

Rabbit Acts Amendment Act.

4 ELIZ. II. No. 7,

PUBLIC WORKS.*See WORKS.***PUBLIC WORKS LAND RESUMPTION.***See WORKS.***RABBITS.**

4 ELIZ. II.
No. 7.
THE RABBIT
ACTS
AMENDMENT
ACT OF
1955.

An Act to Amend "The Rabbit Acts, 1913 to 1954," in certain particulars.

[ASSENTED TO 14TH APRIL, 1955.]

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:—

Short title.

1. (1.) This Act may be cited as "*The Rabbit Acts Amendment Act of 1955.*"

Principal Act.

(2.) *"*The Rabbit Acts, 1913 to 1954,*" are in this Act referred to as the Principal Act.

Collective title.

(3.) The Principal Act and this Act may be collectively cited as "*The Rabbit Acts, 1913 to 1955.*"

Amendments of s. 13 (1).

2. (1.) Subsection one of section thirteen of the Principal Act is amended—

(i.) By repealing the first paragraph thereof and by inserting, in lieu of that repealed paragraph, the following paragraphs:—

Triennial elections.

"Subject to this Act, an election of members in the case of every Board shall be held triennially.

In the case of every Board existing at the commencement of †"*The Rabbit Acts Amendment Act of 1955,*" the first triennial election shall be held before the thirty-first day of July in the year one thousand nine hundred and fifty-five and a triennial election shall be held in every third year thereafter before the first day of July of the year of triennial election.

If at any time after the commencement of †"*The Rabbit Acts Amendment Act of 1955,*" a new Board is constituted, whether upon the constitution of a new

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

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District or by the uniting of two or more Districts into one District, the first election of the members shall be held on such date as the returning officer may by notification published in the *Gazette* appoint and, subject to this Act, the second election of members shall be held in the first year thereafter of triennial election fixed by this subsection for Boards existing at the commencement of **The Rabbit Acts Amendment Act of 1955*," before the first day of July of that year, and a triennial election shall be held in every third year thereafter before the first day of July of the year of triennial election : " ; and

(ii.) By repealing in the proviso thereto the words " of the first annual election in a newly constituted District " and by inserting, in lieu of those repealed words, the words " of the first election of members of a new Board, whether constituted upon the constitution of a new District or by the uniting of two or more Districts into one District ".

(2.) In the case of every Board existing at the commencement of **The Rabbit Acts Amendment Act of 1955*," the members shall, except in the case of any member whose office is sooner vacated for any cause whatsoever, continue in office as such members until and including the day next preceding the date publicly notified by advertisement in some newspaper by the returning officer under rule eight of the First Schedule to this Act for the election in the year one thousand nine hundred and fifty-five of members of the Board, and shall then vacate such offices :

Provided that every such member shall, if otherwise qualified to be elected as a member of the Board, be eligible for re-election or re-appointment.

3. Section 13A of the Principal Act is repealed.

Repeal of
s. 13A.

4. Section 23A of the Principal Act is amended by repealing subsection two thereof and by inserting, in lieu of that repealed subsection, the following subsection :—

Amendment
of s. 23A.

" (2.) Every such rate shall be deemed to be duly levied upon a notification (setting forth, in respect of all lands situated within the District and which are

* This Act.

rateable for the purposes of this Act, the amount of the rate in the pound of the rateable value of such lands, or, where the amounts thereof differ in the several Areas and parts, if any, of the Areas of Local Authorities comprised in the District, the different amounts of such rate in the pound in relation to such Areas and parts, if any) being published by the Board in the *Gazette* and in at least one newspaper printed and circulating in the State, and every person who is the owner, within the meaning of **The Local Government Acts, 1936 to 1954,* of any land upon which such rate is levied shall, within two months commencing on the date of the publications in the *Gazette* and newspaper of the notification as aforesaid or, where those publications are on different dates, commencing on the last of those dates, pay at the office of the Board the total amount thereof.”.

New s. 35A.

5. The following section, numbered 35A, is inserted after section thirty-five of the Principal Act:—

Liability of
user to
maintain
certain
fences, &c.

“ [35A.] Where the owner of any holding whereon sheep or cattle or both are depastured or kept, uses, for the purpose of enclosing or partly enclosing that holding, any rabbit fence on or adjacent to or in the neighbourhood of the boundary of the holding and which has been erected at the expense of the Board or of the Crown or which has been completed by the affixing thereto of wire netting supplied at the expense of the Board or the Crown, he shall, at all times during his use of the fence, maintain the fence in such a condition as to prevent the passage of sheep or cattle or both sheep and cattle, according to the use of his holding.

Without prejudice to his liability as aforesaid, such an owner (where the Board or the Crown incurs in relation to the fence any expense in the doing of any work or the supplying of any materials whatsoever for the purpose of preventing, or maintaining it in such a condition as to prevent, the passage through or over the fence of stock of a kind depastured or kept on such owner's holding) shall be liable to pay to the Board or the Crown, as the case may be, all of that expense or such part thereof as the Board or the Crown may require him to so pay, and the same may be recovered by the Board or the Crown, as the case may be, in any court of competent jurisdiction.”.

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6. The First Schedule to the Principal Act is amended—

Amendments
of
Schedule I.

(i.) By repealing rule three thereof and by inserting, in lieu of that repealed rule, the following rule:—

“[3.] The office of a member of the Board in every case shall— Term of office.

(i.) Commence on the day specified in the notification published in the *Gazette*, of his election or appointment thereto; and

(ii.) Subject to this Act, become vacant on the last moment of the day next preceding the date publicly notified by advertisement in some newspaper by the returning officer under rule eight of this Schedule for the next election of members of the Board.”;

(ii.) By repealing in the first paragraph of subrule one of rule five thereof the words “annual elections” and by inserting, in lieu of those repealed words, the words “triennial elections”;

(iii.) By repealing the proviso to subrule one of rule five thereof;

(iv.) By repealing in subrule two of rule five thereof the words “an annual election” and by inserting, in lieu of those repealed words, the words “a triennial election”;

(v.) By repealing in the first paragraph of subrule one of rule seven thereof the words “in every year” and by inserting, in lieu of those repealed words, the words “in each year of election”;

(vi.) By repealing in the first paragraph of rule eight thereof the words “in every year” and by inserting, in lieu of those repealed words, the words “in every year of election”; and

(vii.) By repealing in the first paragraph of rule eight thereof the word “annual”.

7. The Second Schedule to the Principal Act is amended by repealing in the first paragraph of rule two thereof the words “in every year”.

Amendment
of
Schedule II.