

Queensland



ANNO OCTAVO

ELIZABETHAE SECUNDAE REGINAE.

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No. 73.

**An Act to Amend "The Rabbit Acts, 1913 to 1955," in certain particulars, and for other purposes.**

[ASSENTED TO 23RD DECEMBER, 1959.]

**B**E 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:—

1. (1.) This Act may be cited as "*The Rabbit Acts* Short title. *Amendment Act of 1959.*"

(2.) "*The Rabbit Acts, 1913 to 1955,*" are in this Principal Act. Act referred to as the Principal Act.

(3.) The Principal Act and this Act may be Collective title. collectively cited as "*The Rabbit Acts, 1913 to 1959.*"

Amendment  
of s. 12 (1).

2. Subsection one of section twelve of the Principal Act is amended by inserting, after the words "to be elected", the words "or to be appointed pursuant to any provision of this Act".

Amendments  
of s. 19A.

3. Section 19A of the Principal Act is amended by—

(a) Repealing the second paragraph of subsection four thereof and inserting, in lieu of that repealed paragraph, the following paragraph:—

"The Board shall on or before the first day of May, one thousand nine hundred and sixty, frame and submit for the Minister's approval a budget in respect of the period from the first day of April, one thousand nine hundred and sixty to the thirtieth day of June, one thousand nine hundred and sixty-one and thereafter shall, on or before the first day of August in each and every year commencing in the year one thousand nine hundred and sixty-one, frame and submit for the Minister's approval an annual budget which shall be, in respect of the period commencing on the first day of July in the year in question and ending on the thirtieth day of June in the year next following." ; and

(b) Repealing subsection six.

Amendment  
of s. 23A.

4. Subsection two of section 23A of the Principal Act is amended by adding the following paragraph:—

"The amount of every such rate made and levied on or after the first day of July, one thousand nine hundred and fifty-nine shall, until payment is made, be and remain a charge upon the land in respect of which it is levied, in priority to all mortgages, charges, liens and encumbrances whatsoever, and notwithstanding any change that may take place in ownership of such land and shall bind, and may be recovered from, the owner of the land for the time being."

Amendment  
of s. 35A.

5. Section 35A of the Principal Act is amended by repealing the words "or partly enclosing that holding" and inserting, in lieu of those repealed words, the words "his holding or any part of his holding".

6. The following section, numbered 36A, is inserted New s. 36A inserted. after section thirty-six of the Principal Act :—

“ [36A.] (1.) A Board may with the approval of the Minister, for any purpose connected with the administration of this Act, purchase, acquire and hold within its district, any freehold land, or a lease under Part V. of “ *The Land Acts, 1910 to 1959,*” or any special lease issued in pursuance of the provisions of the said Land Acts. Board may acquire lands, &c.

(2.) Expenditure incurred by the Board in the purchase or acquisition of any land or lease aforementioned, shall be deemed to be, for the purpose of section twenty-nine of this Act, a necessary expense of the administration of this Act.

(3.) A Board, with the approval of the Minister, may exchange any land or lease for any other land or lease mentioned in subsection one of this section, more suited for the purpose of the administration of this Act, or may sell any land or lease held by it, which is no longer required for the purpose of the administration of this Act, and in the latter case, the sale price, after deduction of any expenses incurred in offering the land or lease for sale shall be paid into The Rabbit Fund of the District.”

7. Subsection three of section 47H of the Principal Act is amended by adding to that subsection the following paragraph :— Amendment of s. 47H (3).

“ All such costs, charges and expenses incurred on or after the first day of July, one thousand nine hundred and fifty-nine shall, until payment is made, be and remain a charge upon the land in respect of which they have been incurred in priority of all mortgages, charges, liens and encumbrances whatsoever, and notwithstanding any change that may take place in ownership or occupancy of the land, shall bind, and may be recovered from, the owner and the occupier of the land for the time being, but the Board shall not be entitled by virtue hereof to recover more than the full amount of any such costs, charges and expenses.”

Amendment  
of s. 58.

8. Section fifty-eight of the Principal Act is amended by renumbering that section to be subsection one and adding to that section as so renumbered, the following subsections :—

Indemnity.

“(2.) Notwithstanding anything contained in this Act or any other Act, or any rule of law, where notice of the use of any poison or poison baits has been given in accordance with the provisions of subsection three of this section, no person shall have any right or remedy against any Board or any servant, agent or employee of any Board, in respect of the death or injury of any livestock resulting from the use by the Board on any holding, road, stock route or reserve within its district, of any poison or poison baits for any purpose of or connected with destruction of rabbits.

(3.) For the purposes of subsection two of this section the Board shall give notice in the manner hereinafter set forth of the proposed use of any poison or poison baits—

- (a) By advertisement published at least twice in a newspaper generally circulating in the locality in which the holding, road, stock route or reserve, as the case may be, is situated, not earlier than twenty-one days nor later than seven days before the date on which the use of the poison or poison baits is commenced ;
- (b) By affixing, before the use of the poison or poison baits is commenced, and thereafter keeping affixed in a conspicuous manner on or in the immediate vicinity of the holding, road, stock route or reserve such and so many notices as are reasonably sufficient to give public notice of the use of the poison or poison baits ; and
- (c) By, before the use of the poison or poison baits is commenced, serving on every resident occupier of land abutting or having a frontage to the holding, road, stock route or reserve, whereon the poison or poison baits is or are used, notice of the intended use thereof.”

9. The rates made and levied or purporting to have been made and levied, prior to the passing of this Act, by any Board shall be deemed to have been duly made and levied in compliance and in accord with the provisions of the Principal Act. Ratification of rates.

10. No action, suit, claim or demand whatsoever, shall lie or be made or allowed or continued, by or in favour of any person whomsoever against any Board or against any member thereof or any person for the recovery of moneys paid, or purporting to have been paid, in respect of rates made and levied or purporting to have been made and levied by the Board prior to the passing of this Act. Actions for rates levied.

11. In any action, suit or proceeding by any Board for the recovery of moneys alleged to be owing by any person for rates made and levied or purporting to have been made and levied by the Board in respect of any period or periods prior to the passing of this Act, a certificate of the clerk or secretary for the time being of the Board as to the amount of rates alleged to be owing by the defendant shall be *prima facie* evidence and in the absence of evidence in rebuttal shall be conclusive evidence of the amount owing by the defendant. Facilitation of proof.

In any action, suit or proceeding instituted by the Board after the passing of this Act in respect only of money alleged to be owing by any person to the Board pursuant to a rate made and levied or purported to have been made and levied prior to the passing of this Act, the defendant may raise as a defence, proof whereof shall lie upon him, that he did not receive from the Board prior to the last day in the month of December in the calendar year in respect of which the rates are alleged to be owing, any notice that the Board had assessed such rates against him and the defendant shall be entitled to judgment in his favour to the extent that he establishes that defence.

12. The provisions of sections nine, ten and eleven of this Act shall not apply to any rates made and levied by any Board after the passing of this Act, or to any actions or suits by the Board to recover rates which have been made and levied after the passing of this Act. Application of ss. 9, 10 and 11.

Amendment  
to First  
Schedule.

**13.** Subrule one of rule five of the First Schedule to the Principal Act is repealed and the following subrule is inserted in lieu of that repealed subrule :—

Extra-  
ordinary  
vacancies.

“(1.) Whenever an extraordinary vacancy arises from any cause whatsoever other than removal, the Board may cause an election to be held for the election of a duly qualified person to fill the vacancy or may request the Governor in Council to appoint some duly qualified person to fill the vacancy. Any such election shall be held at such time as the Board may determine, but no later than six months after the vacancy shall have occurred, and shall be conducted in the manner prescribed with respect to triennial elections.”

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