ANNO QUINTO

EDWARDI VII REGIS.

A.D. 1905.

No. 905.

An Act to consolidate and amend the Law relating to Vermin Destruction and Vermin Fencing, and for other purposes.

[Assented to, December 9th, 1905.]

Be it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Vermin Act, 1905."  
2. This Act shall come into operation on a day to be fixed by the Governor by Proclamation, and mention hereinafter made of the passing of this Act shall be deemed to refer to the coming into operation hereof.

3. This Act is divided into Parts and Divisions as follows:

   PART I.—Interpretation and Repeal.

   PART II.—Vermin Destruction—
   
   DIVISION I.—Government Inspectors:
   
   DIVISION II.—Destruction on Crown Lands:

   DIVISION III.—Powers and Duties of Councils and Vermin Boards:

   DIVISION IV.—Destruction by Owners and Occupiers.

   PART III.—Vermin-Fenced Districts and Vermin Boards—

   DIVISION I.—Constitution of Vermin-Fenced Districts and Boards:

   DIVISION II.—Members of Boards:

   DIVISION III.—Auditors:

   DIVISION IV.—Elections:

   DIVISION V.—Meetings of the Board:

   DIVISION VI.—Contracts and Works:
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Division VII.—Revenue and Expenditure:
Division VIII.—Making and Recovery of Rates:
Division IX.—Loans:
Division X.—Officers of the District:
Division XI.—By-laws and Regulations:
Division XII.—Differences between Boards.

Part IV.—Vermin Fencing by Vermin Trusts.
Part V.—Vermin Fencing by the Crown.
Part VI.—Wire Netting Fencing by Owners and Occupiers—
Division I.—Wire Netting within District Councils:
Division II.—Wire Netting on Pastoral and other Leases Outside of Hundreds:
Division III.—Contribution to Vermin-proof Fences by Adjoining Owners.

Part VII.—Enforcement of Act—
Division I.—Offences:
Division II.—Evidence:
Division III.—Legal Procedure.

Part I.

Interpretation and Repeal.

4. In the construction of this Act, except where otherwise clearly intended—

"Any land" means all lands in South Australia, not including the Northern Territory, not coming under the definition of Crown lands:

"Authorised person" means and includes all persons who, for the purpose of carrying into effect the provisions of Part II. of this Act, are authorised and appointed in writing—

(a) By a District Council, as regards anything to be done within the boundaries of its District (except in cases where the provisions of section 12 hereof are applicable):

(b) By a Vermin Board, as regards anything to be done within the boundaries of its Vermin-Fenced District:

(c) By an Associated Board, as regards anything to be done within the boundaries of its District:

(d) By the Commissioner, as regards anything to be done outside the boundaries of District Councils, Associated Boards, and Vermin-Fenced Districts:

"Associated Board" means an Associated District Councils Vermin Board declared under or continued by section 13 of this Act:

"Board" means the Vermin Board of a Vermin-Fenced District constituted by or declared under Part III. of this Act:

"Boundary
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"Boundary fence" in Division II. of Part VI. of this Act means any fence used as an outer boundary fence of any contiguous lands occupied as one run:

"Chairman" means the Chairman of a Vermin Board:

"Commissioner" means the Commissioner of Crown Lands and Immigration:

"Crown lands" means and includes all lands in South Australia except—

1. Lands reserved for or dedicated to any public purpose:
2. Lands lawfully granted or contracted to be granted in fee simple by or on behalf of the Crown:
3. Lands subject to any agreement, lease, or licence lawfully granted by or on behalf of the Crown:

And includes all lands which, having been granted or held under agreement or lease, shall have been or shall be surrendered, or having been reserved, or dedicated, shall have been or shall be lawfully resumed by Proclamation; and all lands which, having been lawfully held by any person for any estate or interest, shall have been or shall be lawfully forfeited or resumed, or which, by any means whatsoever, shall have reverted or shall revert to the Crown:

"District" means a Vermin-Fenced District:

"District Council" or "Council" means a District Council by or under "The District Councils Act, 1887," established or continued:

"Extraordinary vacancy" means any vacancy in an office occurring otherwise than by effluxion of time:

"Fences Acts" means "The Fences Act, 1892," and the "Fences Act Amendment Act, 1903":

"Gazette" means the South Australian Government Gazette:

"Judge" means a Judge of the Supreme Court of South Australia:

"Justice" means a Justice of the Peace for the State of South Australia:

"Owner or occupier" includes the authorised agent of any owner or occupier and every person in receipt of or entitled to rents or profits of any land, and includes a mortgagee in possession:

"Occupier" in Part VI. of this Act includes the owner or tenant of any freehold land, or any person holding land from the Crown under a pastoral lease agreement to purchase or as scrub lessee, credit selector, forest lessee, or miscellaneous lessee, or holding land from the Crown on lease with a right of purchase or on perpetual lease, or holding a perpetual lease of lands granted or dedicated by way of endowment for education:

"Proclamation" means a Proclamation by the Governor in the Gazette:

"Public
"Public notice," in Part III. hereof, means notice given by advertisement in the Gazette, and by posting handbills, written or printed, or produced by mechanical process, on every post office in the District and on every other place appointed by the Board, by by-law or otherwise, as a place for posting notices:

"Rabbit-proof fence" means—

(a) A substantial fence such as is shown and described in the Fourth Schedule hereto; or

(b) Any other substantial rabbit-proof fence approved by the Commissioner in writing:

"Ratable property," in Part III. hereof, means and includes all lands, tenements, and hereditaments (including Crown lands, whether occupied or unoccupied) within the limits of a District:

"Ratepayer," in Part III. hereof, means the owner or occupier of ratable property, or the owner of unoccupied ratable property, or the Surveyor-General in respect of ratable property belonging to the Crown, whether occupied by the Crown or unoccupied:

"Special area" in Part VI. of this Act means any land comprising the whole or part of a District under any District Council, and for the benefit of which a loan is intended to be applied, for which may be described by any order of the Governor granting a loan:

"Surveyor-General" means the Surveyor-General for the State for the time being, or the person discharging the duties of the office of Surveyor-General for the time being:

"Town" shall mean and include any Government town or township and any land laid out as a township, plans whereof are deposited in the Lands Titles Registration Office or in the General Registry Office:

"Vermin" includes rabbits, wild dogs, and foxes, and any other animals which the Governor may, by Proclamation, declare to be vermin for the purposes of this Act:

"Vermin-Fenced District" means a Vermin-Fenced District under Part III. of this Act:

"Vermin fence" means—

(a) A substantial fence such as is shown and described in the Fifth Schedule hereto; or

(b) Any other substantial vermin fence approved of by the Commissioner in writing.

5. (1) The Acts mentioned in the First Schedule to this Act are hereby repealed to the extent therein mentioned.

(2) Such
(2) Such repeal shall not affect any right accrued, any liability, forfeiture, or penalty incurred, any offence committed, or anything done or omitted to be done before the passing of this Act, nor any legal proceedings commenced or hereafter to be commenced with respect to such right, liability, forfeiture, penalty, offence, or thing.

PART II.
VERMIN DESTRUCTION.

6. This Part of this Act is divided as follows:

DIVISION I.—Government Inspectors:
DIVISION II.—Destruction on Crown Lands:
DIVISION III.—Powers and Duties of Councils and Vermin Boards:
DIVISION IV.—Destruction by Owners and Occupiers.

DIVISION I.—GOVERNMENT INSPECTORS.

7. (1) The Commissioner may appoint such inspectors, sub-inspectors, and other officers as he may think necessary for the efficient working of this Act, and may remove any person so appointed.

(2) The Commissioner and every such inspector, sub-inspector, and other officer may, by writing under his hand, authorise such other person or persons as he may deem necessary to carry or assist to carry this Act into effect.

DIVISION II.—DESTRUCTION ON CROWN LANDS.

8. The following provisions shall apply with respect to the destruction of vermin upon Crown lands—

(1) Every District Council may, by resolution, declare any Crown lands within its boundaries, but which are not within a Vermin-Fenced District, to be vermin infested:

(2) Where all Crown lands within the District are not declared vermin infested, such resolution shall specify the Crown lands to which it refers:

(3) A copy of such resolution shall be forwarded to the Commissioner, who, if satisfied that the lands therein specified are vermin infested, shall forthwith publish in the Gazette a notice declaring such lands to be vermin infested, and if satisfied that such lands are not vermin infested shall notify the Council to that effect:

(4) When any Crown lands have been declared vermin infested under subsection (3) of this section, the Council may declare a rate to be approved by the Commissioner, but not to exceed One Pound per square mile or fractional part of a square mile, or such other additional sum as may be recommended by the Surveyor-General, and approved by the Commissioner, of such lands per annum which,
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which amount shall be paid by the Commissioner to the Council, and expended by it in and upon the destruction of the vermin on such lands:

(5) At the end of each year the Council shall forward to the Commissioner a statement as to the actual expenditure for vermin destruction on Crown lands within the District. Such statement shall be certified as correct by the chairman and clerk:

(6) If the amount expended by the Council is less than the amount of rates paid by the Commissioner, the Council shall forthwith refund the difference to the Commissioner:

(7) The Commissioner may at any time fence any such vermin-infested Crown lands with a rabbit-proof fence, and such lands shall upon the completion of such fence, and if maintained in an effective condition, cease to be liable to be rated under subsection (4) hereof:

(8) Where the Commissioner does not approve any rate declared pursuant to subsection (4) hereof, he shall forthwith take all necessary and proper steps for the destruction of vermin upon such lands.

9. Except as provided by section 8 hereof, the Crown shall be under no liability for the destruction of vermin upon Crown lands.

DIVISION III.—POWERS AND DUTIES OF COUNCILS AND VERMIN BOARDS.

10. (1) All Boards, Municipal Corporations, District Councils, and corporate bodies in whom any land is vested, or who have the control of any land, shall, at their own expense, destroy all vermin on the land vested in them respectively, or under their control, not being main or district roads.

(2) Municipal Corporations and District Councils may expend any portion of their rates in complying with the provisions of this section.

11. All District Councils, Vermin Boards, and Associated Boards proclaimed under section 13 hereof shall, within their respective territorial limits (but subject to section 12 hereof), strictly enforce the provisions of this part of this Act as to the destruction of vermin.

12. (1) Where the whole of the area of a District Council is within a Vermin-Fenced District under this Act, the provisions in this part of this Act contained shall be carried out and enforced by the Vermin Board of such Vermin-Fenced District.

(2) Where portion only of the area of a District Council is within a Vermin-Fenced District, such provisions shall be carried out and enforced—

(a) As regards the portion of such area which is within such Vermin-Fenced District, by the Board of such District:

(b) As regards the portion of such area which is not within such Vermin-Fenced District, by the District Council.

13. (1) Any
13. (1) Any two or more contiguous District Councils may, for the purpose of more effectively carrying out the provisions for the suppression of vermin herein contained, each nominate annually one of their members as a member of a Board to be called an Associated District Councils Vermin Board.

(2) The members so nominated shall (unless they cease to be members of the Council by which they were nominated, or resign their seats on the Board) continue in office for one year from the date of the proclamation of such Board.

(3) The Governor may by Proclamation declare the formation of any such Associated District Councils Vermin Board, the names and residences of the members thereof, and the boundaries and limits of District Councils under their control.

(4) All Associated District Councils Vermin Boards declared under section 8 of "The Vermin Districts Act Amendment Act, 1895," and in existence at the time of the passing of this Act, shall be Associated Boards under this Act.

14. (1) When any such Associated Board is so nominated and duly proclaimed, all the powers by this Act given to District Councils relating to the destruction of vermin within the boundaries of District Councils shall be vested in such Board.

(2) Such Board may engage an inspector or inspectors and expend such moneys as may be appropriated from its rates by each of the Associated District Councils for the purposes of such Board, and generally undertake such duties and exercise such powers and rights as are conferred by District Councils under this Act.

(3) Contributions by all Associated District Councils towards the expenditure incurred by such Board shall be made pro rata according to the assessment of such Councils.

15. The seat upon such Board of a member who ceases to be a member of the District Council by which he was nominated, or resigns, shall thereon be declared to be vacated, and a new nomination by such District Council shall be made.

16. Each Associated Board shall continue in existence for three years only from the date of the proclamation of such Board, unless the Governor by Proclamation declares that such Board shall be continued for a further period from time to time, in which case a fresh nomination of members shall take place as hereinbefore provided.

17. The meetings of such Boards shall, so far as the same are applicable thereto, be regulated by the provisions of Part VI. of "The District Councils Act, 1887."

18. (1) If a District Council, Vermin Board, or Associated Board fails to strictly enforce within its District the provisions of this Act as to the destruction of vermin, any six ratepayers of such District Council, Vermin Board, or Associated Board, or any adjoining District Council, Vermin Board, or Associated Board may give notice in writing of such default to the Commissioner.

(2) The
(2) The Commissioner shall immediately cause an inspection to be made of the District in respect of which the notice was given by a Government inspector, and by the chairman and the vermin inspector of the complaining District Council, Associated Board, or Vermin Board.

(3) Such Government inspector shall, after making such inspection, report to the Commissioner.

(4) The Commissioner may, if satisfied that the complaint was well founded, give one month's notice to the District Council, Associated Board, or Vermin Board to strictly enforce such laws.

(5) A District Council, Associated Board, or Vermin Board failing to comply with such notice shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds for a first offence, and not less than Twenty Pounds nor more than Fifty Pounds for a second or subsequent offence, to be paid to the Treasurer for the general purposes of the State.

19. (1) A District Council may, in addition to the power conferred by subsection 2 of section 10 hereof, declare an annual rate of not exceeding Three Pence in the Pound on all ratable property in the District for the purpose of providing funds to carry out the purposes of this Act.

(2) Such rate may be levied and recovered in the same manner as the general rate under "The District Councils Act, 1887."

(3) Land enclosed with a rabbit-proof fence, which in the opinion of the District Council is erected and maintained in an effective manner, shall be exempt from such rate:

(4) Ratable property within the boundaries of any town shall be exempt from such rate.

DIVISION IV.—DESTRUCTION BY OWNERS AND OCCUPIERS.

20. Every owner and every occupier of any land shall at all times, and at his own cost and expense, destroy all vermin upon such land, and upon the half width of all roads adjoining the same.

21. (1) In order to better provide for the simultaneous destruction of vermin the Commissioner, by notice in the Gazette, shall, as regards each District Council, Vermin-Fenced District, and Associated Board, and may, as regards any other portion of the State to be specified in such notice, declare two periods of two months each in the year to be simultaneous vermin destruction months.

(2) Every District Council, Vermin Board, and Associated Board may make a recommendation to the Commissioner as to the months to be chosen, which recommendation the Commissioner shall consider, but shall not be bound to act upon.

(3) The Commissioner at any time may, by notice in the Gazette, alter such months.

(4) During the months so declared the destruction of vermin shall be simultaneously proceeded with.

(5) Nothing in this section shall be construed to imply that the destruction of vermin shall not be proceeded with and enforced during
during the remainder of the year, or that a notice under section 23 hereof may not be given during such simultaneous vermin destruction months.

22. Every authorised person may, with or without assistants—
(a) Enter any land, or any Crown lands, at any time;
(b) Search whether any vermin are to be found upon such land; and
(c) Remain upon such land for such time as may be reasonably necessary for the purposes of such search.

23. (1) Where an authorised person finds vermin upon any lands he may, by notice in writing require the owner or occupier of such land to forthwith destroy all vermin upon such land, and upon the half width of all roads adjoining the same.

(2) Such notice may be in the form No. 1 in the Second Schedule hereeto.

24. (1) The owner or occupier of any land who does not—
(a) Within fourteen days after the service upon him of a notice under section 23 hereof; or
(b) During each of the two periods declared under section 21 hereof to be simultaneous vermin destruction months for the District, Vermin-Fenced District, Associated Board, or other portion of the State, in which such land is situate:

take all necessary, sufficient, and proper steps for the destruction of vermin upon such land, shall be liable to a penalty for a first offence under this section of not more than Five Pounds, and for the second and every subsequent offence of not more than Twenty Pounds.

(2) No information under this section shall be laid except by an authorised person.

(3) Informations for penalties under this section may be in the forms No. 2 and No. 3 in the Second Schedule to this Act, and when so laid shall not be questioned for want of form.

25. (1) Where an owner or occupier is charged with an offence under section 24, the averments contained in the information shall be deemed to be proved in the absence of proof to the contrary.

(2) Where an owner or occupier is charged under section 24 hereof with not taking all necessary, sufficient, and proper steps for the destruction of vermin upon his land within fourteen days after service of a notice upon him under section 23 hereof, the averments contained in the information shall be deemed conclusively proved upon proof on behalf of the informant of the presence of vermin upon such land—

(a) Where such land is within the boundaries of a District Council or Associated Board and is not within the boundaries of a Vermin-Fenced District, at any time after two months from the expiration of such notice:
(b) Where
(b) Where such land is outside the boundaries of a District Council, or Associated Board, or being within such boundaries is also within a Vermin-Fenced District, at any time after the expiration of three months from the expiration of such notice:

Provided that if in the opinion of the Court the said owner or occupier so charged has taken all such steps as it may deem to be reasonable and possible to destroy the vermin thereon, the Court, notwithstanding anything to the contrary in this Act contained, may dismiss any information against such owner or occupier; but this proviso shall not apply where the lands in respect of which such owner or occupier is so charged are within the boundaries of a District Council or Hundred: And provided also that no information in respect of land within a District Council shall be laid without a resolution of the Council passed at a meeting held not less than fourteen days after notice has been given to the person to be charged.

26. Where an owner or occupier neglects or fails to comply with a notice, pursuant to section 23 hereof, an authorised person, in addition to proceeding for, and notwithstanding the infliction of, a penalty under section 24 hereof, may—

(a) Enter the land of such owner or occupier;

(b) Use all such means, and take all such measures, and do and perform all and every such acts or things as to him may appear proper or necessary to be done to ensure the destruction of vermin upon the land and roads or parts of roads mentioned in such notice; and

(c) Remain upon, and shall have free right of ingress, egress, and regress into, over, and across such land for such period as may be necessary for destroying such vermin.

27. For the purposes of section 26 hereof, an owner or occupier of land who—

(a) Does not forthwith after the service upon him of such notice commence to comply therewith; or

(b) Having so commenced, does not continue such compliance: shall be deemed to have neglected or failed to comply with such notice.

28. (1) The cost and expense incurred by an authorised person in acting under section 26 of this Act shall be a debt due by the owner or occupier of such land to the appointors of such authorised person, and payable on demand.

(2) Until such cost and expense is paid by the owner or occupier liable to pay the same, the amount thereof shall be paid—

(a) Where the land in respect of which such cost and expense is incurred is within the boundaries of a District Council, by the Council of such District out of the general revenue thereof:

(b) Where such land is within the boundaries of a Vermin-Fenced District, by the Board of such District out of the general revenue thereof:

(c) Where
(c) Where such land is within the boundaries and limits under the control of an Associated Board, by such Board out of its general revenue:

(d) Where such land is outside the boundaries of District Councils, Associated Boards, and Vermin Districts, by the Treasurer out of general revenue.

29. Every occupier of land alienated from the Crown who pays the cost and expense of the destruction of vermin upon land held by such occupier as lessee or tenant for a term having less than five years to run from the date of the entry by an authorised person upon such land under section 26 of this Act, shall, in the absence of a contract to the contrary, be entitled to be repaid by his lessor or landlord so much of the cost and expense so paid by him as would be payable for the difference between the term of five years and the time to run of his lease or tenancy upon the computation that the total sum paid was payable in respect of a five years' term or tenancy.

30. (1) No distress shall be levied upon an occupier of land by his lessor or landlord for rent due by such occupier, whilst any money remains payable by such lessor or landlord to such occupier under section 29 of this Act, unless such rent exceeds the money payable by such lessor or landlord as aforesaid, and then only for the amount by which such rent exceeds the money so payable.

(2) No assignment by a lessor or landlord whilst any such money remains payable by him to such occupier shall defeat the right of the occupier to the payment of such money out of the rent of the land in respect of the destruction of vermin upon which the same shall be payable.

31. The following provisions shall apply where any land is unoccupied and no person is registered as the owner thereof:—

(1) An authorised person may exercise all or any of the powers conferred by section 26 hereof without serving a notice under section 23 hereof:

(2) Proceedings may be taken for the recovery of the cost and expense of destroying vermin on such land, in manner as in this part of this Act provided, but without sending the notice required to be sent by section 32 hereof.

32. (1) Where the amount due and payable to a District Council, Associated Board, or Vermin Board, or to the Commissioner for the cost and expense of destroying vermin on any land is unpaid for three months, such Council, Associated Board, Vermin Board, or Commissioner may send to the registered owner of such land a notice in the form No. 4 of the Second Schedule hereto, or in a form to the like effect.

(2) Such notice shall also be published three times in the Gazette.

33. All
33. All notices under section 32 shall be sent by post to the registered owner of the land, or to his agent or attorney, in case there shall be any such attorney or agent resident in the State known to the Council, Board, or Commissioner giving such notice.

34. If after one month from the publication of the last of the said notices the amount, or any portion thereof, mentioned therein as being due and payable by an owner or occupier remains unpaid, the District Council, Associated Board, Vermin Board, or Commissioner, as the case may be, may let the land mentioned in such notice, or any part thereof, for a year, and so on from year to year, until all claims made payable under this Act are paid and discharged, and may receive and retain the rents, and apply the same in payment of all costs of and attending such notices, advertisements, and letting, and, in the next place, in and towards the payment of the cost and expense of the destruction and suppression of vermin on the land mentioned in such notices and advertisements, including as well the cost and expense incurred at the time of the first publication of the said notices and advertisements as any cost and expense incurred either in the destruction and suppression of vermin on the said land up to the time of such letting, or in any way whatsoever connected with non-payment of the amount at any time recoverable by the District Council, Associated Board, Vermin Board, or Commissioner, or for any act done or performed under the provisions hereof, until the owner or occupier shall pay and discharge the same, and shall hold any surplus of rent for the owner of the land.

35. (1) Instead of letting such land under section 34 hereof, the District Council, Associated Board, Vermin Board, or Commissioner, as the case may be, may apply by petition to the Supreme Court for a sale of all or any part of such land.

(2) Such petition shall not, where the owner or occupier is unknown, be presented until after one month from the publication of the last of such notices and advertisements as aforesaid.

(3) Such petition shall not, where the owner or occupier is known, be presented until after the expiration of six months from the publication of the last of such notices or advertisements as aforesaid, and service of a copy thereof or to the like effect upon such owner or occupier, or his authorised or generally recognised agent in South Australia, by delivering the same at or posting it directed to such owner, occupier, or agent, at his last known place of abode in the said State.

(4) The Court, on being satisfied by affidavit or otherwise that the moneys mentioned in such notice are lawfully due, and were owing at the time of the first publication of such notice, and that all things required by this Act to be done have been done, may make an absolute order in the first instance, or may grant a rule, calling upon the owner or occupier, if known, or to all whom it may concern, if
the owner or occupier is unknown, to show cause why an order should not be made for the sale by public auction of the land comprised in such petition, or so much thereof as may be sufficient to pay—

(a) The cost and expense incurred at the time of the first publication of the notice:

(b) The cost and expense incurred in the destruction of vermin on the land up to the time of the application for sale:

(c) All costs and expenses of and attending the notice, the application, and the sale:

(d) All other costs, charges, and expenses for any act done or performed by the petitioners, or by their authority, for carrying out the provisions of this part of this Act.

(5) Unless good cause is shown to the contrary within the time fixed by such rule, the Court shall order—

(a) The sale of the land in manner aforesaid;

(b) Payment out of the proceeds of such sale of the said costs, charges, and expenses in preference to any mortgage or other security on such land; and

(c) That a conveyance, or if the property be under the provisions of the Real Property Act of 1886, or any Act amending the same, a memorandum of transfer (which the Registrar-General is hereby directed to register) be executed by the Master of the Court in a form to be approved by a Judge.

(6) Such conveyance, or the registration of such memorandum of transfer, as the case may be, shall vest an indefeasible estate in fee simple in the said land in the purchaser, his heirs and assigns, free from all encumbrances.

(7) The balance arising from the proceeds of such sale shall remain and be subject to any future or other order of the Court for the benefit of the persons interested therein.

36. Where different lands belonging to different owners are included in any such notice, the same may be included in one petition for sale, and the Court may make such orders as to the apportionment of the costs and expenses in respect of the sale of such lands, or any part thereof, as may be deemed just.

37. (1) Where any money payable under this part of this Act by any owner or occupier to a District Council, Associated Board, or Vermin Board, or to the Commissioner, as the case may be, remains due and unpaid for the space of one calendar month after notice in writing to pay the same shall have been given to such owner or occupier, any person by such Council, Board, Associated Board, or Commissioner thereunto authorised, may at any time thereafter, so long as any money remains so unpaid, without any warrant, enter upon any land of such owner or occupier, and distrain the goods, chattels, and effects found thereon for the amount remaining due and unpaid.

(2) If
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PART II.

DIVISION IV.

(2) If the amount for which such distraint is levied, together with all reasonable costs of such notice, entry, and distraint, be not paid within five days after such levy, then the said distress, or so much thereof as shall be sufficient to pay the amount remaining unpaid and costs, may be sold.

(3) Any surplus remaining after payment of such amount and costs, and costs of and incidental to the sale, shall be returned to the owner of the goods, chattels, and effects distrained.

38. Nothing in this part of this Act contained shall be construed to render it the duty of an owner or occupier to destroy vermin upon a travelling stock road or forest reserve which shall be within the boundaries of or adjoining the land of such owner or occupier, nor to destroy rabbits kept by him in cages or similar enclosures.

39. No authorised person shall be deemed a trespasser, or be liable for any damage occasioned by him in the exercise of the powers, discretions, and authorities, or any of them, by this part of this Act conferred upon him, unless such damage is occasioned by or under the authority of such person wilfully and without necessity.

PART III.

VERMIN-FENCED DISTRICTS.

40. This part of this Act is divided as follows:

DIVISION I.—Constitution of Vermin-Fenced Districts and Boards:
DIVISION II.—Members of Boards:
DIVISION III.—Auditors:
DIVISION IV.—Elections:
DIVISION V.—Meetings of the Board:
DIVISION VI.—Contracts and Works:
DIVISION VII.—Revenue and Expenditure:
DIVISION VIII.—Making and Recovery of Rates:
DIVISION IX.—Loans:
DIVISION X.—Officers of the District:
DIVISION XI.—By-Laws and Regulations:
DIVISION XII.—Differences between Boards.

DIVISION I.—Constitution of Vermin-Fenced Districts and Vermin Boards.

41. The heretofore existing Vermin Districts, of which the names and ratable area are, together with the respective dates of the proclamation thereof, set out in the Third Schedule hereto, and any other Districts that may be proclaimed before the passing of this Act, are hereby constituted Vermin-Fenced Districts under this Act, and the following provisions shall apply:

(a) The
(a) The persons who at the time of the passing of this Act constitute the respective Vermin Boards for such Vermin Districts shall, until the first annual election held under this Act, be and constitute the respective Boards for such Vermin-Fenced Districts: Provided that any vacancies in any such Board existing at the time of the passing of this Act may be filled by such Board:

(b) The chairmen and auditors of such heretofore existing Districts shall, until such election, be the chairmen and auditors for the Districts hereby constituted respectively:

(c) All property, rights, and liabilities, and all matters and things not otherwise provided for, vested, possessed, or incurred or made or done in, by, or on behalf of such heretofore existing Districts respectively shall vest in, be attached to, and be deemed to have been made or done by or on behalf of the Districts hereby constituted respectively:

(d) No action or proceeding by or against any such heretofore existing District shall be affected or abated:

(e) After the conclusion of the first annual election under this Act the number of members of every such Board shall be four, of whom one shall be a Government officer who shall hold office during the pleasure of the Governor, and shall not be subject to retirement by effluxion of time, and the remaining three shall, where possible, be ratepayers or resident representatives of ratepayers.

42. (1) The Governor, by Proclamation, may—

(a) Upon the petition of the holders representing one-half of the ratable property, exclusive of unoccupied Crown lands, within the boundaries of such proposed area, declare any lands not within the boundaries of a Municipal Corporation, and not already a Vermin-Fenced District hereunder, to be a Vermin-Fenced District for the purposes of this Act:

(b) Assign a name to such District and fix the boundaries thereof:

(c) Cause any lands to cease to be a Vermin-Fenced District or portion of a Vermin-Fenced District:

(d) Vary the boundaries of a District.

(2) A plan of a proposed District or alteration of a District shall—

(a) Be laid before Parliament and be approved by resolution of both Houses of the Legislature; and

(b) Show the proposed boundaries and the amount of freehold, leased, and unleased lands within the same.

(3) No owner holding less than a quarter of a square mile of land within such proposed area shall be entitled to take any part in relation to the formation of a District.

43. The
43. The Governor may, by Proclamation—
(a) In case a Board has erected a vermin fence outside the boundaries of the District; or
(b) In case it is impracticable or would be very difficult to erect a vermin fence on the boundaries of the District; extend the boundaries of the District so as to include the fence already erected, or to include the land on which it is proposed that the fence should be erected; and,
(c) In case portion of the District is situate outside of the vermin fence erected by the Board, sever such outside portion from such District.

44. The Governor may, by Proclamation, make any apportionment of property or adjustment of rights and liabilities as between two or more Districts, which is rendered necessary or expedient owing to the alteration of the boundaries of any District or Districts.

45. (1) Where any portion of the boundaries of a District hereafter declared under this part of this Act consists of portion of the vermin fence of any other District constituted or previously declared hereunder, the following provisions shall apply:—
(a) The Board of such new District shall pay to the Board of such previously declared District one-half of the then value of such portion of such fence:
(b) The amount so to be paid, unless agreed upon by the two Boards, within three months after notice given in writing by either Board to the other requiring that such amount shall be fixed, shall be fixed by the Commissioner by order published in the Gazette:
(c) The amount so agreed or fixed may be paid in twenty equal yearly instalments, together with simple interest on the balance for the time being remaining unpaid at the rate of Four Pounds per centum per annum:
(d) The first of such instalments shall be paid within twelve months from the date when the amount to be paid is agreed upon or fixed as aforesaid; and one of such instalments shall be paid in each year thereafter until the whole amount is paid.

(2) Where any portion of the boundaries of a District hereafter declared under this part of this Act consists of portion of a vermin-proof or other fence, the property of a lessee, the Board shall pay to such lessee one-half the value of such fence at the time when the District was declared, such price to be fixed by mutual agreement, or, failing that, by arbitration pursuant to the “Arbitration Act, 1891.”

46. The Governor may, by Proclamation, suspend the powers and functions of a Board for such time as he may think proper, or may abolish a Board if it shall appear to him that such Board—
(a) Refuses
(a) Refuses or neglects to perform the duties and functions imposed and conferred upon such Board by this Act; or

(b) Refuses or neglects to declare or levy any rates which such Board should declare or levy; or

(c) Makes default in the due payment of an instalment of principal and interest due on a loan; or

(d) Has misappropriated or has appropriated for any purpose not contemplated by this Act any of the moneys at the disposal of the Board, or any part of the revenue of the Board.

47. When the powers and functions of a Board are suspended, or the Board is abolished, the Governor may, by Proclamation, authorise the Commissioner to exercise all the powers, authorities, functions, and duties of the Board so suspended or abolished during the suspension of the Board, or until a new Board is appointed.

48. All property, real and personal, and all powers, authorities, immunities, rights, privileges, functions, obligations, and duties vested in or imposed on the Board by any means whatsoever shall, by force of this Act, be transferred to and vested in the Commissioner while the powers and functions of the Board are suspended, or upon the abolition of the Board.

49. The following provisions shall apply when a Vermin-Fenced District ceases to be a Vermin-Fenced District:—

1. The Board of such District shall be deemed to be abolished:

11. The fence erected or purchased by the Board shall become the property of the lessee on whose land such fences, or portions of fences, are erected upon payment by each lessee to the Crown of the then value of the portion of such fences on the land of such lessee, less the amount paid by such lessee to the Board on account of the cost thereof:

111. The moneys so paid to the Crown by such lessees shall, after deducting proper expenses of collection, be divided amongst the persons who were ratepayers within the District during the year prior to the abolition of the Board, pro rata to the number of square miles of land held by them respectively within the District.

50. The following provisions shall apply upon the constitution of a new District under section 42:—

(a) The Governor shall appoint four persons to be the Vermin Board for such District:

(b) One of such members shall be a Government officer:

(c) Where possible, all other members of the Board shall be ratepayers, or representatives of such ratepayers, within the District:

(d) The Governor may also appoint one of such members to be chairman of the Board:

(e) He may also appoint two auditors:

(f) Such
Extraordinary vacancies in Board. V.D. Act, 1894, sec. 21.

51. (1) Any extraordinary vacancy in a Board (except in the case of a member who is a Government officer) shall be filled by the appointment by the Board of a member in the place of the member whose seat has become vacant.

(2) The member so appointed shall hold office until after the first annual election after his appointment.

52. In the event of there being only three ratepayers in a Vermin-Fenced District, and one of them resigns his position as a member of the Board, the Governor may appoint a non-ratepayer to act upon such Board.

53. (1) Every Vermin Board for a District which is—

(a) Constituted by section 41 of this Act, or

(b) Hereafter constituted by the Governor under section 42 of this Act,

shall be a body corporate under the title of “The Vermin Board of the District of———,” such blank being filled in with the name assigned to the District in the Third Schedule hereto, or, in the case of Districts hereafter constituted, with the name assigned by the Governor in the Proclamation constituting the same.

(2) Every such body corporate shall have perpetual succession and a common seal, and shall by such name be capable in law of suing and being sued, and of doing and suffering, subject to this Act, all other acts and things as bodies corporate may by law do and suffer.

(3) The corporate name of the Board shall be part of the seal of the Board.

(4) Such seal shall be kept at the District office.

DIVISION II.—THE MEMBERS OF BOARDS.

54. (1) Every male ratepayer of the District, and every person who is a resident representative of a ratepayer, if nominated by writing under the said ratepayer’s hand, when he has attained the age of eighteen years, and any officer of or a shareholder in a company which is a ratepayer of the District, is qualified to be and continue to be a member of a Board, unless he—

(a) Is an uncertificated insolvent.

(b) Holds the office of treasurer or a place of profit in the gift of the Board:

(c) Directly
(c) Directly or indirectly participates or is interested in a contract, except for advertisements and printing, with or without employment under the Board.

(2) No person shall be disqualified from being or continuing a member of a Board by reason of the receipt by him of travelling expenses incurred in pursuance of and paid under the authority of a resolution of the Board.

55. The following acts and events shall cause a vacancy in the office of member of a Board:

(a) Death or lunacy:

(b) Insolvency, or the execution by the member of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound:

(c) The conviction of the member of felony:

(d) Absence from the State, without leave of the Board, during the holding of three consecutive ordinary meetings, or failure to attend the meetings of the Board for three consecutive ordinary meetings without sufficient cause, and followed, in either case, by a resolution passed by the Board within three weeks after the last of such three consecutive ordinary meetings, declaring the office vacant, which resolution the Board may pass, but are not bound to pass:

(e) Any disqualification, and notice thereof by the disqualified person or some person on his behalf, posted or delivered to the chairman, or, if there be no chairman, to the Commissioner:

(f) Resignation, by notice posted or delivered as aforesaid:

(g) Retirement by rotation, as provided by this Act:

(h) The judgment or order of any duly authorised Court or Justices declaring the office vacant.

56. At the conclusion of the first annual election after the passing of this Act, and at the conclusion of the first annual election after the constitution of a new District under section 42 hereof, all the members of the Board (except any member who is a Government officer) shall retire.

57. At the conclusion of every subsequent annual election the following provisions shall apply:

(a) One of the members (excluding any member who is a Government officer) shall retire:

(b) The member to retire shall be the member (if any) who holds office by appointment of the Board, or that member who
PART III.
DIVISION 11.

Chairman not to draw lots.

Lots to be before notice of nomination.

On failure of members to draw lots, chairman or a Justice, upon request, may do so.
V.D. Act, 1894, sec. 29.

Retiring members of a Board to hold office until successors appointed.
V.D. Act, 1894, sec. 27.

Vacancies existing at the annual election meeting, how supplied.
V.D. Act, 1894, sec. 30.

Election of chairman.
V.D. Act, 1894, sec. 31.

Equality of voting.

Omission to elect.

The Vermin Act.—1905.

has been longest in office without re-election, and, when
the member to retire cannot thus be fixed, lots shall be
drawn between those who have been an equal time in
office without re-election to decide which of them shall
retire, and the retirement shall take place accordingly:

(c) The chairman shall in no case be required to draw lots; but
the other member or members with whom it would be
necessary, but for his position as chairman, that he should
draw lots, shall retire, or draw lots between them without
the chairman, to decide which of them shall retire.

58. All drawing of lots by members of a Board to decide retire-
ments shall be had before the publication of the notice, hereinafter
required, appointing the time for the election of members of the
Board.

59. If the members of a Board fail to draw lots to decide
retirements within the time prescribed by section 58, the chairman,
or a Justice resident in the District, on the request, in writing, of a
member of the Board, or of three ratepayers, shall, in the presence
of three or more ratepayers, draw lots and decide which of the
members of the Board shall retire, and shall thereupon declare and
give public notice under his hand of the names of the members who
are to retire, and they shall retire accordingly.

60. Members of a Board required to retire shall go out of office,
but shall be deemed to hold office until their successors are appointed
or elected.

61. (1) When, at the time of giving notice of the annual day
of election, there are vacancies on any Board, and no more members
are required to retire at the election meeting for that year than
there are seats then vacant, there shall be no need for any retirement
of members, but the vacancies so existing shall be filled at the annual
election meeting.

(2) If any vacancy or vacancies shall exist at the time of giving
notice of any annual day of election, every member whose seat is so
vacant shall be taken to be a person bound to retire at the annual
election meeting; and every such vacancy shall be filled at the annual
election meeting, and any other retirements shall be settled in manner
herein provided.

62. (1) At the first meeting of a Board held after every annual
election the members present shall elect a chairman from among
them.

(2) If there shall be an equal number of votes for two or more
members the chairman shall be chosen by lot between those members
having the equality of votes.

(3) The omission to elect a chairman shall not prevent the Board
from making such appointment at a future meeting. (4) The
(4) The chairman may resign his office at any time, and a vacancy in the office of chairman may be filled up at any meeting of the Board.

63. A member of a Board or chairman retiring from or ceasing to hold office, but duly qualified, shall be eligible for re-election.

DIVISION III.—AUDITORS.

64. The following provisions shall apply to Districts hereafter constituted under section 42 hereof:—

(1) The auditors appointed by the Governor shall retire at the conclusion of the first annual election after the constitution of the Board:

(2) At the first annual election two auditors for the District shall be proposed and elected by the ratepayers in like manner as members of a Board are proposed and elected:

(3) At each subsequent annual election one auditor shall retire from office, and the auditor to retire shall be the one who has held office longest without re-election, and if both shall have so held office the same length of time, the auditor to retire shall be decided by lot to be drawn by the chairman before notice is given of the day for the election of candidates, and if the chairman shall so fail to draw lots, both auditors shall retire.

65. The provisions of subsection (3) of section 64 shall apply to Districts constituted under section 41 hereof.

66. (1) The qualification and disqualifications for the office of auditor shall be the same as in the case of a member of a Board, except that an auditor need not be a ratepayer of the District, and that no member of the Board of a District shall be auditor for the District.

(2) An auditor otherwise qualified to be a member of a Board may be elected a member, and shall thereupon cease to be auditor.

67. Any of the following acts and events shall cause a vacancy in the office of auditor:—

(a) Death or lunacy:

(b) Insolvency, or the execution by the auditor of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound:

(c) The conviction of the auditor of felony:

(d) Absence from the State at the time at which a periodical audit is appointed to be held, or non-attendance at an audit after fourteen days' notice shall have been given to the auditor of the time and place appointed for holding the same:

(e) Election...
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(e) Election as a member of a Board:

(f) Resignation, by notice posted or delivered to the chairman, if there be a chairman, and otherwise to the Commissioner:

(g) The judgment or order of a competent Court or Justices declaring the office vacant:

(h) The being concerned, directly or indirectly, in a contract or dealing with the Board other than his employment as auditor.

68. (1) An extraordinary vacancy in the office of auditor may be filled up by appointment by the Governor.

(2) An auditor so appointed shall only hold office until the annual election next after his appointment.

(3) If only one of the auditors shall have been so appointed he shall be the auditor to retire under section 63, and the other shall continue in office unless he shall have acted as auditor continuously for the space of two years.

69. (1) The auditors shall forthwith after the half-yearly balancing of accounts, in accordance with this Act, audit the accounts of the Board for the half-year preceding the said half-yearly balance.

(2) The Board shall cause to be laid before such auditors the said accounts, together with proper vouchers, and all books, papers, and writings in the custody or power of the Board relating thereto.

(3) The said accounts, if found correct, shall be signed by the auditors in token of their allowance thereof.

70. The Board shall publish the half-yearly balance-sheet once in one of the newspapers of the State and in the Gazette within one month after the auditors have certified the same.

71. The auditors may refuse to allow any person to be present at the audit of the accounts.

DIVISION IV.—ELECTIONS.

72. The Board shall have a suitable office for transacting the business of the District, to be called the Vermin Board Office for the District of

73. The following provisions shall apply to all elections of members of a Board or auditors—

(a) As regards a District which is within the limits of a District Council, the Board for such District shall, not less than one month prior to any election, prepare an alphabetical list of ratepayers entitled to vote for the election of members of the Board
Board for such District, with the number of votes to which each ratepayer is entitled set opposite his name, and shall send a notice to each individual ratepayer showing the number of votes to which he is entitled:

(b) As regards a District which is not within the limits of a District Council, such list shall be prepared by the Commissioner, and published in the Gazette not less than one month prior to any election:

(c) Each ratepayer shall be entitled to one vote for every fifty square miles, or fractional part of fifty square miles, of rateable property up to two hundred square miles, and one additional vote for every two hundred square miles, or fractional part of two hundred square miles, over the first two hundred square miles:

(d) The Surveyor-General shall, in writing, nominate a person to vote in respect of rateable property belonging to the Crown:

(e) Every ratepayer of the full age of eighteen years whose name appears in such list of ratepayers may vote, provided his rates have been duly paid pursuant to section 74:

(f) In case of joint tenancy or tenancy in common, one person only shall vote, unless the land exceeds fifty square miles in area, and then one joint tenant, or tenant in common as aforesaid, may vote for each additional fifty square miles, or for any fractional part thereof, up to two hundred square miles, and one joint tenant or tenant in common may vote for each additional two hundred square miles, or fractional part of two hundred square miles, and joint tenants or tenants in common entitled to vote may vote in the order in which they tender their votes until votes shall have been taken for the whole area:

(g) No owner holding less than a quarter of a square mile of land within the District shall be entitled to vote.

74. (1) No ratepayer shall vote until he has paid all rates declared six months previously, and which shall then be payable by him in respect of the property for which he claims to vote.

(2) Any ratepayer may object to a person attempting to vote if such rates shall not have been paid.

(3) The secretary shall post a list of all ratepayers who owe any rates at every polling-place, but the non-posting of such list shall not invalidate the election.

75. The following provisions as to elections shall apply to all Districts:

(1) The Board shall, by notice published in the Gazette for four consecutive weeks, appoint a time and place when and where written nominations for members and auditors shall be received:

(2) Such
(2) Such notice and nominations may be in the forms No. 1 and 2 in the Sixth Schedule hereto:

(3) The time appointed to receive nominations shall be not later than six weeks after the annual meeting of the Board for the current year:

(4) The place appointed shall be within the District:

(5) The Board shall appoint a returning officer, not being a candidate, to preside at the nomination and election of members of the Board and auditors:

(6) The returning officer shall attend at the time and place appointed for receiving nominations, and shall cause such nominations to be opened and read aloud:

(7) If no more persons are nominated as members of the Board or auditors, as the case may be, than are required to be elected, the returning officer shall forthwith declare such persons elected:

(8) If a greater number are nominated than are required, the proceedings shall be adjourned for not less than fourteen days nor more than twenty-eight days, when the votes of the ratepayers shall be taken:

(9) Ratepayers may vote in person or by proxy:

(10) Proxies shall be appointed in the form No. 3 in the Sixth Schedule hereto:

(11) Proxies shall vote by signing a voting-paper in the form No. 4 of the Sixth Schedule hereto, and delivering the same to the returning officer at the time appointed for voting, together with their appointment:

(12) Ratepayers voting in person shall sign a voting-paper and hand same to the returning officer as aforesaid:

(13) For the purpose of voting each ratepayer shall be entitled to the number of votes prescribed by subsection (c) of section 73:

(14) In case of equality of votes, the returning officer shall have a casting-vote in addition to any votes he may have as a ratepayer:

(15) The returning officer shall announce the result of such voting, and shall forthwith certify the same to the Commissioner.

76. When an election shall wholly or in part fail to be made as appointed in this Act, or such election, being made, shall afterwards become wholly or in part void, the Governor may appoint the members or auditors of the Board required to be elected.

77. The
77. The Board shall, within forty-eight hours from the election of a person to an office in the District, cause to be delivered or posted to such person a notice informing him of such election, and within fourteen days of such election shall insert a notice thereof in the Gazette.

78. If the Board fails to proceed to an election for the space of twenty-one days from the last day on which such election is required by this Act to be held, a Justice or Special Magistrate may, upon the request in writing of three ratepayers of the District, do every act required to be done for holding such election.

**Division V.—Meetings of the Board.**

79. (1) No meeting of the Board need be held within the District.

(2) The Board may, from time to time, fix the place where meetings shall be held, and may adjourn any meeting to any other place.

80. (1) The Board shall appoint a male person of full age, who is not a member of the Board or auditor, to be secretary to the Board.

(2) Any member of the Board, or other person appointed as hereinafter provided, may perform the duties of such secretary in his absence.

81. (1) The annual meeting of the Board shall be held at the Vermin Board Office, on such day and at such hour as the Board shall determine.

(2) As regards a Board constituted under section 41 hereof, such meeting shall be held in the month in which the annual meeting was held prior to the passing of this Act.

(3) As regards a Board hereafter constituted, such meeting shall be held in the twelfth month after the appointment of the Board, and thereafter in the twelfth month of every succeeding year.

82. Ordinary meetings of the Board shall be held at such times, not being less than one in each quarter, as the Board shall determine.

83. Special meetings may be held at any time.

84. Any meeting may be adjourned to any time, and business required to be done at an annual or ordinary meeting may be done at a special meeting.

85. (1) The chairman may call a special meeting at any time, and on the requisition, in writing, of three members of the Board, he shall call such meeting.

(2) If
(2) If the chairman refuses, or for two clear days fails, to call such meeting upon such requisition, any three members may call such meeting by public notice, signed by them, and stating the object of such meeting, and the time and place of holding the same.

86. The secretary shall, unless and until otherwise provided by by-law, send by post to every member of the Board fourteen days' notice of every meeting, specifying the time and place of meeting, and, in the case of a special meeting, the business to be done thereat.

87. (1) At all meetings of the Board, except where otherwise provided by this Act, one-half or a majority of the members for the time being shall form a quorum.

(2) The secretary, in the absence of all the members, or any member present alone, or the majority of members present at a meeting at which there shall be no quorum, may, at the expiration of half an hour from the time fixed for such meeting, adjourn the same.

(3) Any business which could have been transacted at such meeting may be transacted at the adjourned meeting.

88. At every meeting of the Board the chairman, or in his absence such member as the members assembled shall elect for that purpose, shall preside, and shall have a deliberative vote, and, in case of equality of votes, a casting-vote.

89. Notwithstanding any vacancies in the office of member of a Board, the business of the Board shall be carried on by the member or members actually in office, who shall have all the powers of the Board.

90. All proceedings of the Board, or of a committee of the Board, or of any person acting as a member of the Board, shall, notwithstanding any defect in the election or appointment of the members of such Board, or committee, or any of them, or of any person acting as aforesaid, or that they or any of them were incapable of being members of the Board, be as valid as if such members or member, or such person, had been duly elected or appointed, and was capable of being a member.

91. If, in consequence of death, absence, or any lawful impediment, it is impossible or inconvenient for the secretary or a member or other person to perform any particular matter or thing which by this Act he is required to perform, the chairman, or if, for the like reason, it shall be impossible or inconvenient for the chairman, the Board may perform the matter or thing, or appoint some member or other person to perform it.

92. If
92. If the day for a meeting, or adjourned meeting, or for any business required by this Act, or any by-law to be held or done, falls on a Sunday, Good Friday, Christmas Day, or public holiday, such meeting shall be held, or business done, on the first day after the day on which it fell.

93. No resolution passed at a meeting of the Board shall be revoked or altered at a subsequent meeting, except subject to the following conditions:

(a) Written notice of an intention to propose such revocation or alteration shall be given or posted to each of the members twenty-one days at least before holding the meeting:

(b) The resolution for such revocation or alteration must be carried by a majority consisting of two-thirds of the members present at such subsequent meeting, if the number of members present at such subsequent meeting be not greater than the number present when such resolution was come to, or by a majority if the number of members present at such subsequent meeting be greater than the number present at such former meeting.

94. The Board may—

(a) Appoint occasional or standing committees:

(b) Fix the quorum of every such committee:

(c) Continue, alter, or discontinue such committee.

95. The following provisions shall apply to every such committee:

(a) One of its members shall be appointed chairman:

(b) Such chairman may, from time to time, be removed by resolution:

(c) Such committee may meet from time to time, and may adjourn from place to place as they may think proper:

(d) No business shall be done at any meeting unless the quorum (if any) fixed by the Board, or, if no quorum be fixed, three members be present:

(e) If the chairman of such committee be not present at any meeting, one of the members present shall be appointed chairman of such meeting:

(f) All questions shall be determined by a majority of the votes of the members present:

(g) The chairman shall have a deliberative vote, and, in case of equality of votes, a casting-vote.

96. The
96. The Board shall cause minute-books to be kept by the secretary of all the meetings of the Board, and of every committee thereof, and of the proceedings thereat, and the following provisions shall apply to such minutes:

(a) The names of the members who attend at each meeting shall be entered therein:

(b) The names of all members voting on any question for the decision of which a division is called shall be entered therein:

(c) The minutes of every Board meeting, and of every meeting of a committee until a report is agreed upon, shall be put for confirmation to the next succeeding meeting, or if that shall be omitted, to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which the same shall be confirmed:

(d) If such chairman refuses or neglects to sign such minutes for seven days after such meeting, the same may be signed by any two members present and entitled to vote at such meeting:

(e) The minutes of a committee meeting at which a report is agreed to shall, if found correct, be signed at such meeting, or some adjournment thereof, by the chairman thereof.

97. (1) Such minute-books shall, at all reasonable times, be open to the inspection of—

(a) A member of the Board:

(b) A creditor of the Board:

(c) A ratepayer of the District.

(2) Creditors and ratepayers shall pay One Shilling for each such inspection, and may take copies of a minute.

98. Every minute purporting to be such minute as aforesaid, and to be so signed, or a copy of or extract from any such minute purporting to be attested by the seal of the Board and signed by the secretary, shall be received as evidence in all Courts, and before all Judges, bodies politic, and persons, without proof that the meeting to which the same refers was duly convened or held, or that the persons attending thereat were members of the Board or members of committee, or of the signature of the chairman or members, or of the fact of his having been such chairman, or of their having been members entitled to sign such minutes, or of the affixing of the seal or of the signature of the secretary; but all such matters shall be presumed until the contrary is proved.
DIVISION VI.—CONTRACTS AND WORKS.

99. Contracts for the purposes of this Act may be made, varied, or discharged by the Board of every District, in manner following:

1. A contract which, if made between private persons, would be by law required to be in writing and under seal, may be made, varied, or discharged in writing under the common seal of the Board:

11. A contract which, if made between private persons, would be by law required to be in writing, signed by or on behalf of the parties to be charged therewith, may be made, varied, or discharged in writing under the common seal as aforesaid, or in writing signed by the members of the Board, or any person acting by the direction and on behalf of the Board:

111. A contract which, if made by private persons, would be by law valid, although made by parol only, and not reduced into writing, may be made, varied, or discharged in either of the two ways aforesaid, or by any person acting by the direction and on behalf of the Board by parol, with or without writing.

And all contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

100. The Board may compound with a person who has entered into a contract with the Board, or by or against whom an action or proceeding has been brought or threatened on behalf of or against the Board, for such sums of money or other consideration as the Board thinks proper.

101. The Board may, subject to the approval of the Commissioner, contract, upon such terms as they think fit, with any other corporate or public body for or with respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which such contracting parties are, or either of them is, by law empowered to do, control, or manage; and the Board may carry out such contract according to the tenor thereof.

102. The Board may carry out all works and undertakings and do or cause to be done all acts and things necessary for the suppression of vermin by the erection of vermin fencing.

103. (1) A Board may, by by-law, require owners and occupiers of land within the District to erect and maintain a vermin fence around all artificial and permanent supplies of water (except running streams) upon their holding, subject to the directions of an inspector appointed by the Board, who shall determine the position of such fence.

(2) Such
(2) Such fence shall be provided with a proper gate or gates, to be approved of by the inspector.

(3) Such gate or gates shall, during such months of the year and during such hours as may be fixed by the Board, be kept closed by the owner or occupier.

(4) An owner or occupier who fails to keep such gate or gates closed as aforesaid shall be guilty of an offence against this Act, and shall, upon conviction, be liable to a penalty not exceeding Ten Pounds.

104. (1) If an owner or occupier fails to erect or maintain such fence, as provided in the preceding section, the Board shall give written notice to such owner or occupier to erect or maintain the same within a time to be limited in such notice.

(2) An owner or occupier who fails to comply with such notice shall be guilty of an offence against this Act, and shall, on conviction, be liable to a penalty not exceeding Twenty Pounds.

105. If, after the expiration of the time limited in such written notice, any direction therein is not complied with by the owner or occupier to the satisfaction of the inspector, the Board shall undertake and carry out such direction at the expense of such owner or occupier, and may recover such expense from him in a summary way, or by action in any Court of competent jurisdiction.

106. The Board and its officers, servants, and agents—

(a) May enter upon any lands within the District:

(b) May cut timber thereon:

(c) Shall clear the land on each side of any fencing erected or to be maintained by the Board for a space of at least twelve feet:

(d) Shall do all other acts and things necessary for the purposes aforesaid—

without being liable to any owner or occupier upon any claim or demand whatsoever in respect thereof.

107. (1) The Board may, except as provided by section 45 hereof, purchase any fence erected along the boundaries of its District, or which it is convenient to acquire for the purposes of this Act.

(2) The price to be paid for any such fence purchased by the Board, unless mutually agreed between the owner thereof and the Board, shall be fixed by the Commissioner.

108. (1) All fences erected, purchased, or acquired by a Board shall vest in such Board.

(2) All fences erected, purchased, or acquired by two or more Boards shall belong to and be apportioned by the Commissioner between
between such Boards proportionately to the amount contributed by
them respectively in erecting, purchasing, or acquiring such fences.

(3) Any fence erected by a Board pursuant to section 149 of
"The Vermin Districts Act, 1894," or hereafter erected pursuant to
section 105 of this Act, shall cease to be vested in the Board from
the time of the Board receiving the cost of such erection.

109. (1) Every vermin fence erected by a Board shall be erected
and maintained to the satisfaction of the Commissioner.

(2) Any person authorised in writing by the Commissioner may
at any time inspect any vermin fence erected or in course of erection
by a Board.

(3) The Commissioner may, by writing under his hand, require a
Board to alter or repair a vermin fence which has not been con-
structed in accordance with the requirements of this Act, or is out
of repair, and such Board shall alter or repair such fence accordingly.

110. (1) Where two Districts have a common boundary, the
Board of either District may require the Board of the other District
to join in or contribute equally to the cost of erection of wire netting
or a vermin fence along such common boundary.

(2) Such requisition shall be by notice, which notice shall be
sufficiently authenticated, without the common seal of the Board
if signed by the chairman, or by the secretary, and may be served
by posting the same, addressed to the chairman or the secretary of
the Board to which it is intended to be given.

111. If within three months after the service of such requisition
to fence, the Board served therewith shall not have begun to erect
its portion of the wire netting or fence, or shall not be proceeding
with such erection with all reasonable speed, the Board serving the
notice may—

(a) Erect the whole of the wire netting or fence, and

(b) Recover half the cost of such erection from the other Board
in any Court of competent jurisdiction.

112. (1) A Board erecting a vermin fence along the common
boundary between its District and another District may clear all
scrub for a width not exceeding twelve feet on each side along the
length of such fence.

(2) The cost of such clearing shall be deemed to be a part of the
cost of such fence.

113. The cost of maintaining and keeping in repair a fence
erected or purchased by a Board shall be borne by such Board; but
where such fence is along the common boundary between two Dis-
tricts, or portion of such boundary, the cost of the maintenance and
repair of such fence shall be borne equally by the Boards of the two
Districts.

114. (1) The
PART III.

DIVISION VI.

Gates at junction with another fence.

V.D. Amendment Act, 1900, sec. 5.

114. (1) The owner of a fence which joins, abuts on, or is connected with a vermin fence erected by the Board shall provide, at or about the point at which such fence joins, abuts on, or is connected with the vermin fence, a suitable gate, at least twelve feet wide, so as to allow free passage for the purpose of inspection and repair under section 109 of this Act.

(2) On default by the owner the Board may provide and erect such gate and recover the cost from the owner.

(3) For the purposes of this section "owner" includes the occupier of the land on which the fence is erected.

Liability of adjoining occupiers.

V.D. Amendment Act, 1900, sec. 10.

115. (1) The occupier of land which is not within but abuts on a District, and is enclosed with a vermin fence, or is portion of an area enclosed within a vermin fence, shall, three months after demand upon him, be liable to pay to the Board owning the fence dividing the land of the occupier from the District one-half of the value of such fence at the time of such demand.

(2) Such occupier may pay such amount in twenty equal yearly instalments, together with simple interest on the balance for the time being remaining unpaid at the rate of Four Pounds per centum per annum.

(3) The first of such instalments shall become due one year after the service of the demand upon the occupier, and one of such instalments shall become due on the same date in each year thereafter, until the whole amount has been paid.

(4) In this section the word "occupier" includes any person who is in the actual occupation of or entitled as owner to occupy any land alienated from or demised by the Crown by grant, agreement, or lease, or who holds lands under licence from the Crown; but does not include or mean any person in the occupation of or entitled to occupy land held under the Crown by yearly licence.

116. The occupier of land which abuts on the vermin fence of a Board, and which, but for such vermin fence, would be without a boundary fence, shall, whether such land be inside or outside of a District, pay to the Board owning such vermin fence Five Pounds per centum per annum on half the cost thereof to the extent to which his land shall abut thereon, on such occupier making use of or availing himself of the fence in terms of "The Fences Act, 1892," by keeping or depasturing sheep or cattle on the land abutting thereon; but the amount on which such percentage is to be paid shall not exceed the amount to which such lessee or occupier would, under "The Fences Act, 1892," have been liable to pay or contribute had such fence been erected and made use of as aforesaid in accordance with such Act.
117. The revenue of the Board shall consist of—

(1) Rates which under this Act the Board is authorised to declare:

(2) Fines and penalties imposed or inflicted—

(a) For any offence against this Act, or any by-law made hereunder, and committed within the District; or

(b) For any offence committed by or for any breach or neglect of duty on the part of any member of a Board, ratepayer, officer, or other person in any matter relating to the District or Board, or to any member of the Board or officer, or in respect of any election or other meeting or proceeding in connection with such District or Board, member of the Board or officer.

Such fines and penalties shall be paid to the Board for the use and benefit of the District, save any fine or portion thereof ordered to be paid to any other person in pursuance of this or any other Act:

(3) All other moneys received by the Board, or by any officer thereof by virtue of this Act or any by-laws, or otherwise, and not being moneys which such officer may be entitled to retain.

118. (1) All moneys received by any officer on account of the Board shall be credited to a fund to be called the Vermin Board Fund, and shall be paid into the bank appointed by the Board to receive the same.

(2) Such payment shall in every case be made as soon as the moneys in hand amount to Five Pounds, or more.

(3) Every payment of One Pound or over made on behalf of the Board shall be by a cheque on the Board's bank, drawn by the chairman and one member of the Board, authorised from time to time by the Board in that behalf, and countersigned by the secretary.

(4) Payments of less than One Pound may be made out of a petty cash account, which shall be replenished from time to time by cheques drawn for that purpose.

119. A Board may expend its moneys—

(a) In preparing for, carrying out, improving, and maintaining any works and undertakings by this Act authorised:

(b) In paying salaries and fees to any officers of the District, or persons in the employ of or appointed by the Board:

(c) In
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DIVISION VII.

In destruction of vermin.
V.D. Amendment Act, 1895, sec. 1.

(c) In paying for the destruction of vermin on land within the District which the Commissioner, by notice in the Gazette, shall declare to be sufficiently fenced by vermin fencing:

(d) In payment or part payment of the travelling expenses of members in attending meetings of the Board, or when engaged on special business at the request or by the authority of the Board: Provided that such request or authority shall be in writing:

(e) In payment for professional and other like services necessary or desirable in and about the property and business of the Board:

(f) And generally in performing the duties and transacting the business of the Board as required or authorised by this Act.

120. No Board shall expend in any year for salaries and fees to officers, printing, advertising, stationery, and office expenses more than one-fourth of the whole of the rates declared for the District for that year.

121. The Commissioner shall not, under subsection (c) of section 119, declare any land to be sufficiently fenced unless he is satisfied that by vermin fencing and natural or other boundaries, or any one or more of such means, the same is sufficiently protected against an influx of vermin.

122. (1) The Board shall keep proper accounts of all sums of money received and paid, and of the several purposes for which such sums of money shall have been received and paid.

(2) Such accounts shall be balanced twice at least in every year ending on the thirtieth day of June.

(3) Every ratepayer of the District may, at all reasonable times, upon payment of One Shilling to the secretary, and every auditor for the District may, at all reasonable times, without payment, inspect and take copies of or extracts from such accounts, both before and after the same are audited, and of the abstract and statement of balance mentioned in section 123.

123. (1) Every Board shall, during the month of July in each year, cause an account, in abstract, to be prepared, with a statement of the balance of such account.

(2) Such account shall show the total receipt and expenditure of all funds received by virtue of this Act for the year ending on the thirtieth day of June under the several distinct heads of receipt and expenditure.

(3) Such account and statement shall be duly audited and certified by the auditors and by the chairman or two members of the Board, and by the secretary.
DIVISION VIII.—MAKING AND RECOVERING RATES.

124. The first rate declared by a Board shall be for the portion of the year between the date of the publication of the Proclamation constituting the District and the thirtieth day of June next after the declaring of the rate.

125. (1) The Board, before proceeding to make an authorised rate, shall prepare an estimate of the money required for the several purposes in respect of which it is authorised to expend or apply its revenue.

(2) Such estimate shall show—

(a) The several sums (if any) already available for such purposes;

(b) The several sums required;

(c) The number of square miles of ratable property within the District; and

(d) The rate or rates per square mile which will be necessary to raise the money required.

(3) Such estimate, when approved by the Board, shall be entered in a book, to be called the Estimate Book.

(4) Such book shall be kept at the Vermin Board Office, and shall be accessible to the ratepayers at all reasonable hours.

126. (1) After making such estimate the Board shall, for the general purposes of this Act, declare a rate on the ratable property within the District for the year ending the thirtieth day of June next after the declaring of the rate.

(2) Such rate shall not exceed Five Shillings on each full quarter of a square mile of the ratable property within the District. The Board may, wherever it shall appear equitable, declare a smaller rate or smaller rates in respect of any ratable property to be specified by the Board which adjoins or is in proximity to any existing or intended or proposed vermin fence by reason that it is not or will not be benefited by such fence to the same extent as the other ratable property within the district.

(3) Land enclosed with a vermin fence, which, in the opinion of the Board, is erected and maintained in an effective manner, shall be exempt from such rate: Provided that such exemption shall not apply where the whole or any portion of such fence has been purchased by the Board, and shall not apply to any land enclosed with a vermin fence after the fifth day of December, one thousand nine hundred, if such fence has been erected after the proclamation of the District in which such land is situated.

127. No owner holding less than a quarter of a square mile of land in the District shall be liable to pay any rate under section 126.
128. The following provisions as regards rates shall apply in Districts which are not situated within the limits of a District Council:

(1) The Board shall, as soon as possible after the declaration of a rate, inform the Commissioner thereof:

(2) The Commissioner shall forthwith publish in the Gazette a notice containing the names of the ratepayers liable to pay such rate, the amount thereof, and the date for payment:

(3) Such rates shall be paid to the Commissioner, and may be levied and recovered by or under the authority of the Commissioner in like manner as any rent is recoverable under any lease, or in a summary way before any two or more Justices:

(4) Where any such rate is levied by distress, a warrant under the hand of the Commissioner shall be a sufficient authority to restrain:

(5) The Commissioner shall, on receipt of the proceeds of any rate or rates as aforesaid, pay the same to the credit of the Board in the bank appointed by them:

(6) The Board shall pay to the Commissioner all costs and expenses incurred in receiving, collecting, recovering, and distributing rates:

(7) The Commissioner may deduct such costs and expenses from the proceeds of any rates passing through his hands, or recover the same by action.

129. The following provisions as regards rates shall apply in Districts which are situated within the limits of a District Council:

(1) The Board shall forthwith, after the declaration of a rate, publish in the Gazette a notice containing the names of the ratepayers liable to pay such rate, the amount thereof, and the date for payment:

(2) Rates shall be paid to the Board, and may be levied and recovered by or under the authority of the Board in like manner as rent under a lease is recoverable, or in a summary way before two or more Justices:

(3) Where any such rate is levied by distress, a warrant under the hand of the chairman and the seal of the Board shall be a sufficient warrant and authority.

130. (1) A penalty of Five Pounds per centum shall be added to a rate payable under the authority of this Act, which is not paid on or before the day appointed for payment thereof.

(2) A further penalty of five per centum shall be added, if such rate and first penalty be not paid within three months after such day.

(3) Such
(3) Such rate and penalties may be recoverable at any time after they shall become due by the Commissioner, or by the Board, as the case may be, by action in his or their own name in any Court of competent jurisdiction.

DIVISION IX.—LOANS.

131. (1) The Board may borrow money from the Government for the purpose of defraying the cost of erection and maintenance of the fence or fences decided upon by the Board if the proceeds of one year's rate shall be insufficient.

(2) The Board shall repay the sum advanced in twenty equal annual instalments, together with simple interest on the balance for the time being unpaid at the rate of Four Pounds per centum per annum.

(3) Payment of each annual instalment is hereby made a first charge upon the annual rates of the District.

132. Such loan to a Board may be made out of any money voted by Parliament for the purpose mentioned in the preceding section.

133. (1) The Board shall, before applying for a loan, prepare—

(a) Plans and specifications of the work in respect of which such application is to be made;

(b) An estimate of the cost thereof; and

(c) A statement showing the proposed expenditure of the money to be borrowed.

(2) Such statement shall be open to the inspection of the rate-payers.

134. Upon default being made by the Board in the repayment of a loan or instalment, the Commissioner—

(a) Shall have all the rights of a creditor of the Board in respect of any sum of money due in respect of such loan or instalment, and may charge interest thereon at the rate of Five Pounds per centum per annum:

(b) May from time to time apply the proceeds of any rate or rates received by him or passing through his hands, pursuant to this Act, towards the payment of such loan or instalment and interest until the same shall be fully paid.

135. The Board may at any time pay off the whole or any part of a loan.

136. No transfer or absolute surrender of the lease of lands within a district shall hereafter be allowed until the Board of such District has repaid all loans made to it by the Government under Part XI. of "The Vermin Districts Act, 1894," or under this Act, unless the Commissioner—

(a) Is
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DIVISION IX.

Appointment, removal, and salaries of officers.
V.D. Act, 1894, sec. 93.

DIVISION X.

Security for fidelity of officers entrusted with moneys.
V.D. Act, 1894, sec. 94.

Officers to deliver accounts and vouchers and hand over balances.
V.D. Act, 1894, sec. 95.

(a) Is satisfied that the proportion of any such moneys owing by the Board payable in respect of the lease proposed to be transferred or surrendered will be duly paid as and when the same becomes payable; and

(b) Consents to such transfer or surrender.

DIVISION X.—OFFICERS OF THE DISTRICT.

Officers Generally.

137. The Board may—

(a) Appoint a district secretary, a treasurer, a surveyor, an overseer of works, inspectors, and rangers, and such other officers as may be necessary:

(b) Remove any of such officers:

(c) Appoint others in the room of such as may be so removed, or as shall die, resign, or discontinue their offices:

(d) Pay such salaries and allowances to the said officers out of the District Fund as the Board may determine.

138. The Board may take sufficient security by guaranty from some person or company, or by deposit, for the fidelity of any officer entrusted by the Board with the custody or control of any moneys by virtue of his office before he enters upon such office.

139. (1) Every officer appointed or employed by the Board shall, when required by the Board, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing, under the hand of such officer, of all moneys received and of all moneys paid by him on behalf of the Board.

(2) Such accounts shall show from whom and on what account any such moneys have been received, and to whom and on what account any such moneys have been paid.

(3) Such officer shall deliver with such account all vouchers and receipts for such payments.

(4) Such officer shall pay to the Board, or to any person appointed by them to receive the same, all moneys which appear to be owing from such officer upon the balance of such accounts.

140. (1) If any such officer fail—

(a) To render such accounts as aforesaid;

(b) To produce and deliver up the vouchers and receipts relating to the same in his possession or power; or

(c) To pay any moneys in his hands payable to the Board when thereunto required; or

(d) If
(d) If for seven days after being thereunto required, any officer of the Board fail to deliver up to the Board, or to any person appointed by them to receive the same, all papers and writings, property, matters, and things in the possession or power of such officer relating to the execution of this Act, or belonging to the Board:

Any two Justices may hear and determine the matter in a summary way, and may order such officer to render such accounts or to deliver up such vouchers and receipts as aforesaid, or to pay over the moneys owing by him, and to deliver up all such papers, writings, property, matters, and things.

(2) If such officer neglect to obey such order, he may be committed to gaol by any Justice for any period not exceeding six months.

141. (1) All proceedings against any officer under section 140 may be had and taken and enforced against him after he shall have ceased to hold his office.

(2) No such proceeding against any officer or past officer shall deprive the Board of any remedy which they may otherwise have against any surety of such officer or past officer.

DIVISION XI.—BY-LAWS AND REGULATIONS.

142. The Board may make by-laws for carrying out the provisions of this part of this Act, and for the following purposes:—

1. To regulate the manner of calling and holding meetings of the Board and committees thereof, and the quorum of such committees:

11. To regulate the form and places of posting of "public notices" to be published by the Board:

111. To regulate elections and the appointment of officers or other persons to carry out the provisions of this part of this Act in relation to elections:

1v. To regulate the appointment, duties, and control of all or any officers or servants of the Board, and the time and mode of payment of their salaries and fees:

v. To fix or regulate the securities to be taken from or on behalf or to secure the fidelity of any officer or servant:

vi. To regulate the making or declaring of rates:

vii. For the appropriation and expenditure of the revenue of the Board:

viii. For the punishment of persons falsely representing themselves to be officers of or appointed by the Board:

ix. For the more effectual exercise of the powers, and discharge of the duties and liabilities, hereby conferred and imposed on the Board:

x. To
x. To require owners and occupiers to fence supplies of water, pursuant to section 103 hereof:

xi. To fix pecuniary penalties for offences against or breaches of such by-laws, or any of them, and to fix additional penalties for a repetition or continuance of any offence: Provided that, except as hereinafter mentioned, no penalty for any single offence shall exceed Ten Pounds.

143. (1) At least two-thirds of the members then in office shall be present at the meeting of the Board to pass such by-laws.

(2) No by-law shall be of any force until signed by the chairman and secretary and confirmed by the Governor, and published in the Gazette.

(3) After the expiration of one month from such publication, the by-laws shall have the force of law, and shall, until altered or repealed, have effect within the District as if such by-laws were part of this Act.

144. No by-law shall be repugnant to this or any Act of the Legislature of the said State, or to any regulations made by the Governor under any Act for the time being in force, and no Board shall be authorised to inflict any punishment except by way of fine as above provided.

145. Every by-law may be altered or repealed—

i. By a subsequent by-law inconsistent therewith or expressly altering or repealing the same:

ii. By regulations inconsistent with such by-law made by the Governor under any Act for the time being in force:

iii. By Proclamation by the Governor, published in the Gazette, expressly altering or repealing such by-law.

146. Notwithstanding the repeal or alteration of any by-law, every offence committed against such by-law before the repeal or alteration thereof shall be adjudicated upon, and every act or proceeding done or commenced, and every right, privilege, or protection acquired, and every liability incurred shall continue, be prosecuted, and be of the same force and effect as if such by-law had not been altered or repealed.

147. All by-laws shall be intituled as of the District of which they are by-laws, and according to the purport thereof, and according to the part or section of this Act under which they are made, and shall be numbered consecutively, and so that no by-law shall bear the number borne by any other by-law of the District.

148. No person shall be prosecuted or punished for the same offence under this Act, or any by-law made thereunder, and also under any other Act or any by-law or regulation made thereunder.

149. (1) Any
149. (1) Any ratepayer of a District who desires to dispute the validity of any by-law made, or purporting to be made, under this Act, may apply to the Supreme Court, upon an affidavit setting out the facts, for a rule, calling upon the Board concerned to show cause why such by-law should not be quashed for illegality.

(2) No such rule shall be drawn up until such ratepayer has given security to the satisfaction of the Master of such Court for the sum of Fifteen Pounds for the costs of the proceedings.

(3) The Court may make the said rule absolute or discharge it, with or without costs, as to the Court shall seem fit.

Regulations.

150. (1) The Governor may make regulations for the carrying out of this part of this Act, and in particular, and without derogating from his general power, he may make regulations—

(a) Prescribing the mode in which the account books and any other books of Boards shall be kept:

(b) Requiring Boards to collect, for a remuneration to be fixed by the Governor in the case of each Board, agricultural, pastoral, and live stock statistics relating to their respective Districts, and forward returns of the same to the Government Statist, or to the Chief Secretary.

(2) The Governor may annul, amend, and add to any such regulations as aforesaid, or make others in lieu thereof.

(3) Such regulations shall be published in the Gazette, and shall thenceforth, save as hereafter provided, have the force of law.

(4) Such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if the Parliament be then sitting, and if not, then within fourteen days after the next Session of Parliament shall begin.

(5) If during that Session either House of Parliament pass a resolution objecting to any such regulations, the same shall (so far as so objected to) thenceforth cease to have the force of law, and notice of such resolution shall forthwith be published by the Commissioner in the Gazette.

151. If in any regulations made by the Governor by virtue of this part of this Act any models of by-laws shall be given, a Board may, by a majority at any meeting at which a quorum of the Board is present, adopt any such models and make them by-laws of the District.

Division XII.—Differences between Boards.

152. The following provisions shall apply to any difference, whether arising out of the construction of this part of this Act or not, which arises between any two or more Boards touching and relating
relating to the carrying out of the provisions of this part of this Act, or touching and relating to the fulfilment and exercise of the duties, powers, privileges, or authorities of any such Boards:—

(1) Such difference shall be referred to the Commissioner, who is hereby authorised and empowered—

(a) To entertain, inquire into, and decide upon the same;

(b) To hear, receive, and examine evidence upon oath, which oath he is hereby empowered to administer;

(c) To summon, if he think fit, two or more assessors;

(d) To compel the attendance of witnesses, call for the production and examination of documents, commit for contempt; and

(e) To do all such other matters and things relating to the same in the same manner and to the like extent as the same may be done by any Judge of the Supreme Court in the exercise of his jurisdiction:

(2) The decision of such Commissioner with regard to such difference shall be final, and may be made a rule of the Supreme Court.

PART IV.

VERMIN TRUSTS.

153. The Vermin Trusts constituted under section 13 of "The Vermin Districts Act, 1894," are hereby continued, and the amounts advanced to such Trusts respectively, and not yet repaid, shall remain secured and be repaid as if this Act had not been passed.

154. (1) The Governor may, out of any money voted by Parliament for the purpose of making loans under this Act or any Act hereby repealed, authorise and direct the expenditure of such sums as he may think fit in erecting or contributing to the erection of wire netting around agricultural or cultivated lands situate outside the limits of a District Council or a Vermin-Fenced District under this Act.

(2) The area proposed to be enclosed shall not be less than one hundred acres.

(3) No such expenditure shall be authorised unless on the written request of at least three persons interested in such area proposed to be enclosed, to the extent in the aggregate of at least one-half thereof, and all persons interested in such area shall constitute a Trust, and shall jointly and severally undertake to repay the amount expended, with interest thereon.

155. Any
155. Any person not being a member of a Trust continued under section 153 hereof, or constituted under section 154, may, with the written consent of the members of such Trust, join in and become a member of such Trust.

156. The following provisions shall apply upon any person joining a Trust already constituted:

(1) The Governor may, on the request of all the members of the Trust, authorise and direct the expenditure of such additional sum out of money voted by Parliament for the purpose of making loans under this Act, or any Act hereby repealed, as he may think fit, for the purpose of erecting, or contributing to the erection, of wire netting around the agricultural or cultivated lands of the person so joining such Trust:

(2) All the members of such Trust shall be jointly and severally liable for the repayment, with interest, of the whole amount expended, as well at the time of the original constitution of such Trust as on the admission of such new member:

(3) Such amount and interest shall, until repaid, be, and continue to be, a first charge on the land for the enclosing or fencing of which it is supplied.

157. No such sum shall be granted by the Governor until a Government inspector has reported to the Commissioner in favor of the grant being made, and no sums so granted nor any portion thereof shall be paid to the applicants until wire netting to the value of the sums granted have been actually erected by the applicant to the satisfaction of a Government inspector.

158. Any sums so granted and paid—

(a) Shall be repaid by twenty equal yearly instalments, together with simple interest on the balance for the time being unpaid, at the rate of Four Pounds per centum per annum:

(b) In the meantime shall, together with such interest, be a first charge on the land for the enclosing or fencing of which it is supplied:

(c) May be paid off at any time.

PART V.

VERMIN FENCING BY THE CROWN.

159. (1) The Commissioner may erect vermin-proof fences out of moneys appropriated by Parliament for the purpose.

(2) A plan showing the proposed situation and description and estimated cost of the fence, and the leases which will be benefited thereby
thereby, and the names of the lessees, and the proportion in which the cost is to be charged to such lessees, shall first be laid before Parliament for thirty days, and shall be forwarded to all persons proposed to be rated.

(3) No such fence shall be erected unless, after the expiration of such period of thirty days, resolutions are adopted by both Houses, approving the erection thereof.

160. (1) The cost of such fence shall be repaid to the Commissioner by the lessees in the proportions named in such plan.

(2) Each lessee shall pay his proportion of principal in twenty equal yearly instalments, together with simple interest on the balance for the time being unpaid, at the rate of Four Pounds per centum per annum, and the same shall be recoverable as rent in arrear under the lease.

(3) If a lease terminates while any instalments remain unpaid, such instalments shall be paid at the termination of the lease, unless the incoming tenant (if any) agrees to pay the same.

(4) A lessee may repay all instalments remaining unpaid at any time.

161. A copy of the plan referred to in section 159 of this Act, certified by the Surveyor-General, shall be primâ facie evidence of the liability of the lessees in the proportions stated.

162. The Commissioner—

(a) May erect a rabbit-proof or other vermin-proof fence or gate across any road in the State not within the boundaries of a Municipal Corporation or District Council:

(b) Shall provide and fix a gate of a width of at least twelve feet in every such fence:

(c) May remove such fence:

(d) May order the removal of any fence or gate erected across any road, if, in his opinion, it shall be necessary for the public convenience:

(e) Shall give six months' notice of such removal, by notice published in the Gazette, to occupiers affected by such fence, to enable them to erect the necessary fencing for the protection of their land.

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PART VI.

WIRE NETTING FENCING BY OWNERS AND OCCUPIERS.

DIVISION I.—WIRE NETTING WITHIN DISTRICT COUNCILS.

163. (1) Notwithstanding the repeal of “The Vermin-proof Fencing Act, 1890,” any expenditure in respect of fencing any
Crown lands which has been made under section 4 thereof, and which has not yet been repaid as therein provided, shall be repaid by the persons liable for the same.

(2) If such lands are afterwards sold, the Commissioner shall make and provide such terms or conditions as shall secure the repayment of such expenditure to the Crown by the person taking such lands under such sale.

(3) In case any part of such Crown lands shall afterwards be leased, the lessee thereof shall covenant to keep any rabbit or other vermin-proof fencing enclosing any such lands or dividing such lands from any other lands in a good and efficient state of repair.

164. Notwithstanding anything in this Act contained, all loans for wire netting or other materials granted before the passing of this Act, under the provisions of "The Vermin-proof Fencing Act, 1890," or any Act amending the same or relating to vermin fencing, shall, as regards repayment, be subject in every respect to the law affecting the same respectively as the same was in force immediately prior to the passing of this Act.

165. (1) A Council may borrow money from the Government for the purpose of purchasing wire netting and supplying the same to owners of land in a special area.

(2) The Governor may, on the application of a Council, grant a loan to such Council for such purposes.

(3) Such loans shall be made out of any moneys voted by Parliament for the purposes of this section.

166. No Council shall apply for a loan until after the receipt by it of a petition under section 167 of this Act.

167. Every petition to a Council to obtain a loan under section 165 shall—

(a) Describe the special area for which the petitioners desire a loan to be obtained by the Council, and state the acreage of the whole of such special area and the acreage held by each and every occupier of any part thereof:

(b) Be signed by a majority in number of the occupiers of the land in the special area:

(c) Be signed by petitioners occupying more than one-half of the land in such area:

(d) Describe shortly the land occupied by each petitioner, and state the acreage thereof:

(e) Give an estimate of the probable cost of the whole of the wire netting required for the land in such area, and ask that the Council will apply to the Governor for a loan of the amount of such estimate:

(f) Give
(f) Give an estimate of the wire netting required for each petitioner's land and the probable cost thereof, and an estimate of the extent of fencing to be erected by each occupier:

(g) State whether in such special area any two or more adjoining properties could advantageously be enclosed by one continuous wire netting fence instead of being separated by dividing fences, and, if so, state in each case the estimated cost of such continuous fence, and the proportion thereof to be borne by every occupier of property to be enclosed by such fence:

(h) State that each petitioner signing the petition undertakes to pay to the Council in each and every year one-twentieth part of the value of all wire netting obtained by the Council by means of the loan proposed to be obtained, together with interest thereon at Four Pounds per centum; and also undertakes to pay, upon such loan being obtained, a sum calculated at the rate of one-half per centum upon his proportion of the value of such wire netting:

(i) Contain an undertaking by each petitioner to erect on his land all the wire netting furnished to him to the satisfaction of the Council, or that he will join with other occupiers in erecting all necessary fencing:

(j) Where a petition is signed by one occupier only, the requirements of this Act shall be complied with as nearly as possible by such occupier; and the signature of such petitioner, instead of being verified as hereinafter provided, shall be verified by a Justice.

168. Every signature to a petition shall be verified by the solemn declaration of some person signing such petition, and such declaration shall be in the form No. 1 in the Seventh Schedule, or in a form to the like effect.

169. No petition shall be received by a Council unless accompanied by such declaration.

170. Every petition shall be left with the clerk of the Council and shall thereupon be deemed to be duly presented.

171. (1) The Council shall consider such petition, and shall, if they determine to apply for a loan in accordance therewith, transmit such petition to the Commissioner, together with any information they desire to convey in reference thereto, or which the Commissioner may require.

(2) With such petition, the Council shall send an application for a loan on the terms prayed in such petition, or on such other terms as they may think fit.

(3) Such
(3) Such application shall contain an undertaking to repay such loan in accordance with the provisions of this Act.

(4) The form No. 2 in the Seventh Schedule may be used by any applicant Council.

172. (1) The Governor may, on the recommendation of the Commissioner, and subject to such terms and conditions as he may think fit, make an order granting the whole or any part of the loan applied for.

(2) If part only of the loan is granted, such order shall state whether the loan is for the benefit of the whole of the land described in the petition or of any specified part of such land.

(3) The Governor may, in such order, direct that any specified part or parts of the land described in the petition shall be enclosed by continuous wire netting, and that no part of the loan shall be expended in materials for the purpose of erecting or rendering vermin or rabbit proof any dividing fence within such specified part or parts.

(4) Every loan shall be payable to the Council in the instalments specified in such order, or determined by regulations hereunder.

(5) All land in a special area, whether or not occupied or owned by any persons signing the petition, shall (unless certified by the Council when forwarding the petition to be already sufficiently fenced with wire netting) be chargeable with the payment of all materials for wire netting which the Council may furnish to the occupier of any such land, or which the Council may offer to furnish to the occupier of any such land, and whether the same be accepted by such occupier or not, and also with the payment of the interest and additional sum mentioned in subsection (h) of section 167 hereof.

(6) The proportion of the loan which each and every occupier of land in the special area shall pay to the Council shall be set out in such order.

(7) The undertaking referred to in subsection (h) of section 167 shall, as between each person signing a petition under that section, or the occupier for the time being of the land of such person, or any part thereof, and the Council be deemed to be and may be enforced as a speciality contract.

(8) Every such order shall be published in the Gazette, and shall be conclusive evidence of the statements in such order contained.

173. A Council obtaining a loan shall keep a separate account book in respect thereof, and full particulars shall be recorded therein—

(a) Of such loan and the mode of repayment thereof;

(b) Of all lands affected by such loan;

(c) Of all the moneys collected and received in respect thereof;

(d) Of
(d) Of the mode of application of such moneys;

(e) Of all occupiers of land to whom materials have been furnished or offered to be furnished; and

(f) Of the amounts payable by each occupier.

174. (1) The Council shall—

(a) Expend the whole amount or instalment of any loan, or such part thereof as shall be necessary, in purchasing and obtaining wire netting;

(b) Furnish or offer to furnish such netting to the occupiers of the lands in the special area proportionately to the requirements of such land;

(c) Repay to the Commissioner any loan moneys not so expended by them; and

(d) Give credit in the book kept by such Council, pursuant to section 173, to each occupier of his proportion of the amount so repaid to the Commissioner, and reduce accordingly the proportion of such loan which each occupier is liable to pay to the Council.

(2) When furnishing or offering to furnish such wire netting to any occupier, the Council shall give notice in writing to such occupier specifying the amount of value thereof, and requiring him, within a time to be specified therein, to erect such netting on the land for which it is furnished or offered to be furnished.

(3) Such notice may be served personally or forwarded through the post office in an envelope addressed to the usual or last known place of abode of such occupier.

(4) Such amount shall thereupon become a debt due to such Council by such occupier.

(5) On the first day of February in each and every year one-twentieth part of the amount of such debt, together with interest thereon as hereinbefore provided, shall be payable by the occupier of such land for the time being to the Council until the whole debt is paid.

(6) Every yearly instalment shall bear interest at the rate of Five Pounds per centum per annum from the date when the same is hereby declared payable until actual payment; and such interest shall be deemed a further debt due to the Council by the occupier.

(7) Such yearly instalments and interest may be recovered by the Council at any time from the occupier for the time being of such land, or any part thereof, in a summary way or by action in any Court of competent jurisdiction.

(8) Every such annual instalment, with the interest thereon as it becomes due, shall be, and until paid shall remain, a first charge on such land.

(9) Any
(9) Any mortgagee or encumbrancee, upon default being made by the occupier in the payment of such yearly instalment and interest, may pay the same to the Council, and such payment when so made shall be deemed a part of the principal sum secured by the mortgage or encumbrance of such mortgagee or encumbrancee respectively, and be subject to the provisions, powers, and trusts thereof.

175. (1) When any occupier does not within the time limited in any notice given pursuant to subsection (2) of section 174 duly erect such wire netting to the satisfaction of the Council, then such Council shall undertake and carry out the erection of such netting at the expense of such occupier, and may recover such expense from him in a summary way or by action in any Court of competent jurisdiction.

(2) Such expenses shall until paid be a charge upon the land affected, and may be recovered at any time from the occupier for the time being of such land or any part thereof.

176. The following provisions shall apply if an occupier within the special area refuses to accept wire netting furnished or offered to him by the Council:—

(1) The Council may, but without prejudice to any rights or remedies hereinbefore conferred upon them against the occupier so refusing, offer such netting to any other occupier of land within the District of such Council.

(2) If such other occupier accepts such offer, the Commissioner, if he approves thereof, shall publish notice of such approval in the Gazette, and thereafter the said netting may be furnished to such other occupier, and he and the land in respect of which the said netting is so furnished shall become liable for the repayment of the value of such netting, together with interest thereon, in the manner and subject to the remedies hereinbefore prescribed.

177. Any one or more occupiers of adjoining properties, within a special area, instead of having dividing fences between such lands, may, with the sanction of the Council, enclose the whole of such adjoining lands with a continuous wire netting fence, having, when enclosing a road, swing gates covered with wire netting.

178. (1) In enclosing two or more adjoining properties with one continuous wire netting fence, such fence, with the approval in writing of the Council, may be erected across a District road.

(2) A swing gate covered with wire netting shall be erected wherever the fence crosses such road.

(3) A gate erected across a road as in this and the preceding section mentioned shall be at least twelve feet wide.

(4) The Council may remove a fence erected across a District road upon giving six months' notice of intention to remove such fence, such notice to be published in the Gazette.

179. (1) On
179. (1) On the application of two or more occupiers of adjoining properties in any special area, who have been furnished by the Council with wire netting, the Council may, at the cost and on behalf of such applicants, undertake to erect all wire netting necessary to enclose such properties, so as to make the same secure against the intrusion of vermin, and also, if the Council thinks fit, any properties any two sides of which adjoin the same.

(2) In the first instance, the cost of such erection may be defrayed by the Council, but such cost shall be repaid to the Council by the occupiers of the land so fenced in in such proportions as they may agree upon among themselves, or, failing agreement, as the Council shall finally determine.

(3) No Council shall undertake to erect such netting until the occupiers concerned have entered into bonds conditioned to repay the actual cost of erecting such fencing in the manner aforesaid.

(4) Such payment shall become a charge upon the land of such occupier, or the owners thereof, in the proportion agreed upon as aforesaid, and may be recovered in a summary way, or by action in a Court of competent jurisdiction, from the occupier for the time being of such land, or any part thereof.

180. (1) The Council shall repay the amount lent to them under section 172 of this Act in twenty equal annual instalments, together with simple interest on the balance for the time being unpaid at the rate of Four Pounds per centum per annum.

(2) Such repayment shall be made out of the yearly instalments received from the occupiers as aforesaid, or out of the revenue of the Council.

(3) The Council shall take all proper steps to recover all moneys due from any occupier or owner.

(4) All such moneys received by the Council shall, within fourteen days, be paid to the Commissioner.

181. (1) When a Council fails—

(a) To pay to the Commissioner, as directed by subsection (4) of section 180, any moneys received by them; or

(b) To fully repay to the Commissioner, either by means of moneys received from owners or occupiers or out of the revenue of the Council, before the first day of May in each and every year, one-twentieth part of any loan granted to them as aforesaid, together with the interest on the unpaid balance of such loan up to such last-mentioned date:

the Commissioner shall make and sign a certificate to that effect.

(2) Such certificate shall be *prima facie* evidence that the sums therein mentioned are due and unpaid, and such sums or any part thereof
thereof remaining unpaid may be deducted by the Commissioner from any subsidy granted to the Council, and shall until paid bear interest at the rate of Five Pounds per centum per annum.

(3) The Commissioner may thereupon apply on summons to a Judge for the appointment of, and such Judge shall thereupon appoint, some person or persons (not exceeding three) to be a receiver or receivers to collect all yearly payments due in respect of wire netting.

(4) Such receiver or receivers shall act under the directions of, and may be removed by, a Judge.

182. A receiver appointed under section 181 may exercise all the powers of the Council for the purpose of collecting such payments.

183. Every receiver shall receive such remuneration for his services as a Judge shall direct.

184. Every receiver shall apply all moneys received by him in payment of all proper costs and expenses, including his commission, and in payment and discharge of the whole amount due for principal and interest in respect of any loan made under this Act of which he has been appointed, and the surplus (if any) shall be paid to such Council.

185. For the more effectual recovery of moneys due to a Council for wire netting or wire netting fencing, such Council, in addition to any powers in this Act contained, shall also have the like powers of enforcement and recovery as are conferred on Councils with regard to unpaid rates under any District Councils Act.

186. The Council may make by-laws pursuant to the provisions of "The District Councils Act, 1887," or any Act amending the same, for—

(1) Apportioning the liability of every occupier of land in a special area;

(2) Facilitating and regulating the collection and recovery of moneys due and payable to such Council pursuant to this part of this Act; and

(3) Generally carrying out the provisions of this part of this Act.

187. A receiver appointed under section 181 shall have recourse to all books and documents under the control of the Council, and may make extracts therefrom at all reasonable times without fee.

188. The power conferred by this Act on a Council of obtaining loans shall be in addition to any power to borrow conferred on any such Council by "The District Councils Act, 1887."
189. All loans so granted as aforesaid shall be expended by the Council to the satisfaction of the Commissioner.

190. Where a Crown lease of any land within a special area is cancelled, and any money is due to the Council in respect of wire netting erected upon such land, the Council may, with the consent of the Commissioner, enter upon such lands and remove such netting, and again use or dispose of the same as hereinbefore provided.

191. The Governor may make regulations providing for the nature of the wire netting fences to be erected in pursuance of this part of this Act, and generally for carrying the purposes of this part of this Act into effect.

DIVISION II.—WIRE NETTING ON PASTORAL AND OTHER LEASES OUTSIDE OF HUNDREDS.

192. (1) The cost at the nearest port or railway station of barbed wire and netting required for vermin-proofing a boundary fence may be advanced to a lessee of land outside of hundreds by the Commissioner, on the recommendation of the Pastoral Board, out of moneys to be appropriated by Parliament for the purpose, in any case in which the Commissioner is satisfied that the land is occupied and the lessee, owing to the position of his run, is unable to avail himself of Part III. of this Act.

(2) The Commissioner may make such advances notwithstanding that the fence which such lessee proposes to erect or make vermin-proof would not be a boundary fence, if in the opinion of the Pastoral Board such fence is, or will be, as near the actual boundary of the run as is desirable.

193. No such cost shall be paid until netting and barbed wire to the amount of such cost has been actually utilised by the lessee in vermin-proofing such fence to the satisfaction of a Government inspector.

194. (1) All advances made by the Commissioner to a lessee under section 192 shall bear interest at Four Pounds per centum per annum.

(2) The principal shall be repaid in twenty equal yearly instalments, and such principal and interest shall be recoverable as rent in arrear under the lease.

(3) If the lease in respect of which the advances are made terminates whilst any instalments remain unpaid, such remaining instalments shall be paid at the termination of the lease, unless the incoming tenant (if any) agrees to pay the same.

(4) The amount of any instalments remaining unpaid may be repaid by the lessee at any time.

95. All
The Vermin Act.—1905.

195. All barbed wire and netting by which a boundary fence, the property of the Crown, has been, or shall hereafter be, vermin-proofed by the lessee at his own cost shall remain the property of the lessee, and shall, at the termination of his pastoral lease, be valued as provided by "The Pastoral Act, 1904," and be paid for by the incoming lessee.

Division III.—Contribution to Vermin and Rabbit-proof Fences by Adjoining Occupiers.

196. If any occupier of land not within a District Council or Municipal Corporation shall heretofore have erected or shall hereafter erect a vermin fence upon the boundary or any part of the boundary of such land, the occupier of the adjoining land shall, three months after demand upon him, be liable to contribute towards the cost of erecting such fence to the extent of one-fourth of the value of such fence at the time when such demand is made; and whenever such fence, together with any other vermin or rabbit-proof fence for the time being upon any portion of the boundaries of the land occupied by the person from whom contribution is sought, shall be the means of enclosing such land, either by itself or together with lands occupied by any other person or persons, with a vermin or rabbit proof fence, or partly with one and partly with the other, he shall, three months after demand made upon him, be liable to contribute a further one-fourth of the value of such first-mentioned fence at the time when such demand is made.

197. (a) Where any occupier shall heretofore have erected or shall hereafter erect a rabbit-proof fence upon any boundary of his land, the occupier of the adjoining land, if such land is situated within a District Council or Municipal Corporation, shall, three months after demand, be liable to pay to the occupier who is in occupation at the time when such demand is made a contribution of one-half part of the value of the said fence at the time of such demand:

(b) The same shall be paid within one year from the date of such demand, with interest at the rate of four per centum per annum.

198. As regards any vermin or rabbit proof fence hereafter to be erected, the occupier requiring any adjoining occupier to join in or contribute towards the erection of such fence shall serve on such adjoining occupier a notice of his intention to fence, specifying the boundary to be fenced and the kind of fence proposed to be erected.

If within three months after the service of any such notice the occupier serving the notice and the occupier served therewith do not agree as to the erection and kind of fence to be erected, the occupier serving such notice may erect the whole fence, and may recover
recovery from the occupier from whom contribution is sought the proportion of the cost of such erection to which such last-mentioned occupier is liable under this part of this Act.

199. If the occupier of any land bounded by a road shall heretofore have erected or shall hereafter erect on the boundary of his land and such road (a) a rabbit-proof fence, if such land is situated within a District Council, or (b) a vermin fence, if such land is not situated within a District Council, and any other occupier shall heretofore have adopted or shall hereafter adopt any means whereby his land is enclosed by such fence, such last-mentioned occupier shall, three months after demand upon him, be liable to pay to the occupier of the land whereon such fence is erected interest on the half value of such fence at the time of such demand at the rate of Five Pounds per centum per annum for so long as such land shall be so enclosed, such interest being payable annually, and shall also for so long as aforesaid be further liable for half the cost of the repairs of such fence.

200. Any person erecting a vermin or rabbit proof fence shall be entitled to clear all scrub for a width not exceeding six feet on each side along the length of such fence, and the cost of such clearing shall be deemed to be a part of the cost of erecting such fence, and the cost of keeping such width clear shall be deemed to be part of the cost of repairing such fence.

201. When and as often as any vermin or rabbit proof fence heretofore or hereafter erected shall be out of repair or require renewal, the occupiers of land on either side thereof shall be liable to contribute towards the cost of repairing or renewing such fence in equal proportions.

202. The occupier of any land separated from any adjoining land by a rabbit or vermin proof fence may, in manner provided by section 206 hereof, serve a notice upon the occupier of such adjoining land requiring him to assist in repairing or renewing such fence; and if such last-mentioned occupier shall fail to comply with such notice for the space of fourteen days after the service thereof, it shall be lawful for such first-mentioned occupier to repair or renew such fence and to demand and recover of and from such other occupier the proportion of the cost of repairing or renewing the same to which he is liable under the provisions of section 201 hereof: Provided that if any such fence, or any portion thereof, shall be destroyed or injured by accident, the occupier of the land on either side may immediately repair or renew the same without any notice to the other occupier, and shall be entitled to recover such proportion of the cost of so doing from the occupier of the adjoining land: Provided always that in case such fence shall have been injured or destroyed in whole or in part through the neglect of any occupier of adjoining land, the occupier through whose negligence such fence shall have been
been so injured or destroyed shall, at his own expense, repair or renew the fence so injured or destroyed; and on default the other occupier may repair or renew the same and demand and recover from the occupier so liable the entire cost of such repair or renewal.

203. Nothing in this part of this Act contained shall be deemed or taken to affect any covenant, contract, or agreement made or hereafter to be made relative to vermin or rabbit proof fencing between landlord and tenant or occupiers of adjoining land.

204. Every person engaged in erecting, renewing, or repairing a vermin or rabbit proof fence under this part of this Act, his agents and servants, may, with or without horses, cattle, carts, or carriages, at all reasonable times while such construction or repairing is proceeding, enter upon the lands adjoining such fence, and do thereon such acts, matters, and things, except the cutting and felling of timber, as may be necessary for carrying into effect the erection, renewal, or repair of such fence.

205. Any person may come in and defend any proceeding under this part of this Act against any tenant of such person in consequence of which such person may ultimately incur any liability, and any defence which the person originally proceeded against might set up shall be available to the person so coming in to defend.

206. Any notice or demand to be given or made under this part of this Act may be in writing or in print, or partly in writing and partly in print, and signed by the person giving or making the same, or by his attorney or agent, and may be served on any person resident upon the land, or if there be no such person, or such person cannot be discovered, then such notice or demand may be served on the occupier or occupiers, or one of them, either personally or by leaving the same, or by forwarding the same through the post office in an envelope addressed to him or them at his or their usual or last known place of abode or business in South Australia, and if there shall be no such occupier residing in South Australia the service of such notice may be dispensed with: Provided that any person entitled to any such notice or demand may by words or conduct waive the same.

207. No greater sum shall be recovered from any person under this part of this Act for the cost of erecting, repairing, or renewing any fence than the amount which would be payable if such fence had been an ordinary fence of its kind, and had been erected, repaired, or renewed for the price usually paid in the district or locality for erecting, repairing, or renewing such a fence at the time when such sum first became payable.

208. Any person who has received an advance for fencing under this Act shall, until such advance be repaid, allow similar credit to any person from whom he is entitled to recover any portion of the cost of such fence.

209. For
209. For the purposes of this division of this Act—

1. Land shall be deemed to be enclosed when three-fourths of the boundaries thereof are fenced with a vermin or rabbit proof fence:

II. Words referring to the erection of a vermin or rabbit proof fence shall include the making of an existing fence vermin or rabbit proof:

III. As regards lands which are held under lease from or agreement with the Crown, it shall be sufficient, if any fence is a boundary fence, as defined in section 4 hereof, or if, although not actually upon a boundary, it serves the purpose of a boundary fence in the opinion of—

(a) The Pastoral Board as regards land included in a pastoral lease; or

(b) The Commissioner as regards land included in any other lease from or agreement with the Crown.

IV. As regards lands to which the last preceding subsection is inapplicable the following provisions shall apply:—

(a) When adjoining occupiers have not agreed as to the accurate position of the boundary line between their respective holdings on which either of such occupiers proposes that a vermin or rabbit proof fence shall be erected, such last-mentioned occupier may give notice to the other occupier of his intention to have such boundary fence defined by a licensed surveyor:

(b) The occupier to whom such notice shall have been given shall, seven days after the service thereof—

(i.) If satisfied as to the accurate position of such boundary line, define the same by pegs; or

(ii.) Employ a licensed surveyor to define such boundary line;

and shall notify, by writing, the other adjoining occupier of his determination in either of such cases:

(c) If within one month from the service of such notice the occupier to whom such notice shall have been given shall have failed to—

(i.) Define the boundary line by pegs; or

(ii.) Have the boundary line defined by a licensed surveyor;

then the occupier proposing to erect the fence may have the boundary line defined by a licensed surveyor:

(d) If
(d) If the boundary line when defined by a licensed surveyor is ascertained to be in the same position as defined by any pegs placed there by the occupier to whom such notice shall have been given, such occupier shall not be liable for any part of the costs of survey; but in all other instances where a licensed surveyor has been employed all reasonable expenses incurred shall be paid by the adjoining occupiers in equal shares.

PART VII.
ENFORCEMENT OF ACT.

DIVISION I.—OFFENCES.

210. Every person who shall be examined upon oath, affirmation, or declaration, by any Court or Board, or any Justice or other person under the authority of this Act, and shall, upon any such examination, wilfully make any false statement, shall be guilty of wilful and corrupt perjury, and be punished accordingly.

211. Every person who forges or alters or utters, uses, disposes of, or puts off, knowing the same to be forged or altered, any document or writing required or authorised by this Act, or any signature thereto or seal thereon, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years with hard labor.

212. Every person who—

(a) Wilfully publishes in the Gazette any false notice or other document in any matter in which a notice or other document is by this Act required or authorised to be published in the Gazette; or

(b) Wilfully posts any false notice in any matter of which public notice or any notice is by this Act required to be given; or

(c) Tears down, mutilates, defaces, or obliterates any public notice or other document posted in any place under the authority of this Act:

shall be liable to a penalty of not less than One Pound or more than Ten Pounds.

213. Any person who destroys or injures any vermin fence or wire netting fence or any part thereof, or any gate therein, shall, on conviction, be liable to a penalty not exceeding Twenty Pounds, or to be imprisoned for a term not exceeding six months, with or without hard labor.

214. Any person who, passing through a gateway in a fence erected under the provisions of this Act or of any Act hereby repealed,
The Vermin Act.—1905.

PART VII.
DIVISION I.

Penalty for personating officers.

Penalty for obstructing persons authorised under this Act.
Rabbit S. Act. 1879, sec. 25.

Vermin not to be set loose.

Vermin not to be taken or let loose on Kangaroo Island or any of the other islands on the coast of South Australia.

Penalty for disqualified person acting as member or auditor.
V.D. Act, 1894, sec. 106.

Penalty for not giving notice of disqualification.
V.D. Act, 1894, sec. 107.

repealed, leaves the gate thereof open, and any person who opens and leaves open a gate in such fence, shall, on conviction, be liable to a penalty not exceeding Twenty Pounds, or in default of payment, be imprisoned for a term of not exceeding six months, with or without hard labor.

215. Any person who falsely represents himself to be an authorised person, either by giving a notice to an owner or occupier purporting to be a notice under Part II. of this Act, or in any other manner whatsoever personating an authorised person, shall be guilty of a misdemeanor, and shall, on conviction, be liable to be imprisoned, with or without hard labor, for any period not exceeding twelve calendar months; and shall, in addition to such imprisonment, be liable to a penalty of not less than Twenty Pounds nor more than One Hundred Pounds.

216. (1) Any person who wilfully obstructs, hinders, or interrupts an authorised person in the exercise of a power or authority vested in such authorised person by Part II. of this Act, or threatens, assaults, or uses improper language to such authorised person whilst in the performance of his duty, shall, for every such offence, be liable to a penalty not exceeding Twenty Pounds.

(2) No proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to an action at law by such authorised person for or in respect of any such assault.

217. Any person who lets loose any vermin, or permits any vermin to be set loose in any part of the State, shall, on conviction, be liable to a penalty for each offence not exceeding One Hundred Pounds, or be imprisoned for a term of not exceeding six months with hard labor.

218. Any person who imports into or lets loose on Kangaroo Island, or any of the other islands on the coast of South Australia, or permits to be set or let loose thereon, or keeps alive on any vessel touching those islands, any vermin, shall on conviction be liable to a penalty of One Hundred Pounds or imprisonment, with or without hard labor, for a term of not exceeding six months.

219. Every person who—

(a) At the time of his appointment or election as a member of a Board or auditor shall to his knowledge be disqualified to act in such office:

(b) In any manner acts as a member of a Board or auditor with knowledge of the existence of his having become disqualified so to act:

shall be liable to a penalty of Ten Pounds.

220. Every person appointed or elected to the office of member of a Board or auditor, and who at the time of his appointment or election shall be disqualified, or who shall after his appointment or
or election become disqualified, and who shall not within fourteen days after having knowledge of his appointment or election and the existence of his disqualification, deliver or send through the post to the chairman of the Board, or, if there be no chairman, to the Commissioner, a notice containing his resignation, with the grounds thereof, shall be liable to a penalty of Ten Pounds.

221. Every member of a Board who, being duly qualified and duly elected or appointed, is called upon in manner by Part III. of this Act prescribed to defend his title to his office, and by default, or in collusion with any person laying the information against him, suffers an order to be made declaring his seat to be vacant, or that he is not a member, shall be liable to a penalty of not exceeding Twenty Pounds.

222. Every person under eighteen years of age who votes at an election held under Part III. of this Act, or sits or acts as a member of a Board, shall be liable to a penalty of not exceeding Ten Pounds.

223. Every person who—

(a) Gives any money or other article to a voter with a view to influence his vote;

(b) Holds out to him any promise or expectation of individual profit, advancement, or enrichment in any shape in order to influence his vote; or

(c) Makes use of any threat to a voter with a view to influence his vote;

and every voter who—

(d) Receives any money or article for his vote; or

(e) In consequence of any promise of profit, advancement, or enrichment promises his vote:

shall be guilty of a misdemeanor, and be liable to pay a penalty of not less than Ten Pounds or more than Twenty-five Pounds, or to be imprisoned for any period not exceeding three months.

224. Every person who wilfully makes any false answer to any question put to him under Part III. of this Act by any officer or person having authority in that behalf touching any voting-paper tendered by such person, or the right of such person to vote, shall be guilty of a misdemeanor, and be liable to be imprisoned, with or without hard labor, for a period not exceeding twelve calendar months.

225. Every officer or other person who is entrusted with or receives money under this Act, or by virtue of any office to which he may be appointed, or by virtue of any duty confided to him by the Board, and fraudulently disposes of or retains in his possession or applies to his own use the same money, or any part thereof, shall be deemed to have stolen the same and be guilty of larceny.

226. Every
PART VII.
DIVISION I.

Penalty for obstructing Board officers, &c.
V.D. Act, 1894, sec. 114.
Non-performance of provisions of this Act
V.D. Act, 1894, sec. 119.

Penalty for offence against this Act.
V.D. Act, 1894, sec. 120.

Penalties.
V.P.F. Act, 1890, sec. 16.

DIVISION II.

Gazette conclusive evidence of Proclamation and prior facts evidence of facts stated therein.
V.D. Act, 1894, sec. 150.

Gazette evidence of appointments and elections notified therein.
V.D. Act, 1894, sec. 161.

DIVISION II.—EVIDENCE.

230. (1) The Gazette containing a Proclamation made by the Governor or Commissioner under this Act shall be conclusive evidence of the fact, tenor, and validity of such Proclamation, and shall be evidence of the facts stated, recited, or assumed therein.

(2) No such Proclamation shall be invalid by reason of anything required as preliminary thereto not having been duly done.

231. The Gazette containing a notice of the appointment or election of any person to any office in a District shall be conclusive evidence of such appointment or election, except in any proceeding brought to try the title of the person so appointed or elected.

232. The
232. The Gazette containing a notice that a resolution was passed or order made at a meeting of a Board shall be conclusive evidence—

(a) Of such resolution being passed or order made:
(b) Of the meeting being lawfully convened:
(c) Of any facts stated in such notice relating to the majority by which such resolution was passed, and the number and proportion of members of the Board present.

233. The Gazette containing a notice that a rate declared by a Board is payable shall, except on proceedings to quash such rate, be conclusive evidence that the rate has been duly declared or made.

234. By-laws, minutes of a Board, or a committee thereof, books and contracts, specifications, plans, estimates, and other documents in the hands of a Board by this Act required or authorised, and any copy thereof or extract therefrom purporting to be signed by the chairman, or two members of the Board, or the secretary, shall be receivable in any proceeding before any Court or person as evidence of the matters therein contained, and, in the case of by-laws, shall be evidence of the passing, confirmation, and publication thereof, and of the performance of the requirements of this Act in respect thereof.

235. Judicial notice shall be taken of the seal of a Board by every Court and Justice.

236. Nothing in this Act contained shall prevent proof being given of the tenure of any office by evidence of acting in such office, nor any notice purporting to be a notice given by a Board, and published or posted as by this Act directed, or a copy thereof, being given in evidence in any proceeding against the Board, or any officer thereof, or shall negative any statutory or other rule of law as to evidence or presumptions therefrom.

237. In any proceeding for the recovery of the cost and expense of destroying vermin under Part II. of this Act, a certificate purporting to be under the seal of the Council, or Vermin Board, or under the hand of the Chairman of an Associated Board, or of the Commissioner, as the case may be, and specifying the amount of such cost and expense, shall be received as primâ facie evidence of the amount of the cost and expense of such destruction.

238. (1) The Gazette containing any regulations purporting to be made by the Governor by virtue of this Act shall be conclusive evidence of the making of such regulations.

(2) The Gazette containing a notice of a resolution being passed by either House of Parliament objecting to any such regulations shall be conclusive evidence of the passing of such resolution.

239. In
PART VII.
DIVISION III.
Evidence of money owing on land.
V.P.F. Act, 1890, sec. 26.

DIVISION III.
Notices and demands, how served.
V.D. Act, 1894, sec. 123.

239. In any proceeding where it is desired to prove the amount of any payments then due or hereafter payable under Part VI. of this Act, in respect of any land, a certificate as to such amount, signed by the Commissioner or the clerk of the Council, shall be prima facie evidence as to such amount.

DIVISION III.—LEGAL PROCEDURE.

240. The following provisions shall apply as to every notice or demand by this Act required to be given to the owner or occupier of any land:

1. Such notice or demand shall be addressed to such owner or occupier.

2. Such notice or demand shall be deemed duly served if the same shall be—

(a) Given to such owner or occupier personally;

(b) Left at his usual or last known place of abode; or

(c) Sent by post, in a prepaid envelope addressed to such owner or occupier at his usual or last known place of abode.

3. In the case of the Crown all notices shall be sent by post to the Surveyor-General.

4. Where there shall be more than one owner or occupier of the same land, service upon any one of them in manner aforesaid shall be deemed service upon all.

241. Every summons, notice, writ, or other proceeding requiring or authorised to be served on the Board may be served by being given personally to the chairman, or secretary, or at the Vermin Board Office to some officer of the Board there.

242. Every order, summons, notice, or other such document requiring to be authenticated by the Board shall be sufficiently authenticated without the common seal of the Board if signed by the chairman, by two members of the Board, or by the secretary.

243. In the event of any person against whom the Board have any claim or demand being adjudicated insolvent, or making a statutory assignment for the benefit of or composition with his creditors, the secretary, treasurer, or any officer of the Board appointed by the chairman, in writing under his hand, may represent the Board in all proceedings relating to the insolvency or assignment of the estate of such person as if such claim or demand had been the claim or demand of such secretary, treasurer, or officer.

244. In all proceedings before Justices or a Local Court, the secretary, treasurer, or any other officer of the Board, appointed by the chairman in writing under his hand, may represent the Board in all respects as though such officer had been the party concerned.

245. The
245. The secretary, treasurer, or other officer appointed as aforesaid shall be reimbursed out of the District Fund all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in either of the two last preceding sections.

246. No writ of quo warranto, or information in the nature of a quo warranto, or other proceeding shall issue, or be filed, or had, or taken in the Supreme Court, to try or question the title of any Board, or the title of any person to act as member of a Board, chairman, or auditor, or in any office or place in, or in the gift of, a Board.

247. No mandamus shall issue from the Supreme Court to admit or restore to office, or to compel the Board to proceed to the election or appointment of any member of a Board, chairman, auditor, officer, or other person to any office or place in, or in the gift of, a Board, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the Board or person may be entitled under this Act.

248. The proceedings—

(a) To try the title of a member of a Board, chairman, auditor, officer, or other person to his office or place:

(b) To try the right of any person to be admitted or restored to any such office or place, or to compel his restoration or admission:

(c) To compel the board to proceed to any election or appointment:

(d) To try the validity of any rate:

(e) To compel the production or delivery of any books, voting-papers, or other documents or papers to the production or possession whereof any Board or person may be entitled under this Act:

shall be had and taken before, and determined by, two or more Justices in a summary way.

249. (1) The information, for the purposes of section 248, may be laid at the instance of the Board, or by a ratepayer of the District, or the Commissioner or other person interested.

(2) The Justices may make an order—

(a) Declaring any person to be not entitled to the office or place then possessed by him, and that such office or place is vacant:

(b) Declaring that the informant is entitled to the said office or place:

(c) Commanding
PART VII.
DIVISION III.

(c) Commanding the Board to proceed to take the necessary steps for and hold any election, or make any appointment:

(d) Compelling any person or persons to proceed to any ballot that may be necessary:

(e) Quashing any rate which for any reason is invalid:

(f) Compelling the production or delivery of any books, voting-papers, or documents by or to the Board, or any officer thereof, to or by any person.

(3) No order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

250. On non-compliance with any order made by any Justices, under the provisions of section 248 hereof, the following provisions shall apply:

(a) Any two or more Justices may, on information laid at the instance of the Board, or by any ratepayer or person interested, order any sum of money to be paid by or to the Board, or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order:

(b) Such Justices may order any such officer or person to be imprisoned, either for a specified time not exceeding six calendar months, or until the aforesaid order is obeyed, and such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid:

(c) On non-compliance with any order commanding anything to be done by the Board, any two or more Justices may order the payment of any sum of money by, or the imprisonment of, any person who would before the passing of this Act have been liable to attachment, or subject to process of contempt for disobedience to any peremptory writ of mandamus issued out of the Supreme Court commanding the Board to do the act directed by such order.

251. No proceedings to try the title of any person to any office or place in, or in the gift of, a Board shall be had or taken except upon an information laid within two calendar months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person shall be liable to be ousted, whichever shall last happen.

252. No proceedings to try the validity of any rate under Part III. of this Act shall be had or taken except upon an information laid within two calendar months from the time at which notice of the rate shall have appeared in the Gazette.

253. (1) No
253. (1) No member of a Board shall be subject to be sued or prosecuted by any person whomsoever, nor shall the body, goods, or lands of a member of a Board be liable to any execution of any legal process by reason of any contractual or other instrument entered into by the Board, or by reason of any other lawful act done by the Board in the execution of any of their powers.

(2) Every member of a Board, his heirs, executors, and administrators, shall be indemnified by the Board for all payments made, or liabilities incurred, in respect of any acts done by him, and of all losses, costs, and damages which he may incur in the bona fide execution of the powers granted to him by this or any other Act.

254. (1) All prosecutions for the infliction of pecuniary penalties upon, and all actions against, any member of a Board, chairman, officer, or person for anything done or omitted to be done in pursuance of Part III. of this Act shall be commenced within six calendar months after the happening of the cause of prosecution or action, and not otherwise, except as hereinbefore to the contrary provided.

(2) Notice in writing of any such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action.

(3) The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at the trial.

(4) The plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if, after action brought, the defendant shall pay into Court sufficient amends; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court.

(5) If a verdict shall pass for the defendant, or the plaintiff become nonsuit, or discontinue, or the defendant otherwise recover judgment, he shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

255. (1) The cost of an advertisement required by Part III. of this Act shall be paid by the Board, Corporation, or person whose action immediately necessitates such advertisement.

(2) The Commissioner may require payment of such costs before causing an advertisement to be inserted.

256. A District Council, Vermin Board, or Associated Board may remit, in whole or in part, a pecuniary penalty imposed by or under this Act, or a penalty which such Council, Board, or Associated Board is authorised to receive by virtue of this Act, except a penalty imposed for an offence under section 24.

257. The imposition of a penalty for an offence under Part III. of this Act shall not affect any action or other remedy at the instance of the Board or any person for compensation for or the prevention of injury that may result from such offence.

258. All
PART VII.

DIVISION III.

Fines against provisions of Act may be recovered before two Justices.
V.D. Act, 1894, sec. 136.

Recovery of share of cost from other occupier.

Proceedings before Justices.
V.D. Act, 1894, sec. 136.

On non-payment of penalties, &c., Justice may imprison.
V.D. Act, 1894, sec. 137.

Appeal to Local Court from order made by Justices.
V.D. Act, 1894, sec. 138.

Local Court may state a case for opinion of Supreme Court.
V.D. Act, 1894, sec. 139.

258. All fines and penalties for any offence against this Act, or any by-law of the Board, may be recovered before any two or more Justices in a summary way, on an information at the instance, except where otherwise expressly provided, of any person or persons whomsoever.

259. Any amount which any occupier may be liable to pay to any other occupier under the provisions of Part VI. of this Act may be recovered in any Court of competent jurisdiction.

260. All the proceedings before Justices shall be regulated by Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act" (298 of 1883-4), and any other Act that may be law for the time being in that behalf.

261. (1) In every case of the adjudication of a fine or pecuniary penalty or amends under this Act, and of the non-payment of such fine or pecuniary penalty or amends, any Justice may commit the offender or person making default in payment to any gaol in the said State for any time not exceeding three calendar months, the imprisonment to cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof.

(2) This section shall not affect any remedy under the said Ordinance No 6 of 1850, or the Act No. 298 of 1883-4, for the recovery of any fine or any pecuniary penalty or amends.

262. (1) There shall be an appeal from an order of Justices made under the provisions herein contained, and from a conviction by Justices for an offence against this Act or any by-law of a Board, and from an order dismissing an information or complaint under this Act or any by-law.

(2) Such appeal shall be to the Local Court of Adelaide of Full Jurisdiction only.

(3) The proceedings in such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, and the Act No. 298 of 1883-4, for appeals to Local Courts.

(4) The Local Court of Adelaide aforesaid may make such order as to payment of the costs of such appeal as the Court shall think fit, although such costs may exceed Ten Pounds.

263. (1) The Local Court, upon the hearing of any appeal under section 262, may state one or more special case or cases for the opinion of the Supreme Court.

(2) The Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases.

(3) The Supreme Court shall make such order as to the costs of any such special case as to the said Court shall appear just.

(4) Any
The Vermin Act.—1905.

(4) Any Justice or Justices or the Local Court of Adelaide shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Justice or Justices or Local Court shall be enforced in manner provided by this Act, or otherwise, for the enforcement of orders of Justices.

(5) Save as herein provided, no order or proceeding of Justices, or of any Local Court made under the authority of this Act, shall be appealed against or removed by certiorari or otherwise into the Supreme Court.

264. All fines, penalties, and forfeitures recovered before Justices for offences against this Act, or against any by-law made under this Act, committed within a Vermin-Fenced District, or within the boundaries of a District Council, or Associated Board shall, except where otherwise provided, be paid to the Board of such District, or to such District Council, or Associated Board, as the case may be, save such portion of any such fine, penalty, or forfeiture as may by law be appropriated to any informer other than such Boards or Council, or an officer thereof.

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

GEORGE R. Le HUNTE, Governor.
### SCHEDULES.

#### THE FIRST SCHEDULE.

**ACTS REPEALED.**

<table>
<thead>
<tr>
<th>Reference to Acts</th>
<th>Title</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 139 of 1879</td>
<td>“The Rabbit Suppression Act, 1879”</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 346 of 1885</td>
<td>“The Vermin Act Repeal Act”</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 460 of 1889</td>
<td>“The Wild Dog and Fox Destruction Act, 1889”</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 478 of 1890</td>
<td>“The Vermin-proof Fencing Act, 1890”</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 559 of 1892</td>
<td>“The Fences Act, 1892”</td>
<td>The whole Act as regards vermin-proof fences and rabbit-proof fences</td>
</tr>
<tr>
<td>No. 597 of 1894</td>
<td>“The Vermin Districts Act, 1894”</td>
<td>The whole Act, except section 10</td>
</tr>
<tr>
<td>No. 634 of 1895</td>
<td>An Act to amend the laws relating to Vermin</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 656 of 1896</td>
<td>“The Vermin Districts Amendment Act, 1896”</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 679 of 1897</td>
<td>“The Vermin-proof Fencing Amendment Act, 1897”</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 706 of 1898</td>
<td>An Act to amend the “Vermin Acts Amendment Act of 1896”</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 746 of 1900</td>
<td>“The Vermin Districts Amendment Act, 1900”</td>
<td>The whole Act</td>
</tr>
<tr>
<td>No. 826 of 1903</td>
<td>“Fences Act Amendment Act, 1903.”</td>
<td>The whole Act as regards vermin-proof fences and rabbit-proof fences</td>
</tr>
<tr>
<td>No. 850 of 1904</td>
<td>“The Pastoral Act, 1904”</td>
<td>The whole of Part XI., being from section 98 to section 105, both inclusive, and section 132</td>
</tr>
<tr>
<td>No. 419 of 1887</td>
<td>“The District Councils Act, 1887”</td>
<td>Section 252</td>
</tr>
<tr>
<td>No. 863 of 1904</td>
<td>“The District Councils Amendment Act, 1904”</td>
<td>Sections 42 and 54</td>
</tr>
</tbody>
</table>
The Vermin Act—1905.

THE SECOND SCHEDULE.

Form No. 1.

"The Vermin Act, 1905."

NOTICE TO DESTROY VERMIN.

To Mr. [name of owner or occupier] of [his address and occupation].

Take notice that I, the undersigned, being an authorised person under the above Act, do hereby, pursuant to the provisions of the said Act, require you forthwith to destroy all vermin upon the land occupied by you in [hundred or other locality of land] being [numbers of sections or other description of land], containing [area in acres or square miles], and (if so) also upon the half width of all roads adjoining the said land or any part thereof.

Dated this day of 19.

[Signature.]

Every notice under this Act is deemed to have been duly served upon the owner or occupier if left at his usual or last known place of abode in the State.

On neglect or failure to comply with this notice, the destruction of the vermin upon the land and roads (if any) therein mentioned will be effected by the [District Council, Vermin Board, Associated Board, or Commissioner of Crown Lands, as the case may be], at the expense of the owner or occupier.

Form No. 2.

INFORMATION.

South [Royal Arms] Australia.

(To wit.)

Be it remembered that on this day of , in the year of our Lord one thousand nine hundred and , at , in the State of South Australia, in the Commonwealth of Australia, of in this State, an authorised person within the meaning of Part II. of "The Vermin Act, 1905," came before me, , Esquire, one of His Majesty's Justices of the Peace in and for the said State, and gave me to understand and be informed that on the day of , 190 , of in the said State, being the owner (or occupier, as the case may be) of certain land, to wit [here sufficiently describe the land], did not, within fourteen days after the service upon him of a notice under section 23 of the said Vermin Act, 1905, take all necessary, sufficient, and proper steps for the destruction of vermin upon such land, contrary to the form of the Statute in such case made and provided.

Taken before me at the day and year first above written.

J.P.

Form No. 3.

INFORMATION.

South [Royal Arms] Australia.

(To wit.)

Be it remembered that on this day of , in the year of our Lord one thousand nine hundred and , at , in the State of South Australia, in the Commonwealth of Australia, of in the said State, an authorised person within the meaning of Part II. of "The Vermin Act, 1905," came before me, , Esquire, one of His Majesty's Justices of the Peace in and for the said State, and gave me to understand and be informed that on the day of , 190 , of in the said State, being the owner (or occupier, as the case may be) of certain land, to wit [here sufficiently describe the land], did not during the months of and , being the months declared to be simultaneous vermin destruction months for the [here set out name of District, Vermin-Fenced District, Associated Board, or other portion of the State, as case may be] in which such land is situate, take all necessary, sufficient, and proper steps for the destruction of vermin upon such land, contrary to the form of the Statute in such case made and provided.

Taken before me at the day and year first above written.

J.P.  

Form
NOTICES OF MONEYS PAYABLE FOR DESTRUCTION OF VERMIN.

Notice is hereby given that there is now due and payable in respect of the cost and expense of the destruction of vermin upon the land (or lands, as the case may be) mentioned in the schedule hereto, the sum set opposite to the description of such land or lands; and the owner or owners of such land or lands are required to take notice that unless the amount or amounts so due, together with the cost of and attending this notice, be paid to the [set out name of District Council, Associated Board, or Vermin Board, or Commissioner of Crown Lands, as case may require] on or before the day of . [one month from the last publication of this notice], the said [District Council, Board, or Commissioner, as case may be] will let such of the said land or lands in respect of which any money shall be then unpaid, from year to year, in manner provided by “The Vermin Act, 1905,” or apply to the Supreme Court for an order for the sale of such land or lands, or so much thereof as may be necessary to produce the amount or amounts remaining unpaid, and also the costs of and attendant upon such application and sale.

Dated this day of .  

*Signature of Chairman of District Council, Associated Board, or Vermin Board, or Commissioner, as case may be.

THE THIRD SCHEDULE.

VERMIN DISTRICTS UNDER BOARDS (ACT 597 OF 1894).

<table>
<thead>
<tr>
<th>Districts</th>
<th>Proclaimed.</th>
<th>Present Ratable Area in Square Miles.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Braemar</td>
<td>October 27th, 1898</td>
<td>291</td>
</tr>
<tr>
<td>Carriewerloo</td>
<td>January 27th, 1898</td>
<td>632</td>
</tr>
<tr>
<td>Elliston</td>
<td>April 20th, 1899</td>
<td>1,694</td>
</tr>
<tr>
<td>Finders</td>
<td>January 17th, 1901</td>
<td>2,152</td>
</tr>
<tr>
<td>Franklin Harbor</td>
<td>December 22nd, 1904</td>
<td>1,344</td>
</tr>
<tr>
<td>Fowler’s Bay</td>
<td>December 11th, 1902</td>
<td>8,776</td>
</tr>
<tr>
<td>Lake Torrens</td>
<td>December 8th, 1904</td>
<td>4,105</td>
</tr>
<tr>
<td>Lake Torrens East</td>
<td>“</td>
<td>284</td>
</tr>
<tr>
<td>Minburra</td>
<td>November 26th, 1903</td>
<td>785</td>
</tr>
<tr>
<td>Mount Iye</td>
<td>October 27th, 1898</td>
<td>264</td>
</tr>
<tr>
<td>Murkaby</td>
<td>December 11th, 1902</td>
<td>470</td>
</tr>
<tr>
<td>Nullarbor</td>
<td>November 24th, 1904</td>
<td>1,294</td>
</tr>
<tr>
<td>Old Koomooloo</td>
<td>October 27th, 1898</td>
<td>295½</td>
</tr>
<tr>
<td>Paralana</td>
<td>January 23rd, 1902</td>
<td>1,507</td>
</tr>
<tr>
<td>Parcoola</td>
<td>November 24th, 1904</td>
<td>311</td>
</tr>
<tr>
<td>Pandurra</td>
<td>December 31st, 1896</td>
<td>654</td>
</tr>
<tr>
<td>Streaky Bay</td>
<td>November 22nd, 1900</td>
<td>1,788</td>
</tr>
<tr>
<td>Wilgena</td>
<td>August 26th, 1897</td>
<td>3,258</td>
</tr>
<tr>
<td>Wartaka</td>
<td>November 1st, 1900</td>
<td>1,294</td>
</tr>
<tr>
<td>Yarley</td>
<td>February 9th, 1899</td>
<td>375</td>
</tr>
<tr>
<td>Yardea</td>
<td>December 12th, 1901</td>
<td>1,343</td>
</tr>
</tbody>
</table>
Strainers not less than about five inches in thickness at smaller end, one hundred and fifty yards apart, two feet six inches in the ground, three feet six inches out of ground.

Posts of approved timber not less than three inches in thickness at smaller end, twenty feet apart, eighteen inches in the ground, three feet three inches out of the ground.

A wire netting of not less than eighteen gauge, of a minimum width of thirty-six inches and maximum mesh of not more than one and a half inches, four inches of such netting to be fixed in the ground and thirty-two inches out of the ground.

Two plain wires—one foot four inches and two feet eight inches above the surface, one barbed wire three feet from the ground hung with S hooks, four feet apart.

Optional as to the use of a plain wire on or below the surface.
Strainers not less than about six inches in thickness at smaller end, one hundred and fifty yards apart, two feet nine inches in the ground, fifty-four inches out of ground.

Posts not less than about five inches in thickness at smaller end, twenty feet apart, twenty-four inches in the ground, fifty-four inches out of the ground.

A wire netting, eighteen gauge, of a minimum width of forty-two inches and maximum mesh of one and a half inches, four inches of such netting to be fixed in the ground and thirty-eight inches out of the ground.

A barbed wire, with barbs not more than three inches apart, three and a half inches above netting hung with 8 hooks three feet apart.

A second top similar barbed wire hung with 8 hooks nine and a half inches above other barbed wire.

The barbed wires to be fastened to the post with a wire staple put through a hole in the post and turned up on the other side.

Two number ten plain wires—one foot seven inches and three feet ten inches above the surface.

Optional as to the use of a barbed or plain wire on or below the surface.

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THE SIXTH SCHEDULE.

FORM No. 1.

Vermin-Fenced District of , Annual Election.

Nominations will be received at the Vermin Board Office for the District of at , up to 12 o'clock noon on , the day of , 19 , for members of the Board, and for auditor. Should more than the required number be nominated, either for members of the Board or auditor, further proceedings will be adjourned until , the day of , 19 , when an election will take place by ballot.

Dated the day of 19 .

By order,

Secretary.

FORM No. 2.

Nomination of Member of Vermin Board.

The Vermin-Fenced District of , Annual Election, 19 .

We, the undersigned, ratepayers of the Vermin-Fenced District of , do hereby nominate [here state names of candidate in full, with address and occupation] as a candidate for the office of a member of the Vermin Board of such District at the election to be held on the day of 19 .

[Signatures of Nominators.]

I, the above-named, hereby consent to the above nomination.

Signature of Candidate.

FORM No. 3.

FORM OF PROXY.

I, , of , being a ratepayer of the Vermin-Fenced District of , in respect of [here state land] and entitled to vote for the election of members of the Board (and auditors) for the said District, hereby appoint , of , as my proxy to vote for me and on my behalf at the election of members of the said Board (and auditors) to be held on the day of 19 .

As witness my hand this day of 19 .

Signed by the said in the presence of .

Form