

# WILD DOG DESTRUCTION ACT.

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Act No. 17, 1921.

George V, An Act to make better provision for the destruction  
No. 17. of wild dogs in the Western Division; to provide for the imposition of a rate upon the owners and occupiers of land in the Western Division; to amend certain Acts; and for purposes connected therewith. [Assented to, 17th December, 1921.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title  
and com-  
mencement.

**1.** This Act may be cited as the "Wild Dog Destruction Act, 1921," and shall come into force on a date to be notified by the Governor in the Gazette.

Application  
of Act.

**2.** This Act shall apply to the Western Division only.

**3.**

**3.** Unless the context otherwise requires—

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Definitions.

“ Authorised person ” means a person authorised by the Commissioners.

“ Commissioners ” means Commissioners of the Western Land Board of New South Wales as constituted under the Western Lands Act of 1901.

“ Dog-proof fence ” means a fence which is sufficient for the exclusion of wild dogs.

“ Minister ” means Secretary for Lands.

“ Occupier ” means person entitled for the time being to possession of land, and includes the resident manager where the occupier does not reside on the land.

“ Owner ” includes—

- (a) the holder, or the holder subject to mortgage, of any lease or license, or promise of any lease or license, from the Crown; and
- (b) a person to whom the Crown has contracted to grant the fee-simple of land under the Crown Lands Acts; and
- (c) persons for the time being in the authorised charge or possession of land.

“ Prescribed ” means prescribed by this Act, or by regulation made thereunder.

“ Scalp ” means a portion of the skin of the head of a wild dog to which both ears are attached, and a strip down the back with the tail, or such other portion of the skin as may be determined by the Commissioners and notified in the Gazette.

“ Western Division ” means Western Division as defined in the Second Schedule to the Crown Lands Consolidation Act, 1913.

“ Wild dog ” includes any dingo or native dog, or any dog which has become wild, or any dog which apparently has no owner and is not under control.

**4.** It shall be the duty of the owner or occupier of any land, at all times, at his own cost, to destroy all wild dogs upon such land.

Owner or  
occupier to  
destroy wild  
dogs.

**5.**

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Power of  
entry upon  
land.

Notice to  
owner or  
occupier.

Failure to  
comply with  
notice.

Payment to  
fund

Powers of  
authorised  
person.

**5.** The Commissioners, or any of them, or any authorised person may enter upon any land at any time, and remain upon such land, and take all such steps as are necessary for the purpose of ascertaining whether the requirements of this Act are being carried out.

**6.** Where the Commissioners have reason to believe that there are wild dogs upon any land they may, by notice in writing, require the owner or occupier of such land to do such acts and take such steps as are specified in the notice within the time specified therein for the more effective destruction of wild dogs upon such land.

**7.** Any owner or occupier who—

- (a) does not forthwith after service upon him of the notice mentioned in the last preceding section, commence to comply therewith; or
- (b) having so commenced, does not continue such compliance,

shall be deemed to have failed to comply with such notice.

**8.** (1) If the Commissioners are satisfied that any owner or occupier who has been served with a notice under section six has failed to comply therewith, they may, by written notice to such owner or occupier, require such owner or occupier to pay to the fund established by this Act such sum, not exceeding fifty pounds, as they shall determine:

Provided that they shall not so require or determine until they have given the owner or occupier an opportunity of showing by writing or otherwise that he has complied with the notice.

(2) The sum so determined and required to be paid shall constitute a debt due by such owner or occupier to the Commissioners, and may be recovered by the Commissioners from such owner or occupier in any court of competent jurisdiction.

(3) The payment of such sum shall not exempt the owner or occupier from any other liability imposed by this Act.

**9.** Where the Commissioners are satisfied that an owner or occupier has failed to comply with a notice under section six an authorised person may—

- (a) enter upon the land referred to in the notice with or without assistants, horses and vehicles;
- (b)

- (b) use all such means and do all such acts as he **George V,** considers necessary to ensure the destruction **No. 17.** of wild dogs upon such land ;
- (c) remain upon and shall have free right of access into and over such land for such period, and at such times as may be necessary for destroying wild dogs upon such land.

**10.** No authorised person or person employed by the Commissioners shall be deemed a trespasser or be liable for any damage occasioned by him in the exercise of his authority or in the course of his employment, unless such damage is occasioned wilfully and without necessity.

**11.** Any expense certified by the Commissioners as having been incurred or paid by them or on their behalf upon or in relation to any land in the exercise of any of the powers conferred by section nine shall be a debt due by the owner or occupier of the said land to the Commissioners, and may be recovered by the Commissioners in any court of competent jurisdiction.

**12.** (1) The Commissioners shall in each year impose and collect a rate not exceeding one twenty-fifth of a penny per acre per annum on all land in the Western Division, except land within a municipality, town, or village.

(2) The rate imposed in respect of any land shall be payable by the owner or occupier of such land and until payment thereof shall remain a charge upon such land, and shall have priority over all mortgages or other charges thereon other than debts due to the Crown :

Provided that where the Commissioners certify that it is unnecessary to continue to impose a rate, the Governor may by proclamation in the Gazette suspend the imposition and collection of such rate.

**13.** Particulars of the rate payable by any person shall be entered in a rate-book, and all persons shall have access thereto at all reasonable times. Entries made in the rate-book shall, on the production of such book, be prima facie evidence of the amount of any rate to which such entry relates, and of the person liable for payment of such rate.

**14.**

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Notice of  
rate.

**14.** The prescribed notice of the amount of any rate shall be given to the person liable to pay the same, and such amount shall be paid to such person or bank as may be specified in such notice and on or before the date therein stated: Provided that the amount due by any person may be payable by instalments, if the Commissioners so direct.

Land  
enclosed by  
dog-proof  
fence.

**15.** Where any owner or occupier, or group of owners or occupiers, satisfies the Commissioners that he or they have enclosed his or their land with a dog-proof fence, the rate imposed under this Act in respect of the land so enclosed shall be reduced by one-half during the period that such fence is maintained and repaired to the satisfaction of the Commissioners by such owner or occupier or group of owners or occupiers.

Effect of  
charge upon  
land.

**16.** Whenever by this Act any sum is expressed to be charged upon any land, any person thereafter becoming the owner of such land shall be deemed to have notice of such charge, and shall be liable to pay the sum so charged, or so much thereof as may for the time being be unpaid, as if he were the person originally liable; but nothing in this section shall operate to discharge the liability of any person previously liable therefor: Provided always that such charge shall be entered in the rate-book as against such land at the date of transfer, and it shall be the duty of the Commissioners when and so often as any land becomes chargeable with any sum under this Act, to have an entry of the same made as aforesaid.

Powers of  
mortgagee  
and trustee.

**17.** It shall be lawful for any person in whom any land is vested as mortgagee to add to his mortgage debt any sums expended by or recovered from him towards the erection or maintenance or repair of a dog-proof fence upon, near, or for the benefit of such land; and it shall be lawful for any person in whom any land is vested as a trustee to raise the sums required or recovered for any such purpose by mortgage of such land in the same way as if a power to mortgage for all or any of such purposes had been contained in the instrument creating or declaring the trust.

Payment of  
subsidy.

**18.** For any year in which rates have been collected there shall be paid from the Consolidated Revenue to the fund to be established under this Act a sum equal to twenty-five per centum of the amount of the rates collected during such year.

**19.**

**19.** The Colonial Treasurer shall cause a special deposit account to be opened in the Treasury to which shall be paid all moneys received from all sources under this Act. Such fund shall be called the "Wild Dog Destruction Fund," and shall be administered by the Commissioners.

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Wild Dog  
Destruction  
Fund.

**20.** Such fund, after deduction of the cost of collection of such moneys and of necessary supervision and administration, shall be used for—

Purposes for  
which fund  
may be used.

- (a) the maintenance in proper state of repair of that part of the fence known as the "Queensland Border Fence" from Hungerford to the South Australian border; and
- (b) the payment of wages, and allowances for scalps; and
- (c) any other purpose approved by the Minister.

**21.** The Commissioners may determine the rate of payment for scalps, and may determine one rate for the whole of the Western Division or different rates for different portions of that division, and may alter or cancel any rate so determined. Notice of any rate so determined, or of any alteration or cancellation of a rate, shall be published in the Gazette and in such other manner as the Commissioners may consider expedient.

Payment to  
scalps.

**22.** For the purposes of this Act the description of any land shall be sufficient if it allows no reasonable doubt as to what land is referred to.

Description  
of land.

**23.** Any notice given under or for the purpose of this Act, or any regulation thereunder, may be served by registered letter, directed to the person to whom the notice is addressed at the last known place of abode or business of such person in this State.

Service of  
notice.

**24.** The Commissioners may employ persons to carry out the provisions of this Act and pay them such wages and allowances as they think proper.

Commissioners  
may employ  
persons.

**25.** Any person who obtains or endeavours to obtain payment for scalps knowing that the same have already been paid for, or wilfully makes any false statement with respect to any scalps, shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding two months.

False  
statement  
with respect  
to scalps.

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Possession  
of dingo.

Offences.

**26.** Any person who, without the written authority of the Commissioners, has in his possession any dingo or half-bred dingo, shall be liable to a penalty not exceeding twenty pounds.

**27.** Any person who—

- (a) carries, drives, or passes any wild dog into the Western Division; or
- (b) obtains payment for scalps of wild dogs not destroyed in the Western Division; or
- (c) leaves open any gate in a dog-proof fence; or
- (d) without lawful authority, (the proof of which shall be on the person claiming to have the same), destroys, injures, tears up, depresses, cuts or removes any portion of a dog-proof fence or gate, or fence or gate apparently intended to protect any land from wild dogs, or excavates under, or in any way tampers with any portion of such fence or gate, so as to thereby endanger its effectiveness as a dog-proof fence or gate; or
- (e) attempts to do any such act as is hereinbefore mentioned, or procures the same to be done,

shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

Destruction  
of traps.

**28.** Any person who without lawful authority (the proof of which shall be on the person claiming to have the same), wilfully destroys, injures, removes, or interferes with any trap, snare, poison or thing which is used or required for the destruction of wild dogs, and which is lawfully placed upon any land for such purpose, shall be liable to a penalty not exceeding twenty pounds.

Personation  
or obstruction  
of authorised  
person.

**29.** (1) Any person who falsely represents himself to be, or personates an authorised person, shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding six months.

(2) Any person who hinders or obstructs the Commissioners, or any of them, or any authorised person in the discharge of any duty or the doing of any work imposed or authorised by this Act or necessary thereunder, or causes them or him to be so hindered or obstructed, shall be liable to a penalty not exceeding fifty pounds.

**30.**

**30.** Proceedings for the recovery of any penalty or the punishment of any offence under this Act or any regulation made thereunder may be taken before any stipendiary or police magistrate or any two justices in petty session. George V,  
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Recovery of  
penalties.

**31.** (1) The Governor may make regulations as to all matters necessary or convenient for giving effect to the objects and provisions of this Act. Regulations.

(2) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall therefrom cease to have effect.