



ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A. D. 1878.

No. 94.

An Act to amend "The Rabbit Destruction Act of 1875."

[Assented to, 16th October, 1878.]

WHEREAS it is expedient to amend "The Rabbit Destruction Act, 1875"—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. Section 3 of "The Rabbit Destruction Act, 1875," is hereby repealed, but all Rabbit Districts already proclaimed thereunder, shall continue to be Rabbit Districts, and shall be under and subject to the provisions of this Act, and all rates heretofore made shall be recoverable in manner and shall be expended for the purposes provided by "The Rabbit Destruction Act 1875." Repeal of Section 3 of 16 of 1875.

2. The Governor may, on the recommendation of the Commissioner, or on the receipt of a petition signed by a majority of the members of any District Council of any district, or by twenty landholders holding in the aggregate not less than two thousand acres of land within such district, praying that such district may be declared a Rabbit District, by Proclamation constitute and declare such district to be a Rabbit District under and for the purposes of this and the said "The Rabbit Destruction Act, 1875." Rabbit Districts may be proclaimed within the limits of District Councils.

3. From and after the passing of this Act all the powers and authorities conferred upon District Councils by Part I. of "The Rabbit Destruction Act, 1875" (other than so far as may be necessary for carrying out the provisions of Section 1 of this Act), shall cease, and the said powers and authorities shall be, and the Powers of District Councils vested in Commissioner.
same

Rabbit Destruction Amendment Act.—1878.

same are hereby vested in the Commissioner, and all persons authorised by the Commissioner shall have the same powers and authorities as are by the said Act given to and vested in persons authorised by any District Council to do any of the several matters and things in the said Act specified.

Amendment of
section 5 of 16 of
1875.

4. Section 5 of "The Rabbit Destruction Act, 1875," shall be read and construed as if the following words had been inserted at the end of the said section, that is to say—The costs and expenses incurred by the Commissioner, or any person authorised by him, in entering upon any land, and doing all such acts as shall be necessary for the purpose of destroying any rabbits thereon, shall be paid by the owner or occupier of such land, and such owner or occupier shall pay to the Commissioner (or other the person or persons authorised by him in that behalf to receive the same) the amount of such costs and expenses; and such amount shall be deemed to be a debt due to the Commissioner, and be recoverable by him by action. Until such costs and expenses shall be paid by the person liable to pay the same the amount thereof shall be paid out of the General Revenue of the said province.

Waste Lands of the
Crown to be subject
to Act.

5. The Commissioner and all persons by him authorised are hereby empowered to enter upon any waste lands of the Crown, Government reserves, or lands leased for pastoral purposes, with such assistant or assistants as he or they shall deem necessary, for the purpose of ascertaining if there be any rabbits thereon, and to do all such acts as shall be necessary for the purpose of destroying the rabbits thereon; and the costs and expenses incurred in so doing shall be paid by the Treasurer out of the General Revenue of the said province: Provided that when the Commissioner shall have destroyed the rabbits on any lands leased for pastoral purposes, and notice of the resumption of such lands shall not be given for a period of three years after the rabbits shall have been so destroyed, then the lessee of such lands at the time of such destruction, or the assignee of such lessee, shall repay to the Commissioner the cost of the destruction of such rabbits, which may be recovered by the Commissioner by action in any court of competent jurisdiction. And in any such action any account purporting to be signed by the Commissioner shall be received as *prima facie* evidence of the cost of such destruction.

Rabbits not to be set
loose.

6 Any person who shall wilfully set loose any rabbits, or knowingly and wilfully permit any rabbits to be set loose in any part of the said province shall, on conviction, forfeit and pay for each offence a penalty not exceeding Ten Pounds.

Governor may make
regulations.

7. The Governor may from time to time make, repeal, alter, and vary, such regulations as he may deem advisable for carrying out the objects, purposes, and provisions of this Act; and every regulation when published in the *Government Gazette* shall have the force of law. Any regulation hereafter made under the authority of this Act shall be laid before Parliament within fourteen days after the publication

Rabbit Destruction Amendment Act.—1878.

publication thereof, if the Parliament be then sitting, and if the Parliament be not then sitting, within fourteen days from its next sitting, for the dispatch of business.

8. Except so far as the same is inconsistent with this Act “The Rabbit Destruction Act, 1875,” shall be incorporated and read here-^{Incorporation.} with as one Act.

9. This Act may be cited for all purposes as “The Rabbit^{Short title.} Destruction Amendment Act, 1878.”

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

WM. F. DRUMMOND JERVOIS, Governor.