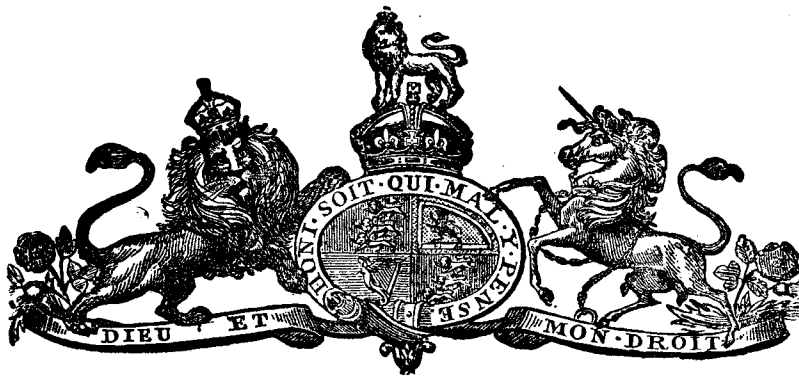


T A S M A N I A



1910.

ANNO PRIMO

GEORGII V. REGIS,

No. 2.

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short title and incorporation with 53 Vict. No. 42. 2. Interpretation. 3. Power to sell wire netting to municipal councils. 4. Agreements with councils as to price and payment for wire netting. 5. Remedy for non-payment of moneys in arrear. 6. Payments on account to be credited. 7. Limit of assistance to any one owner, and interest payable by him. 8. Advances to Crown lessees or adjoining landowners.
Limit of advance. | <ol style="list-style-type: none"> 9. Amount of advance. 10. Security by way of mortgage or otherwise for advance. 11. Priority of security. 12. Power to raise money by mortgage. 13. No fees to be charged. 14. Personal liability for advance. 15. Repayments to Minister on account to be credited. 16. Penalty for using wire netting not for purposes of advance. 17. Power to make regulations. 18. Procedure. |
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AN ACT to provide for Supplying Owners of ^{A.D.} 1910.
 Land with Wire Netting for Rabbit-proof
 Fences. [25 August, 1910.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Wire Netting Act, 1910,” and shall be incorporated with and read and construed as one with “The Rabbits Destruction Act, 1889,” and any Acts amending the same. Short title and incorporation with 53 Vict. No. 42.

8d.]

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Interpretation.

3 Ed. VII. No.
39.7 Ed. VII. No.
20.6 Ed. VII. No.
33.

2 In this Act, unless inconsistent with the context—
“Land”—

- I. Means land within an infested district ;
- II. Includes land held under lease under “The Crown Lands Act, 1903,” if the unexpired term of the lease exceeds Ten years at the time when an advance of wire netting under this Act is made to the owner in respect of such land ;
- III. Does not include—
 - (a) Land held under purchase from the Crown upon the credit system by persons being farmers and other producers within the meaning of “The State Advances Act, 1907,” in respect of which less than half of the purchase-money has been paid ;
 - (b) Land which is subject to the provisions of “The Closer Settlement Act, 1906” ;
 - (c) Land held for mining purposes under any lease, licence, or other right from the Crown :

“Minister” means the responsible Minister of the Crown for the time being administering “The Rabbits Destruction Act, 1889” :

“Municipality” means any municipality other than a city :

“Owner,” as to any land, includes—

- I. The person for the time being in the actual receipt of or entitled to receive, or who, if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise ;
- II. In the case of any Crown land held under lease under “The Crown Lands Act, 1903,” the person entitled to the leasehold estate.

Supplying of Wire Netting to Municipal Councils.

Power to sell wire netting to municipal councils.

3 In order to enable the council of any municipality to supply owners of land with wire netting for rabbit-proof fences, for protecting such land or portion thereof from rabbits, the Governor may authorise the Minister to sell wire netting to any municipal council which undertakes to make arrangements with owners of land in its municipality to buy such wire netting from the council for the purpose of using the same for their respective holdings, such holdings being wholly or partly situate within an infested district.

Agreements with councils as to price and payment for wire netting.

4—(1.) Every municipal council which obtains wire netting under this Act shall previously thereto enter into an agreement with the Minister to pay to him therefor out of its municipal fund a price fixed in such agreement.

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(2.) Ten per centum of the said price shall be paid by the council in cash on the signing of the agreement, and unless otherwise expressly provided in the agreement the balance of the price shall be paid yearly in Nine equal instalments, with interest thereon at the rate of Four Pounds and Five Shillings per centum per annum from the date of the supplying of such wire netting in pursuance of such agreement. A.D. 1910.

(3.) The price at which the wire netting shall be advanced by the Council shall be fixed in the said agreement.

5 If at any time the council of a municipality fails for a period of Six months to pay any instalment of the price, or to pay interest thereon as hereinbefore provided, the Governor may appoint, at such salary as he thinks fit, a receiver of the rates of such council; and the provisions of Section Fifteen of "The Rabbits Destruction Amendment Act, 1893," shall, with the necessary alterations, be applicable for the purpose of enforcing payment of any instalment or interest in arrear. Remedy for non-payment of moneys in arrear.

6 All sums (other than for interest) paid pursuant to the foregoing section shall be paid by the Treasurer of the State to the credit of the Public Debts Sinking Fund, and all sums paid to the Treasurer for interest shall form part of the Consolidated Revenue. Payments on account to be credited.

Assistance to Landowners by Municipal Councils.

7—(1.) The council of any municipality which obtains wire netting from the Minister under this Act may grant an advance of wire netting to an extent sufficient for not more than Five lineal miles of fencing to any owner of land for fencing any portion of his land (not being less than Five acres in area, and not being land held under lease under any Act relating to Crown lands) with rabbit-proof fencing. Limit of assistance to any one owner, and interest payable by him.

(2.) Every owner of land who receives any such wire netting from any council shall, from the date of the supplying of the same, pay to such council interest at a rate not exceeding Four Pounds and Ten Shillings per centum per annum on the amount of the price of such wire netting, or on so much thereof as remains unpaid.

(3.) Such interest shall, unless otherwise agreed upon between the council and the owner, be payable on the First day of *January* in each and every year, and if default is made in paying the same the amount thereof may be recovered and enforced by the council in a summary way, in the manner in which unpaid rates due to the council may be recovered and enforced, or by action in any court of competent jurisdiction, from the owner for the time being of such land or any part thereof.

Assistance to Landowners by the Minister.

8 An advance of wire netting, but not in any case to a greater extent than is sufficient for Six lineal miles of fencing, for the rabbit-proof fencing of his land may be made by the Minister on the recommendation of the Secretary for Lands to any owner of land in any Advances to Crown lessees or adjoining land-owners. Limit of advance.

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part of the State, on such terms as to security and otherwise as may be arranged—

- i. If such land is held under lease (other than for mining purposes) under any Act relating to Crown lands:
- ii. If such land immediately adjoins any unoccupied Crown land.

General.

Amount of advance.

9—(1.) For the purposes of this Act the price of the wire netting advanced to any owner by any council or the Minister shall be deemed and taken to be the amount of the advance granted to such owner.

(2.) The amount of the price of any wire netting advanced to any owner of land by any council or the Minister, with interest thereon at the rate agreed upon, shall be and, until paid to such council or Minister (as the case may be), remain a first charge (in priority to all mortgages, charges, liens, and encumbrances whatsoever, but subsequent to the land tax or to any municipal or other rate) upon the land for the fencing of which such wire netting is supplied unless the land reverts to the Crown.

(3.) Upon payment of a fee of One Shilling the clerk of any municipal council, or an officer authorised for the purpose by the Minister (as the case may be), shall give to any owner of land a certificate signed by such clerk or officer stating what moneys, if any, are a charge on such land under this section, and are due and payable to the council or the Minister (as the case may be) in respect of such land, or that no moneys are then so charged or due or payable.

(4.) The production of such certificate so signed shall be deemed conclusive evidence that at the date thereof no moneys, other than such as are stated in the certificate, were due and payable to such council or the Minister (as the case may be) in pursuance of this section.

(5.) The production of a copy of the "Gazette" purporting to contain a notification by the Minister that an officer named therein is authorised for the purposes of Subsection (3.) shall be sufficient evidence that such officer is so authorised until the contrary is shown.

(6.) Wire netting advanced to an owner under this Act shall not (unless in conjunction with any land to which it is attached or affixed) be sold by the sheriff or any other officer by virtue of any writ of *feri facias* or other writ or process of execution of any court whatsoever.

Security by way of mortgage or otherwise for advance.

10—(1.) In order to further secure the repayment of the amount of an advance to an owner under this Act, and the payment of interest thereon, an owner of land (except as hereinafter provided) shall if required to the necessary extent give the council or Minister (as the case may be) a mortgage over his land, or such other security as the council or Minister (as the case may be) may approve.

(2.) Any council or the Minister (as the case may be) may require an owner to give more than One class of security to secure the repayment of any advance and the payment of interest thereon.

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(3.) The repayment of any advance shall, unless otherwise agreed upon, be made by an owner in Ten yearly instalments, the First of which shall become due and payable on the First day of *January* next after the date of the advance. A.D. 1910.

11—(1.) Where the land of an owner is subject to any mortgage or encumbrance, legal or equitable, no advance shall be made to any such owner without the written consent of each mortgagee or encumbrancer of such land, who shall produce the mortgage or encumbrance to the Registrar of Deeds or Recorder of Titles, as the case may be, in order that a note of the advance under this Act may be endorsed thereon by such Registrar or Recorder. Priority of security.

(2.) Such consent shall be in the form or to the effect prescribed by the regulations under this Act.

(3.) In the event of any mortgagee or encumbrancer of land refusing his consent as aforesaid or failing to give the same within Ten days after request in writing by the owner, then if the Chief Inspector under "The Stock Act," after a personal inspection, certifies in writing to the Director of Agriculture that he is of opinion that the advance would increase the value of the security, the Director of Agriculture may, if he thinks fit, authorise the advance to be made without the consent of such mortgagee or encumbrancer.

(4.) When any advance has been granted and made to an owner the charge thereby arising upon such owner's land, and any security taken by the council or Minister, shall, without further or other authority than this Act, have priority over any such mortgage and encumbrance as first aforesaid.

12 It shall be lawful for any person in whom any land is vested as mortgagee to add to his mortgage debt any sums expended or contributed by or recovered from him for or towards the erection of a rabbit-proof fence, or the converting of a fence into a rabbit-proof fence upon, near, or for the benefit of such land, or for or towards the maintenance or repair of any such fence; 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 any or all of such purposes had been contained in the instrument creating or declaring the trusts. Power to raise money by mortgage.

13 No agreement, document, or security given or executed for the purposes of this Act, or any release thereof, shall be liable to stamp duty or filing or registration fees; nor shall any fee or charge be demanded or paid in respect of the swearing of any affidavit made for the purposes of this Act. No fees to be charged.

14 In addition to the security to be given by any owner who receives an advance of wire netting, as in this Act provided, it is hereby enacted that the amount at any time due to a council or the Personal liability for advance.

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Minister by any owner in respect of an advance under this Act shall, with interest thereon, be a debt due to the council or His Majesty, as the case may be, by the owner, and the payment thereof or of any instalment which is due and owing may be recovered and enforced—

i. By the council in a summary way in the manner in which unpaid rates due to the council may be recovered or enforced, or by action in any court of competent jurisdiction :

55 Vict. No. 25.

ii. On behalf of His Majesty, under the provisions of "The Crown Remedies Act, 1891," as in the case of debts due to His Majesty—

from the owner for the time being of such land or any part thereof.

Repayments to
Minister on
account to be
credited.

15 All sums received or recovered by the Minister under or pursuant to this Act shall be paid by him to the Treasurer of the State, who shall place all sums (other than for interest) to the credit of the Public Debts Sinking Fund ; and all sums received for interest shall be paid into and form part of the Consolidated Revenue.

Penalty for using
wire netting not
for purposes of
advance.

16 Any person—

i. Who receives any wire netting from a council or from the Minister as hereinbefore provided, and who without written authority in any manner directly or indirectly uses the same or any part thereof, or permits the same or any part thereof to be used for any purpose whatsoever other than fencing his land : or

ii. Who receives an advance of wire netting, and without written authority sells or gives away the same or any part thereof, or allows any of the same to be sold or given away, or who without written authority in any way or by any means whatever, directly or indirectly, disposes thereof or uses the same for any purpose other than the fencing of his land—

shall be guilty of an offence, and shall on conviction in a summary way be liable to a penalty not exceeding One hundred Pounds, or not exceeding Six months imprisonment.

Power to make
regulations.

17 The Governor may make regulations prescribing—

- i. The mode and form of making applications for advances of wire netting, and whether by statutory declaration or otherwise :
- ii. The form of any security and the discharge or entry of satisfaction thereof :
- iii. The form of consent of mortgagees and encumbrancers to any mortgage or encumbrance being given for any advance under this Act :
- iv. The mode of procedure where written consent of a mortgagee or encumbrancer is refused or is not given, and the authority of the Director of Agriculture for an advance without consent is desired : and

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v. Any other matters whatsoever not being contrary to the provisions of this Act necessary to give effect to this Act. A.D. 1910.

18 All informations for offences against the provisions of this Act, and all penalties and fines imposed by or under the provisions of this Act, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply. Procedure.
19 Vict. No. 8.

