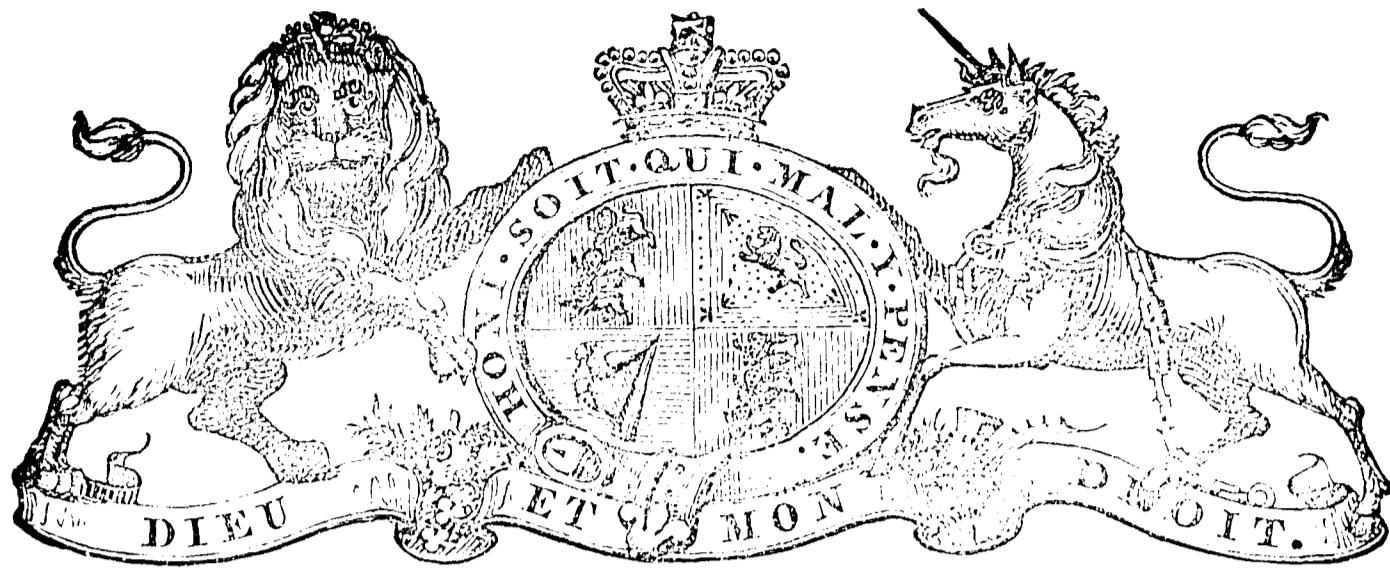


VICTORIA.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. DCCCXIII.

An Act to amend and continue the Laws relating to the Suppression of Rabbits.

[12th December 1884.]

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may for all purposes be cited as "*The Rabbit Suppression Act 1884*" and shall be read and construed as one with "*The Rabbit Suppression Act 1880*" as amended by the Act DCCXXI. (hereinafter referred to as the Principal Act), and the said Acts together with this Act may be cited as "*The Rabbit Suppression Acts 1880-1884*," and are hereby continued in full force and effect.

Short title and construction.

2. Nothing in the Principal Act or in any Act amending the same or in this Act contained shall apply to or affect the lands comprised in the mallee country and dealt with by "*The Mallee Pastoral Leases Act 1883*."

Act not to apply to mallee country.

3. It shall be the duty of every occupier of land, or if there be no occupier then of the owner, to suppress and destroy rabbits on his land and to do all such acts and things as may be necessary for the same.

Occupiers and owners to destroy rabbits.

4. In

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Lessees and licensees under Land Acts to be deemed occupiers.

4. In section two of the Principal Act the words "Provided that no pastoral tenant of the Crown shall be deemed to be an occupier under this Act" are hereby repealed, and all persons holding leases or licences under "*The Land Act 1884*" or any previous Land Act or Acts shall be deemed to be "occupiers" within the meaning of this and the Principal Act.

Board of Land and Works to be deemed occupier and owner of unoccupied Crown lands and owner of Crown lands under lease or licence.

For the purposes of this and the Principal Act the Board of Land and Works shall be deemed to be the "occupier" and the "owner" of all unoccupied lands of the Crown and shall also be deemed to be the "owner" of all Crown lands held under lease or licence save lands in respect of which a lease or licence under Part II. of "*The Land Act 1869*" or under "*The Land Act 1878*" or a licence under section forty-nine of "*The Land Act 1869*" exists.

In section thirteen of the Principal Act the words "lease or agreement" shall be deemed to include a licence from the Crown.

Amendment of section 9 of Principal Act.

5. In section nine and in the Second Schedule of the Principal Act the words "six months" are hereby repealed and the words "three months" shall be inserted in lieu thereof, after the word "fence" wherever the same occurs the words "or hedge" shall be inserted, and after the word "wall" wherever the same occurs the words "or dead or fallen timber" shall be inserted.

Board of Land and Works may contract with municipal council for destruction of rabbits on unoccupied Crown lands.

6. The Board of Land and Works may, instead of appointing a bailiff of Crown lands to destroy rabbits on any unoccupied Crown lands, enter into an agreement with the council of the municipal district nearest to such lands upon such terms and conditions as may be mutually agreed upon for the destruction of rabbits on such unoccupied Crown lands, and such council is hereby authorized to enter into such an agreement upon which it may sue or be sued in the same manner as upon any contract it is authorized to make under the provisions of the "*Local Government Act 1874*."

Two or more municipal councils may unite to carry out Act.

7. The councils of any two or more adjoining or adjacent municipal districts may agree to unite their municipal districts and may treat the same as one for the purpose of taking combined action to carry out the provisions of this and the Principal Act.

Costs and expenses of digging out rabbit burrows.

8. The costs and expenses of digging out rabbit burrows shall be deemed to be costs and expenses of doing acts necessary for the purpose of destroying rabbits within the meaning of the Principal Act.

Costs of rabbit destruction may be recovered though work not complete.

The council of any municipal district may from time to time recover the amount of the costs and expenses incurred by such council or by any inspector (or paid by such council to any person authorized in writing by a justice) as in the Principal Act mentioned in carrying out the provisions of the Principal Act, notwithstanding that the work of destroying or of extirpating the rabbits on any land has not been completed.

9. The

9. The words "in any court of competent jurisdiction" are hereby repealed wherever the same occur in the Principal Act, and the words "before any two justices" shall be inserted in lieu thereof.

Two justices substituted for court of competent jurisdiction in Principal Act.

10. In section two of the Act DCCXXI. the word "council" is hereby repealed wherever the same occurs and the word "inspector" shall be inserted in lieu thereof, and in the said section the words "under its seal" are hereby repealed.

"Inspector" substituted for "council" in section 2 Act No. 721.

11. In section three of the Act DCCXXI. the words "council may by an order under its seal direct an inspector to enter upon any land to which such notice refers and to" are hereby repealed, and the words "inspector may enter upon any land to which such notice refers and" shall be inserted in lieu thereof.

Amendment section 3 Act No. 721.

12. In section four of the Act DCCXXI. the word "council" is hereby repealed wherever the same occurs and the word "inspector" shall be inserted in lieu thereof; and in the said section the words "the issue of any such order as aforesaid or if any such order has been issued may from time to time stay the execution thereof" are hereby repealed, and the words "his entry in pursuance of such notice" shall be inserted in lieu thereof.

Amendment section 4 Act No. 721.

13. In section five of the Act DCCXXI. the words "under any such order" are hereby repealed, and in the said section the word "order" is hereby repealed and the word "notice" shall be inserted in lieu thereof; and in the said section the words "under whose order" are hereby repealed and the words "in whose district" shall be inserted in lieu thereof.

Amendment of section 5 Act No. 721.

14. In the First Schedule of the Principal Act the word "council" is hereby repealed and the word "inspector" shall be inserted in lieu thereof.

Amendment of First Schedule No. 683.

15. If after fourteen days from the date of the service of the notice provided for in section two of the Act DCCXXI. any owner or occupier of land have in the opinion of the justices adjudicating failed or neglected to take reasonable and diligent steps to promote the destruction of rabbits, he shall be liable to a penalty not exceeding Five pounds in addition to the costs and expenses to which he may be liable under section ten of the Principal Act, and for any subsequent neglect as aforesaid to a like penalty.

Owner or occupier failing to destroy rabbits to be liable to a penalty in addition to costs of destruction by council.

16. Any person who shall have in his possession any live rabbit or introduce into the colony from any other colony or place any rabbit scalps shall on conviction before two justices forfeit and pay for each offence a sum not exceeding One hundred pounds.

Penalty on person having possession of live rabbit.

17. Notwithstanding anything in the Principal Act contained, any inspector may take with him sufficient horses and one dog upon any land on which he is authorized to go, but such inspector shall be liable for any damage done by any such dog so taken.

Inspector may take one dog.

18. To

Councils to take simultaneous action when required by Governor in Council.

18. It shall be the duty of the council of any municipal district in addition to the duties imposed upon such council by this and the Principal Act to commence on any day required by the Governor in Council simultaneously with the council or councils of other municipal districts to dig out burrows suppress and destroy rabbits and perform all acts required of them by this and the Principal Act, and to continue to do so until the municipal district of such council shall be certified to be practically free of rabbits by any Government inspector. If any such council shall neglect or refuse to commence simultaneously with the council or councils of other municipal districts, the Governor in Council may proclaim such municipal district a rabbit infested district and may appoint a local committee thereof.

Appointment of Government inspectors.

19. The Governor in Council may subject to the provisions of "The Public Service Act 1883" appoint Government inspectors for the suppression of rabbits, and may subject to the provisions of the said Act at any time remove the same. It shall be the duty of such Government inspectors from time to time to inspect the whole of Victoria and to report as to the presence of rabbits in the different portions thereof and generally as to the carrying out of the provisions of this and the Principal Act. The Governor in Council may from time to time make alter and repeal regulations for the guidance of such Government inspectors.

On petition showing failure or neglect of municipal council Governor in Council may appoint local committee to carry out Act.

20. If at any time it be made to appear to the satisfaction of the Governor in Council upon the petition of ten or more ratepayers of any municipal district that the council thereof have failed or neglected to take reasonable and diligent steps to promote the destruction of rabbits and to carry out the provisions of this and the Principal Act, then the Governor in Council may call upon such council to show cause why their municipal district should not be proclaimed a rabbit infested district, and after hearing the objections of such council if any may if he thinks fit proclaim such municipal district a rabbit infested district and may also appoint five persons to be a local committee thereof.

Duties and powers of local committees.

21. Any local committee appointed under the provisions of this Act shall perform all the duties and exercise all the powers by this and the Principal Act imposed or conferred upon such municipal council; and the expenses incurred by such local committee in the performance of such duties or in the exercise of such powers other than the expenses recoverable from the owners or occupiers of land shall be a debt due by such council to such local committee, and such debt may be recovered by such local committee or by any person in that behalf authorized by them before any two justices, of whom a police magistrate shall be one, or such debt may be satisfied so far as may be out of any moneys to which the municipality of such council may be entitled out of any grant voted by Parliament as a subsidy to municipalities.

22. The

22. The Governor may from time to time by Proclamation declare any animal to be a natural enemy of the rabbit, and prohibit within certain proclaimed districts the killing or capturing of any such animal without a special permit in that behalf, and may from time to time alter and revoke any such Proclamation.

What to be deemed  
a natural enemy of  
the rabbit.

23. Any person capturing or selling or disposing of or killing any animal so declared to be a natural enemy of the rabbit without a permit signed by an inspector so to do or in whose possession or on whose premises any such animal shall be found by any inspector or by any constable unless such person shall prove that the animal so killed sold or in his possession was lawfully in his possession or that the same was on his premises without his knowledge or consent shall on conviction before two justices be liable to a penalty of not less than Two nor more than Ten pounds.

Penalty for  
destroying such  
natural enemy.

24. In all proceedings which may be had by the council of the municipal district or by any local committee for the enforcement of the provisions of this Act no technical objection as to any matter of form or procedure shall prevail so long as there is a substantial cause on its merits to be determined.

Technical objections  
not to prevail.

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MELBOURNE:

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