

**WILD DOG DESTRUCTION (AMENDMENT) ACT.**

**Act No. 40, 1957.**

An Act to provide for the establishment and incorporation of a Wild Dog Destruction Board to exercise and perform the powers, authorities, duties and functions under the Wild Dog Destruction Act, 1921-1950, of the Western Lands Commissioner; for this and other purposes to amend that Act and certain other Acts; and for purposes connected therewith. [Assented to, 22nd November, 1957.]

**Elizabeth II,  
No. 40, 1957.**

BE

**Wild Dog Destruction (Amendment) Act.**

No. 40, 1957.

**B**E it enacted by the Queen'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,  
citation and  
commence-  
ment.

**1.** (1) This Act may be cited as the "Wild Dog Destruction (Amendment) Act, 1957."

(2) The Wild Dog Destruction Act, 1921, as amended by subsequent Acts and by this Act, may be cited as the Wild Dog Destruction Act, 1921-1957.

(3) (a) This Act shall, except as provided in paragraph (b) of this subsection, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(b) For the purposes only of the constitution of the Wild Dog Destruction Board and of any matter necessary for or incidental to such constitution, the amendment made by section two of this Act shall commence upon the day upon which the assent of Her Majesty to this Act is signified. Upon the day appointed pursuant to paragraph (a) of this subsection such amendment shall have full force and effect for all purposes.

Amendment  
of Act No.  
17, 1921.  
New secs.  
3A-3G.

**2.** The Wild Dog Destruction Act, 1921-1950, is amended by inserting next after section three the following new sections:—

The Wild  
Dog  
Destruction  
Board.

**3A.** (1) There shall be constituted for the purposes of this Act a Wild Dog Destruction Board.

(2) (a) The board shall be a body corporate under the name of "The Wild Dog Destruction Board" with perpetual succession and a common seal and shall be capable by that name of suing and being

being sued and, subject to this Act, of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. No. 40, 1957.

(b) All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence shall take judicial notice of the seal of the board affixed to any document and shall, until the contrary is proved, presume that such seal was properly affixed thereto.

(3) The board shall consist of five members.

(4) The Commissioner shall be a member and the chairman of the board. During such time as the Commissioner is prevented by absence, illness or otherwise from acting in the office of chairman of the board an Assistant Western Lands Commissioner to be nominated by the Commissioner shall act as chairman of the board and while so acting such Assistant Western Lands Commissioner shall be deemed to be a member of the board and shall have the powers, authorities, duties and functions of the chairman.

(5) The remaining members (hereinafter referred to as "appointed members") shall be appointed by the Governor. Of the members so appointed—

- (a) one shall be appointed on the nomination of the Pastures Protection Board for the Pastures Protection District of Broken Hill;
- (b) one shall be appointed on the nomination of the Pastures Protection Board for the Pastures Protection District of Milparinka;
- (c) one shall be appointed on the nomination of the Pastures Protection Board for the Pastures Protection District of Wanaaring;
- (d)

**Wild Dog Destruction (Amendment) Act.**No. 40, 1957.

(d) one shall be appointed on the nomination of the Pastoralists' Association of West Darling.

(6) No person shall be nominated or appointed as a member of the board unless he is ordinarily resident in the Western Division and is ordinarily engaged in pastoral pursuits on land within that Division.

(7) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member of the board, and any such member shall not, in his capacity as such member, be subject to the provisions of any such Act during his term of office.

(8) If any of the pastures protection boards specified in subsection five of this section is dissolved or the association so specified ceases to exist or any body which has in accordance with the provisions of this subsection been substituted for any such board or association ceases to exist the Minister may, by notice published in the Gazette, declare that some other body specified in the notice (being a body which, in the opinion of the Minister, has similar objects or represents similar interests to those of or represented by the board, association or body for which it is being substituted) shall be substituted for such board, association or body, and thereupon the said subsection five shall, until a further notice in respect of such board, association or body is so published under the provisions of this subsection, be deemed to be amended by deleting therefrom the name of such board, association or body and by inserting in lieu thereof the name of the body so substituted.

(9) An appointed member shall, subject to this Act, hold office for three years and shall, if otherwise qualified, be eligible for reappointment.

(10)

(10) A person who is of or above the age of sixty-five years shall not be appointed as a member of the board. No. 40, 1957.

(11) Meetings of the board shall be held at such times and at such places as are from time to time determined by the chairman but a meeting of the board shall be held not less than once in every three months.

(12) A quorum of the board shall consist of the chairman of the board or the Assistant Western Lands Commissioner authorised by subsection four of this section to act as chairman and two other members of the board.

(13) The chairman of the board or in his absence the Assistant Western Lands Commissioner authorised by subsection four of this section to act as chairman shall preside at all meetings of the board and, in the event of an equality of votes, shall have a casting vote as well as a deliberative vote.

(14) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that, at the time such act or proceeding was done, taken or commenced, there was a vacancy in the office of any appointed member.

(15) The appointed members shall be entitled to receive such fees and travelling or other expenses as the Minister may from time to time determine.

3b. Where any pastures protection board or association or body entitled to make a nomination under section 3A of this Act does not forward such nomination so as to reach the Minister within the time limited by a notice forwarded to such board, association or body by the Minister and requiring it to make such nomination the Minister may make such nomination which shall, for the purposes of this Act, be deemed to have been made by such board, association or body, as the case may be. Power of the Minister in default of nomination.

3c.

**Wild Dog Destruction (Amendment) Act.**

No. 40, 1957.

Extra-  
ordinary  
vacancy.

3c. (1) An appointed member shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) absents himself from three consecutive meetings of the board, of which reasonable notice has been given to him either personally or in the ordinary course of post, except on leave granted by the board;
- (d) is convicted of a felony;
- (e) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts;
- (f) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (g) ceases to hold office pursuant to subsection two of this section.

An appointed member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years.

(2) The Governor may—

- (a) upon a request to do so being made to him by any board, association or body on whose nomination any member was appointed to the board, or by any body which has in accordance with the provisions of subsection eight of section 3A of this Act been substituted for any such board, association or body, remove that member from office;
- (b) for any other cause which appears to him to be sufficient remove any member, other than the chairman, from office.

3D.

3D. Where a casual vacancy occurs in the office of a member appointed by the Governor, the Governor may appoint a person to the vacant office. The person so appointed shall be appointed on the nomination of the pastures protection board, association or body on whose nomination the member whose office has become vacant was appointed, or where any body has in accordance with the provisions of subsection eight of section 3A of this Act been substituted for any such board, association or body, on the nomination of the body so substituted, and shall, subject to this Act, hold office for the residue of his predecessor's term of office.

No. 40, 1957.

Casual  
vacancy.

3E. (1) Where the board has failed or neglected to make or levy rates as required by this Act or otherwise to exercise or discharge its powers, authorities, duties and functions under this Act in any material respect, the Governor may, by proclamation published in the Gazette, remove all the members of the board from office as such members.

Removal of  
board from  
office and  
appoint-  
ment of  
administra-  
tor.

(2) Where the Governor has pursuant to subsection one of this section removed the members of the board from office, he may, by proclamation at the same or any subsequent time, appoint an administrator who shall have the powers, authorities, duties, functions and liabilities of the board and who shall be paid out of the Wild Dog Destruction Fund established by this Act such salary as the Governor may from time to time determine.

(3) At any time after the appointment of an administrator as aforesaid, the Governor may in accordance with and subject to the provisions of section 3A of this Act appoint the persons to be appointed as members of the board under subsection five of that section and thereupon—

- (a) the Commissioner shall resume his office as a member and the chairman of the board;
- and
- (b)

**Wild Dog Destruction (Amendment) Act.**No. 40, 1957.

(b) the administrator shall cease to hold office as such.

Use of  
services of  
officers and  
employees  
of the  
Public  
Service.

3F. (1) The board may, with the approval of the Minister of the Department concerned, and on such terms as may be agreed upon, arrange—

- (a) for the carrying out by such Department or by an officer or employee of such Department of any administrative work required or authorised by or under this Act to be carried out by the board or for the compiling and keeping of any records (including the rate-book to be kept by the board under section thirteen of this Act) necessary for the purposes of the board; and
- (b) for the purposes of this Act to have access to and make use of any records or documents kept or held by any such Department.

In this subsection "Department" includes the office of the Commissioner.

(2) The board may delegate to any member or employee of the board any of its powers, authorities, duties and functions (other than the power conferred on the board by this subsection) and any such member or employee may exercise and perform such of the board's powers, authorities, duties and functions as may have been so delegated to him.

Notwithstanding any such delegation the board may continue to exercise and perform any of the powers, authorities, duties and functions so delegated.

The board may at any time revoke any such delegation.

3G.

3g. On and from the commencement of the Wild Dog Destruction (Amendment) Act, 1957, the following provisions shall have effect:—

No. 40, 1957.  
Rights,  
liabilities  
and  
property.

- (a) All property (in this section referred to as transferred property) whether real or personal, which immediately before that commencement was held by the Commissioner for the purposes of this Act shall vest in and belong to the board for such purposes.
- (b) All moneys, liquidated and unliquidated claims which immediately before that commencement, were payable to or recoverable by the Commissioner under this Act shall be moneys, liquidated and unliquidated claims payable to or recoverable by the board.
- (c) All suits, actions and proceedings pending immediately before that commencement at the suit of the Commissioner in relation to any matters under this Act or the transferred property or any part thereof shall respectively be suits, actions and proceedings pending at the suit of the board.
- (d) All contracts, agreements and undertakings entered into for the purposes of this Act with the Commissioner and in force immediately before that commencement shall respectively be deemed to be contracts, agreements and undertakings entered into with the board.
- (e) The board may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the Commissioner might have done but for the Wild Dog Destruction (Amendment) Act, 1957.

(f)

No. 40, 1957.

- (f) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the Commissioner solely in relation to any matter under this Act or the transferred property or any part thereof shall be debts due and moneys payable by and claims recoverable against the board.
- (g) (i) Every person who immediately before that commencement was an employee of the Commissioner employed under this Act shall upon that commencement become an employee of the board.
- (ii) The period of service with the Commissioner of any person who by virtue of this paragraph becomes an employee of the board shall be deemed to be service with the board for the purposes of the terms and conditions, relating to annual leave, sick leave or long service leave, of any staff agreement or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, or for the purposes of the Annual Holidays Act, 1944, or the Long Service Leave Act, 1955.
- (iii) Any such person shall not be entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

Further  
amendment  
of Act No.  
17, 1921.

**3.** The Wild Dog Destruction Act, 1921-1950, is further amended—

Sec. 3.  
(Defini-  
tions.)

- (a) (i) by inserting in section three at the end of the definition of "Authorised person" the following words and new definition:—  
or the board.

"Board"

**Wild Dog Destruction (Amendment) Act. 337**

“Board” means the Wild Dog Destruction Board constituted under this Act. No. 40, 1957.

- (ii) by inserting in the same section next after the definition of “Prescribed” the following new definition:—

“Queensland Border Fence” means the fence known by that name and erected on or near the northern border of New South Wales and extending from or near the western border of New South Wales at its junction with the said northern border for approximately two hundred and seventeen miles easterly to a point approximately ten miles east of Hungerford.

- (iii) by omitting from the definition of “Scalp” in the same section the word “Commissioner” and by inserting in lieu thereof the word “board”;

- (iv) by inserting next after the same definition the following new definition:—

“South Australian Border Fence” means the fence known by that name and erected on or near the western border of New South Wales and extending from or near the northern border of New South Wales at its junction with the said western border for approximately one hundred and sixty miles southerly.

- (b) by omitting from section five the word “Commissioner,” and by inserting in lieu thereof the words “board, or the Commissioner, or any other member of the board,”; Sec. 5. (Power of entry upon land.)

(c)

**Wild Dog Destruction (Amendment) Act.**

- No. 40, 1957.**
- Sec. 6.  
(Notice to owner or occupier.)
- (c) (i) by omitting from section six the word "Commissioner" and by inserting in lieu thereof the word "board";
- (ii) by omitting from the same section the word "he" and by inserting in lieu thereof the word "it";
- Sec. 8.  
(Payment to fund.)
- (d) by omitting from section eight the word "Commissioner" wherever occurring and by inserting in lieu thereof the word "board";
- Sec. 9.  
(Powers of authorised person.)
- (e) by omitting from section nine the word "Commissioner" and by inserting in lieu thereof the word "board";
- Sec. 9A.  
(Erection of dog-proof fences by Commissioner.)
- (f) (i) by omitting from section 9A the words "The Commissioner may if in his opinion it is necessary so to do" and by inserting in lieu thereof the words "The board may";
- (ii) by omitting from the same section the words "fence known as the 'Queensland Border Fence' from Hungerford to the South Australian border and of the fence known as the 'South Australian Border Fence' erected on or near the western border of New South Wales," and by inserting in lieu thereof the words "Queensland Border Fence or the South Australian Border Fence";
- Sec. 10.  
(Authorised person not to be deemed a trespasser.)
- (g) by omitting from section ten the word "Commissioner" and by inserting in lieu thereof the words "or the board";
- Subst. sec. 11.
- (h) by omitting section eleven and by inserting in lieu thereof the following section:—
- Recovery of expenses incurred by the board.
11. Any expense certified by the board as having been incurred or paid by it or on its behalf upon or in relation to any land in the exercise of any of the powers conferred on the board

**Wild Dog Destruction (Amendment) Act.**

339

board by section nine of this Act shall be a debt No. 40, 1957.  
due by the owner or occupier of the said land  
to the board and may be recovered by the board  
in any court of competent jurisdiction.

- (i) (i) by omitting from section twelve the word Sec. 12.  
“Commissioner” wherever occurring and (Rate to be  
by inserting in lieu thereof the word imposed.)  
“board”;
- (ii) by omitting from the same section the word  
“one-eighth” and by inserting in lieu  
thereof the word “one-quarter”;
- (j) by omitting from section fourteen the word Sec. 14.  
“Commissioner” and by inserting in lieu (Notice  
thereof the word “board”; of rate.)
- (k) by omitting from section fifteen the word Sec. 15.  
“Commissioner” wherever occurring and by (Land  
inserting in lieu thereof the word “board”; enclosed by  
dog-proof  
fence.)
- (l) by omitting from section sixteen the word Sec. 16.  
“Commissioner” and by inserting in lieu (Effect of  
thereof the word “board”; charge  
upon land.)
- (m) by inserting at the end of section eighteen the Sec. 18.  
following new paragraph— (Payment  
of subsidy.)  
This section shall not apply in respect of any  
rates collected after the year one thousand  
nine hundred and fifty-seven.
- (n) (i) by omitting from section nineteen the words Sec. 19.  
“and shall be administered by the Commis- (Wild Dog  
sioner”; Destruction  
Fund.)
- (ii) by inserting at the end of the same section  
the following new subsections:—  
(2) The fund shall be under the control  
of the board and shall be operated upon in  
the manner prescribed.

(3)

No. 40, 1957.

(3) The said fund shall be made available to the board for the purposes for which the said fund may be used.

(4) The board shall upon a request to do so being made by any person duly authorised in writing by the Auditor-General or by the Minister produce or cause to be produced for inspection to that person all books, accounts, agreements, vouchers, letters or other documents, kept or held by it and relating to any matter under this Act.

Sec. 20.  
(Purposes  
for which  
fund may  
be used.)

(o) (i) by inserting in section twenty after the word "used" the words "by the board";

(ii) by omitting paragraphs (a) and (b) of the same section and by inserting in lieu thereof the following paragraphs:—

(a) the erection, conversion, maintenance or repair of the Queensland Border Fence, the South Australian Border Fence and any fence which the board may erect, convert, maintain or repair under section 9A of this Act and any purpose connected therewith; and

(b) the payment of fees and travelling or other expenses, which the appointed members of the board are entitled to receive under subsection fifteen of section 3A of this Act, and remuneration and allowances to employees of the board and allowances for scalps; and;

Sec. 21.  
(Payment  
for scalps.)

(p) by omitting from section twenty-one the word "Commissioner" wherever occurring and by inserting in lieu thereof the word "board";

(q)

- (q) (i) by omitting from section twenty-four the word "Commissioner" and by inserting in lieu thereof the word "board"; No. 40, 1957.  
Sec. 24.  
(Commissioner may employ persons.)
- (ii) by omitting from the same section the word "wages" and by inserting in lieu thereof the word "remuneration";
- (iii) by omitting from the same section the words "the Minister" and by inserting in lieu thereof the word "it";
- (r) (i) by omitting from section twenty-six the word "Commissioner" and by inserting in lieu thereof the word "board"; Sec. 26.  
(Possession of dingoo.)
- (ii) by omitting from the same section the word "twenty" and by inserting in lieu thereof the word "fifty";
- (s) by omitting from section twenty-eight the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 28.  
(Destruction of traps.)
- (t) by omitting subsection two of section twenty-nine and by inserting in lieu thereof the following subsection:— Sec. 29.  
(Personation or obstruction of authorised person.)
- (2) Any person who hinders or obstructs the Commissioner, or the board, or any member of the board, 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 who causes the Commissioner or the board, or any member of the board, or any authorised person to be so hindered or obstructed, shall be liable to a penalty not exceeding one hundred pounds.
- (u) by omitting from section thirty the words "or police". Sec. 30.  
(Recovery of penalties.)