c.

22. At the examination of the voting-papers, every voting-paper which— Informal vote.

- (a) Does not bear the initials of the returning officer; or
- (b) Is not signed by the voter and attested as hereinbefore prescribed; or
- (c) Is manifestly irregular; or
- (d) Contains a greater number of names of candidates not struck out than the number of members to be elected; or
- (e) Is so imperfectly executed that the intention of the person voting cannot with certainty be ascertained;

shall be rejected as void and of no effect.

23. At the examination of the voting-papers, the returning officer shall, upon the proper alphabetical list, make a mark against the name of every person who voted by a voting-paper. Marking list.

24. If the number of votes for two or more candidates is found to be equal, the returning officer, whether he is himself an elector or not, shall, by his casting vote, decide which shall be elected: Provided that the returning officer shall not vote at any election at which he acts as returning officer, except in the case of an equality of votes as aforesaid. Casting vote.

25. The returning officer shall forthwith, after the declaration of the result of the election, make up in one packet all the voting-papers, together with the alphabetical list aforesaid, signed by him as aforesaid, and shall securely fasten and seal up such packet, and also permit the same to be sealed by the scrutineers present if they so desire, and shall endorse upon it, when so sealed, a description of the contents thereof, and shall sign such endorsement with his name; and shall cause Sealing-up ballot-papers, &c.

Marsupial Boards Act. 5 EDW. VII. No. 8, 1905.

such sealed packet to be delivered to the clerk, who shall safely keep the same for six months after the receipt thereof, and shall, after the expiration of such period of six months, cause such voting-papers to be destroyed in the presence of at least two members of the Board. If any question at any time arises touching the votes alleged to have been given at any election, the voting-papers contained in any such sealed packet shall be received in evidence, as proof of such votes, in any court of justice upon production thereof and upon proof that the same were transmitted to the clerk in due course by the returning officer.

Secrecy.

26. If the returning officer, or any scrutineer or other person, in the discharge of his duties under this Act, at or concerning an election, learns for what candidate any person voting has voted at such election, he shall not, by word or act or any other means whatsoever, directly or indirectly, divulge or discover or aid in divulging or discovering the fact, save in answer to some question which he is legally bound to answer. Every such returning officer, scrutineer, or other person who knowingly and wilfully offends against this provision shall be liable to a penalty not exceeding one hundred pounds. Any scrutineer who makes any mark upon any list of persons entitled to vote at an election, or makes or writes any note or memorandum, denoting or whereby he can know or remember for what candidate any person voting has voted at an election shall be liable to a penalty not exceeding one hundred pounds.

Maintenance of order.

27. The returning officer shall have power and authority to maintain and enforce order and keep the peace at any election held by him, and, without any other warrant than this Act, to cause to be arrested and removed and taken before a justice of the peace any person not entitled to be in the polling-place who intrudes into the same, or who obstructs the approaches to the polling-place or otherwise conducts himself in a disorderly manner; and every such person shall be deemed to be a disorderly person within the meaning of the laws in force relating to disorderly persons, and may be dealt with by such justice accordingly.

Misfeasance of returning officer.

28. If the returning officer is guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of this Act, he shall be liable to a penalty not exceeding fifty pounds.

Expenses.

29. All reasonable expenses of or incident to any election, incurred by the returning officer, shall be repaid to him by the Board out of the Marsupial Fund.

SCHEDULE III.

Rules governing Proceedings and Business of the Board.

Resignations.

1. Any member of a Board may resign his office by writing under his hand, addressed to the clerk; and such resignation shall be complete from the time when it is received by the clerk.

Defective election, &c., not to invalidate proceedings.

2. No proceedings of the Board, or of any person acting as chairman or member, shall be invalidated by reason of any defect in the appointment or election or of any disqualification of any such person, or by reason of there being any vacancy in the number of members at the time of such proceedings.

First meeting.

3. The first meeting of the Board shall be held before the thirty-first day of July in every year.

Times of meeting.

4. The Board shall meet once at least in each quarter, at such times as are appointed by the Board.

5 Edw. VII. No. 26, 1905. *Workers' Compensation Act.*

5. The chairman shall preside at every meeting of the Board at which he is present, and, if he is absent from any meeting, another member shall be elected chairman at and for such meeting.

6. No business shall be transacted at any meeting of the Board unless at least three members are present.

7. All powers vested in the Board may be exercised by the majority of the members present at any meeting duly held, and all questions shall be decided by a majority and by open voting.

Upon every question the chairman shall have a vote, and if the numbers are equally divided he shall have a second or casting vote.

At all meetings of the Board, all members present shall vote.

If a member refuses to vote, his vote shall be counted for the negative.

8. The members present at a meeting may from time to time adjourn the meeting.

If a quorum is not present within half an hour after the time appointed for a meeting, the members present or a majority of them, or any one member if only one is present, or the clerk if no member is present, may adjourn the meeting to any time not later than fourteen days from the date of such adjournment.

9. A notice of every meeting or adjourned meeting shall be given to every member in such manner as the Board may determine.

10. A Board may sue or be sued in any legal proceedings in the name of the chairman or clerk.

11. The accounts of the Board shall be audited from time to time by the Auditor-General or an officer of his department, and the members and clerk shall be deemed to be public accountants within the meaning of "The Audit Act of 1874."

MASTERS AND SERVANTS.

<i>Workers' Compensation Act of 1905</i>	5 Edw. VII. No. 26
<i>Shearers and Sugar Workers Accommodation Act of 1905</i>	9

An Act to Amend the Law with respect to Compensation to Workers for Accidental Injuries Suffered in the course of their Employment.

5 Edw. VII.
No. 26.
THE
WORKERS'
COMPENSATION
ACT OF 1905.

[ASSENTED TO 20TH DECEMBER, 1905.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as "*The Workers' Compensation Act of 1905*," and shall commence and take effect on and from the thirty-first day of March, one thousand nine hundred and six.