



ANNO TRICESIMO OCTAVO ET TRICESIMO NONO

# VICTORIÆ REGINÆ.

A.D. 1875.

## No. 16.

*An Act to provide for the Suppression of the Rabbit Nuisance.*

[Assented to, 15th October, 1875.]

**W**HEREAS it is expedient to make provision for the Destruction of Rabbits in those parts of the Province where they have, from their numbers, become a nuisance—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. In this Act, if not inconsistent with the context, the following terms shall have the respective meanings hereinafter assigned to them, that is to say:— Interpretation.

“District Council” shall mean a District Council duly appointed under the authority of the laws at any time in force with respect to District Councils:

“Landholder” shall mean the owner or the occupier of not less than eighty acres of land:

“Property” shall mean and extend to all lands and buildings (including land belonging to the Crown, leased or contracted to be sold to or in the occupation of any person) with the following exceptions, namely:—Land belonging to the Crown not sold or leased or contracted to be sold; land belonging to the Crown, and used for any public purpose; churches, chapels, licensed schools or schools deriving aid from Government or a District Council; and public buildings.

“Rabbit

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“Rabbit District” shall mean a Rabbit District duly declared and constituted under and for the purposes of this Act:

“District” shall mean a district constituted and designated as such under the authority of the laws at any time in force with respect to District Councils:

“Rate” shall mean any rate duly made under and for the purposes of this Act:

“Commissioner” shall mean the Commissioner of Crown Lands and Immigration.

Division of Act into three parts.

2. This Act shall be divided into three parts.

The First Part relating to Rabbit Districts within the limits of Districts:

The Second Part relating to Rabbit Districts outside the limits of Districts:

The Third Part relating to Offences, Penalties, and General Matters.

PART I.

PART I.

RELATING TO RABBIT DISTRICTS WITHIN THE  
LIMITS OF DISTRICTS.

Rabbit Districts may be proclaimed within the limits of Districts.

3. The Governor may, on the receipt of a petition signed by a majority of the members of any District Council, or by the Chairman of any such District Council, with the authority of such District Council, or by twenty landholders holding not less in the aggregate than two thousand acres of land within such District, praying that such District may be declared a Rabbit District under this Act, cause the prayer and substance of such petition to be published in the *Government Gazette*, and at the expiration of thirty days from the date of such publication, the Governor may, by Proclamation, constitute and declare such District to be a Rabbit District under and for the purposes of this Act.

Powers of District Council in Rabbit District.

4. When any such District is duly constituted and declared a Rabbit District, the District Council thereof shall have power to do all such acts and things as to the said Council may appear proper or necessary to be done to ensure the destruction of rabbits within such Rabbit District, and for that purpose may, out of the moneys received by them by virtue of this Act, offer rewards or bonuses for the destruction of such animals.

If rabbits not destroyed after notice, land may be entered.

5. If the District Council of any District which has been duly constituted and declared a Rabbit District, shall have reason to believe that there are rabbits upon any land within such Rabbit District, and that the owner or occupier of such land refuses or neglects to destroy the same, such District Council may, by notice in writing, to be served upon such owner or occupier, or left

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left at his usual or last-known place of abode, or upon such land, require such owner or occupier, or his authorized agent on his behalf, to destroy such rabbits; and if, after fourteen days from the date of the service of such notice, such owner or occupier, or his agent, shall neglect or fail to comply with such notice, then it shall be lawful for any person authorized in writing in that behalf by such District Council, to enter upon any land in respect whereof any such notice shall have been given, as aforesaid; and to use all such means, and take all such measures as he may deem necessary for taking or destroying any rabbit which may be found upon such land; and such person may take away and remove from the said land, the said rabbits or any part thereof: Nothing in this section contained shall authorize dogs to be taken on any land without the consent of the owner of such land.

6. It shall be lawful for any person authorized in writing in that behalf by the District Council of any District which has been duly constituted and declared a Rabbit District, after twenty-four hours' notice shall have been given, to enter any land within such Rabbit District, or any land in the neighborhood thereof, not being within another Rabbit District, whether enclosed or not, at any reasonable hour in the daytime, for the purpose of ascertaining if any rabbits are thereupon, and no such person shall be deemed a trespasser by reason of such entry, or be liable for any damage thereby occasioned, unless the same shall be occasioned by such person wilfully, and without necessity: Provided that any person so authorized shall exhibit such written authority, if required to do so by the owner or occupier of such land, or his authorized agent, and if being so required he shall fail to exhibit such authority, then he shall be liable to be deemed and dealt with as a trespasser.

Persons authorized may enter upon land to search for rabbits.

7. Any such District Council may levy any rates that they may think proper for the purposes of this Act, and for such purpose the provisions of the laws at any time in force under which District Councils have authority to levy rates for other purposes, shall be applicable to rates authorized by this Act: Provided that the full amount of rates so levied shall not for any one year exceed one shilling in the pound on the annual value of the property assessed: And the full amount of rates so levied shall, after payment thereof of all the cost of levying the same, be employed for the purposes specified by this Act; and no part of such rates shall be expended beyond the limits of the Rabbit District in which they have been levied.

District Council may levy rates.

8. In any proceedings that may be taken by any such District Council for the recovery of any rates, authorized by this Act to be levied, and in all proceedings that may be taken against any District Council or any person employed by them for or by reason of any act or deed purporting to be done pursuant to this Act, the production of a copy of the *Government Gazette* in which the Proclamation constituting and declaring the District a Rabbit District is published, shall be conclusive evidence that such Rabbit District has been duly constituted and declared as such.

Evidence of constitution of Rabbit District.

## PART II.

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## PART II.

## PART II.

RELATING TO RABBIT DISTRICTS OUTSIDE THE  
LIMITS OF DISTRICTS.

Rabbit District may  
be declared outside  
the limits of Districts.

9. The Governor, on receipt of a petition signed by not fewer than ten landholders, praying that any portion of the said Province outside the limits of Districts, and described in such petition, may be declared a Rabbit District under this Act, may cause the prayer and substance of such petition to be published in the *Government Gazette*; and at the expiration of thirty days from the date of such publication, the Governor may, by Proclamation, constitute and declare the area described in such petition, or any part thereof, to be a Rabbit District under and for the purposes of this Act: Provided that the land qualifying the said landholders as such shall be within the area sought to be declared a Rabbit District: And provided also that such landholders shall collectively be owners or occupiers of not less than one-tenth of the area sought to be declared a Rabbit District.

Commissioner to have  
the same power as  
District Councils.

10. When any portion of the said Province shall be duly constituted and declared a Rabbit District, the Commissioner, and any persons appointed by him in that behalf, shall have, within such Rabbit District, rights, powers, discretions, and privileges similar in all respects to those conferred by the fourth, fifth, and sixth sections of this Act upon District Councils of districts which have been duly constituted and declared Rabbit Districts under the third section of this Act.

Property may be  
assessed.

11. When any portion of the said Province shall be duly constituted and declared a Rabbit District, it shall be lawful for the Commissioner to appoint some person to make an assessment of all property within such Rabbit District, according to the full, fair, and average estimated annual value of the same, clear of all outgoings; and such assessment shall be written in two books, one of which shall be kept by the Commissioner, and the other, which shall be open to the inspection of ratepayers at all reasonable times, shall remain in the custody of some person (to be appointed by the Commissioner), who shall reside at a convenient place within such Rabbit District; and the said books shall specify in different columns the names of the respective occupiers or owners, or agents of owners of the property assessed, so far as the same can be ascertained, and the estimated annual value of the said property, with a description of the same. And every such assessment shall remain in force until a new assessment shall be made by order of the Commissioner.

Notice of assessment  
to be published.

12. A notice of the making of such assessment in the form contained in Schedule A of this Act, or as near thereto as circumstances will permit, shall be published in two consecutive numbers of the  
*Government*

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*Government Gazette*; and any person may, within one month after the last publication of such notice, appeal therefrom, upon the ground that any property is assessed beyond or below its full and fair annual value, or is omitted from the assessment, or that the subject of such assessment is not property within the meaning of this Act.

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13. The Local Court of Full Jurisdiction nearest to the property the assessment of which is appealed against shall be the Court of Appeal, and every such appeal shall be commenced by the delivery of a notice in form of Schedule B to this Act, or as near thereto as circumstances will permit, to the Clerk of such Court, and also at the office of the Commissioner, or to the Collector to be appointed by the Commissioner, within the period allowed for appeal.

Nearest Local Court to be the Court of Appeal.

14. The appeal shall be heard at the sittings of the Local Court next after eight weeks from the last publication of the notice of assessment in the *Government Gazette*, and one copy of the assessment shall be produced by or on behalf of the said Commissioner; and upon examining upon oath any witness who may be tendered for examination touching the question in dispute, the Court at the same, or at some adjourned or subsequent sittings, may make such order touching the matter in dispute and costs as shall be just, and shall cause any alteration in the assessment occasioned by the decision to be immediately made, which alteration shall be attested by the signature of the Special Magistrate, and the Court may enforce any order in the same manner as though the same were the order of a Justice of the Peace under his summary jurisdiction.

Time for hearing appeal, and mode of conducting same.

15. At any time, after the lapse of three months from the date of the last publication of the notice of the assessment in the *Government Gazette*, the Commissioner may levy any rate that he may think proper for the purposes of this Act upon the property included in such assessment: Provided that the full amount of rates so levied for any one year, shall not exceed one shilling in the pound on the annual value of the property assessed: and the rates so levied shall, after payment thereof of the cost of making the assessment, and making and levying such rates, be employed for the purposes specified by this Act.

Commissioner may levy rate.

16. The Commissioner shall publish once in the *Government Gazette* in the form contained in Schedule C to this Act, or as near thereto as circumstances will permit, a notice of having made a rate, and upon such publication the amount of such rate shall be immediately become due and payable to the Commissioner.

Notice of rate.

17. The Commissioner, or any Collector appointed by writing under his hand, may recover the rates, and all arrears thereof, due in respect of any property included in any assessment from the persons who shall be owners or occupiers of such property at the time of demand being made; and it shall be lawful for the Commissioner, or any such Collector, to sue for and recover any such rates and arrears from the person so liable to pay the same, by an action or other

Rates how recovered.

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other proceeding in any Court of competent jurisdiction, in the name of such Commissioner or Collector; and, for the purposes of any such action or other proceeding by such Collector, such rates and arrears shall be deemed to be due and payable to such Collector: Provided that no such action or other proceeding shall be commenced until the expiration of ten days after a demand in writing for the amount of such rates or arrears under the hand of the Commissioner or such Collector shall have been served upon such owner or occupier, or left at his usual or last known place of abode, or upon the property in respect whereof the rates or arrears sued for shall be payable.

Evidence of constitution of Rabbit District.

18. In any action or other proceeding that may be brought or taken by the Commissioner or any Collector appointed by him for the recovery of any rates or other moneys due in respect of any property assessed under the provisions of this Act, and in all proceedings that may be taken against the said Commissioner or any person employed by him for or by reason of any act or deed purporting to be done pursuant to this Act, the production of a copy of the *Government Gazette* in which the Proclamation constituting and declaring any portion of the said Province a Rabbit District is published shall be conclusive evidence that such Rabbit District has been duly constituted and declared; and the production of a copy of the *Government Gazette* in which notice is published of a rate having been made by the Commissioner shall be conclusive evidence that such a rate has been duly made.

Rates may be distrained for.

19. If any rates, or arrears thereof, are unpaid for the space of twenty-one days after demand in writing shall have been served upon any such owner or occupier, or left at his usual or last known place of abode, or upon the property in respect whereof such rates or arrears are payable, the Commissioner or Collector, or his assistant, may thereupon, without any warrant, enter upon or into any part of the property in respect whereof such rates or arrears are payable, and distrain the goods and chattles found therein and thereon for the amount of such rates and arrears; and if the amount for which the distress is taken is not paid within five days after making such distress, together with reasonable costs, then the said distress, or so much as shall be sufficient to pay the rates or arrears and costs as aforesaid, may be sold, and any overplus which may remain after deducting the amount of such rates or arrears and costs shall be returned to the owner of the goods.

Annual account to be published.

20. The Commissioner shall in each year cause an account in abstract to be prepared of the whole receipt and expenditure of all rates and other moneys levied under the powers of this Act for the year preceding, under the several distinct heads of receipt and expenditure, for each Rabbit District over which he has control, with a statement of the balance of such account, duly audited and certified by the Auditor-General; and a copy of such account shall, within three months of the close of each such year, be published in the *Government Gazette*.

PART III.

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## PART III.

## PART III.

## RELATING TO OFFENCES, PENALTIES, AND GENERAL MATTERS.

21. If any person shall wilfully obstruct, hinder, or interrupt any person appointed by the Commissioner or any District Council, in the exercise of any power, or authority, vested in any such person by this Act; or shall threaten, assault, or use improper language to any such person whilst in the performance of his duty under this Act, every such person so offending shall, for every such offence, forfeit and pay a penalty not exceeding Twenty Pounds: Provided that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at law by any such person for or in respect of any such assault, but every such action may be commenced and proceeded with as if this Act had not been passed, any law or usage to the contrary notwithstanding,

Obstructing persons authorized under this Act.

22. All offences against this Act, and all penalties and sums of money imposed or made payable by this Act shall, where no other mode of recovery is by law provided, be heard, determined, and recovered in a summary way, by and before a Special Magistrate, or two Justices of the Peace, in the mode prescribed by the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders."

Offences to be dealt with summarily.

23. All actions and prosecutions to be commenced against any person for anything purporting to be done pursuant to this Act, shall be commenced within six months after the cause of action arose; and notice in writing of such action or prosecution, and the cause thereof, shall be given to the defendant one month at least before the commencement of such action or prosecution, and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge, Special Magistrate, or Justices of the Peace before whom the trial shall be, shall certify his approbation of the action and of the verdict obtained thereupon.

Notice of action.

24. All penalties received by virtue of this Act shall, if not otherwise in any case specially directed, be paid to the person authorized to receive the rates levied under the authority of this Act, within the Rabbit District in which the offence in respect of which the penalty is imposed was committed, and shall form part of the moneys at the disposal of the District Council or the Commissioner for the purposes of this Act in respect of such Rabbit District.

Application of penalties.

25. This Act may be cited, for all purposes, as "The Rabbit Destruction Act, 1875."

Short title.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

A. MUSGRAVE, Governor.

SCHEDULE

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## SCHEDULE A.

*Notice of Assessment.*

Rabbit District of

Notice is hereby given, that I, the Commissioner of Crown Lands and Immigration, have caused to be made an assessment of all property within the Rabbit District of \_\_\_\_\_, showing the names of the owners or occupiers, so far as the same can be ascertained, the estimated annual value of the said property, and a description of the same, and that the same can be inspected at \_\_\_\_\_ at all reasonable hours; and any one intending to appeal against the said assessment must serve the notice required by "The Rabbit Destruction Act, 1875," on or before the \_\_\_\_\_ day of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

A.B., Commissioner of Crown Lands and Immigration.

## SCHEDULE B.

*In the Local Court of* } To the Commissioner of Crown Lands and Immigration, and to  
                                       } all whom it may concern :

Take notice, that I appeal against the assessment, notice whereof appears in the *Government Gazette* of the \_\_\_\_\_ day of \_\_\_\_\_ 18 , on the ground that \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

## SCHEDULE C.

*Notice of Rate.*

Rabbit District of

Notice is hereby given, that I, the Commissioner of Crown Lands and Immigration, have this day made a raté of \_\_\_\_\_ in the pound upon the assessment for the above district, and all persons liable are required forthwith to pay the amount of such rate according to the assessment, to Mr. A.B., the person appointed by me to collect such rate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

C.D., Commissioner of Crown Lands and Immigration.