



ANNO QUARTO

GEORGII V REGIS.

A.D. 1913.

No. 1135.

An Act to further amend the Vermin Acts.

[Assented to, December 18th, 1913.]

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

- 1.** (1) This Act may be cited alone as "The Vermin Act Further Amendment Act, 1913." Short titles.

(2) "The Vermin Acts, 1905 to 1912," and this Act may be cited together as "The Vermin Acts, 1905 to 1913." No. 905 of 1905.
No. 940 of 1907.
No. 1066 of 1911.

(3) "The Vermin Act, 1905," is hereinafter referred to as "the principal Act," and "The Vermin Act Amendment Act, 1907," is hereinafter referred to as "the amending Act of 1907." No. 1107 of 1912.
- 2.** This Act is incorporated with the other Acts mentioned in section 1, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.
- 3.** The definitions of the terms "Board" and "Vermin-Fenced District," in section 4 of the principal Act are amended by inserting "or Part V." after "Part III." in each case. Amendment of section 4 of principal Act—Interpretation.
- 4.** Section 21 of the principal Act (as substituted by the amending Act of 1907) is amended by striking out the word "and" in the fifth line thereof, and inserting the words "and April" after the word "March" in the same line. Amendment of section 21—Simultaneous vermin destruction period.
- 5.** Section 24 of the principal Act (as substituted by the amending Act of 1907) is repealed, and the following provisions are enacted and substituted therefor, namely:— Repeal of section 24 and substitution of other provisions.

24. (1) The

The Vermin Act Further Amendment Act.—1913.

Penalty for not destroying vermin during simultaneous destruction period or after notice.

24. (1) The owner or occupier of any land who does not—
- (a) during the simultaneous vermin destruction months of January, February, March, and April in any year, or
- (b) within the prescribed time after the service upon him of a notice under section 23—

destroy all vermin upon such land, and upon the half width of all roads adjoining the same, shall be liable to a penalty for a first offence of not more than Five Pounds, and for every subsequent offence of not more than Twenty Pounds.

- (2) An information under this section—

- (a) shall not be laid except by an authorised person ;
- (b) may be in such of the forms No. 2 and No. 3 in the Second Schedule to this Act as is applicable to the case, and when in such form shall not be questioned for want of form ;
- (c) may be amended by the Court ; and
- (d) shall be laid within six months from the expiration of the simultaneous vermin destruction months, or from the date of the service of such notice, according to the nature of the case.

(3) In subdivision (b) of subsection (1) hereof, the expression “prescribed time” means the time prescribed for the purpose of the said subdivision by the Commissioner by notice published in the *Gazette* and in two daily and two weekly newspapers published in South Australia, with regard to land situated within the District Council District or Vermin-Fenced District, or other area, within which the land specified in the notice is situated.

Amendment of section 45.

6. Section 45 of the principal Act is amended by—

- I. striking out the words “of Four Pounds” in subdivision (c) of subsection (1) thereof, and
- II. adding at the end of the said subdivision the words— “paid by the Board of such previously declared District for any money borrowed by it in respect of such fence.”

Contribution for fences already erected—Rate of interest.

Amendment of section 119—Revenue, how to be expended.

7. Section 119 of the principal Act is amended by inserting the words “or on any land outside the district” after the word “district” in subdivision (c) thereof (as substituted by the amending Act of 1907).

Amendment of section 158.

8. Section 158 of the principal Act is amended by adding thereto the following subsection :—

Repayment of money expended by Vermin Trust.

- (2) The instalments under subdivision (a) of this section, together with all interest for the time being due under subdivisions (a) and (d) of this section, may be recovered by the Commissioner

The Vermin Act Further Amendment Act.—1913.

Commissioner, or any person authorised by him, at any time from the owners or occupiers for the time being of such land, or of any part thereof, by action in any Court of competent jurisdiction, or summarily in manner indicated by section 260.

9. Sections 159, 160, and 161 of the principal Act are repealed, and the following provisions are enacted and substituted therefor, namely:—

Repeal of sections 159 and 160 and substitution of other provisions.

159 (1) The Commissioner may erect vermin-proof fences which shall be paid for out of moneys appropriated by Parliament for the purpose: Provided that—

Commissioner may erect vermin-proof fences.

i. A plan showing—

- (a) the proposed situation and description and the estimated cost of any fence proposed to be so erected, and the estimated amount of all (if any) contributions in respect of existing vermin fences which it is contemplated will be payable by the owners and occupiers hereinafter referred to;
- (b) the land which will be benefited by the erection of the fence;
- (c) the names of the owners or occupiers of such land;
- (d) the proportion of the cost of the fence and of such (if any) contributions which it is estimated will be payable by each owner or occupier; and
- (e) the rate which it is estimated will be payable by each owner or occupier in respect of his land,

shall be laid before Parliament for a period of thirty days, and a copy of such plan shall be forwarded to every owner or occupier therein named; and

ii. No such fence shall be erected unless, after the expiration of such period of thirty days, a resolution is adopted by each House of Parliament, approving the erection thereof.

(2) The cost of any fence erected under this section, together with the cost of the maintenance and supervision thereof, shall be borne by the owners or occupiers for the time being of the lands which are indicated on the plan under subsection (1) hereof as lands which will be benefited thereby.

(3) Every such owner or occupier shall pay his proportion of the cost of the fence in twenty equal yearly instalments, together with simple interest on the balance for the time being unpaid at the fixed rate, and his proportion of the cost of the maintenance and supervision of the fence. The amounts so payable may be paid by means of the rates imposed under subsection (4) hereof.

(4) The Commissioner shall, from time to time, calculate the amounts to be paid by any owner or occupier under subsection (3) hereof

The Vermin Act Further Amendment Act.—1913.

(3) hereof, and shall each year impose a rate upon the land of such owner or occupier sufficient to produce the amount to be paid by him for the year. The rate so calculated shall be due by such owner or occupier in respect of his land, or by the owner or occupier for the time being of such land, and shall be recoverable accordingly by action in any Court of competent jurisdiction or summarily in manner indicated by section 260, by the Commissioner or any person authorised by him in that behalf.

(5) Any rate payable under subsection (4) hereof which is unpaid for fourteen days next after the date whereon the same becomes payable shall, by way of penalty, bear interest, which shall be payable therewith, calculated at a rate being One Pound per centum per annum in excess of the rate of interest payable under subsection (3) hereof.

(6) Notwithstanding anything herein contained, any owner or occupier may at any time repay all instalments with interest thereon then remaining unpaid: Provided that no such repayment shall relieve any owner or occupier of his liability to pay his proportion of the cost of maintenance and supervision of the fence.

Cf. principal Act,
s. 45.

(7) In any case where lands are not, by reason only of the erection of a fence pursuant to this section, a vermin-fenced area, but, by reason of such fence and previously existing vermin fences, whether fences of any Vermin-Fenced District or Districts or fences the property, in whole or in part, of any owners or occupiers (each of whom is hereinafter called a "private owner"), such lands are a vermin-fenced area, then the owners or occupiers referred to in subsection (2) hereof shall, in addition to bearing the cost referred to in that subsection, pay to the Board of every such District, and to every such private owner, one-half of the value, at the time of the erection of the fence pursuant to this section, of such portion of the vermin fence of such District, or of such private owner's interest in such portion of a vermin fence, as the case may be, as forms portion of the boundary of such vermin-fenced area, together, in the case of any amount so to be paid to a Board, with interest thereon at the rate mentioned in section 45.

Cf. *ibid.* and 1066,
1911, s. 19.

(8) The capital amounts to be paid pursuant to subsection (7) hereof, and the proportions thereof to be paid by the owners and occupiers respectively, shall be fixed by the Commissioner by an order or orders, which shall be published in the *Gazette*; and, in fixing the amount which any such owner or occupier is to pay to the private owner of any such vermin fence as aforesaid, the Commissioner shall deduct any contribution which such owner or occupier has made towards the value of such fence.

(9) The capital amount and interest so to be paid by any owner or occupier to a Board shall be paid in the manner and at the times

The Vermin Act Further Amendment Act.—1913.

times mentioned in subsection (1) of section 45: Provided that any owner or occupier may at any time pay all instalments thereof, with interest thereon, then remaining unpaid.

(10) The amount so to be paid by any owner or occupier to a private owner shall be due and payable at the expiration of one month from the publication in the *Gazette* of the order fixing such amount. Cf. principal Act, s. 45 (2).

(11) Any sum payable under this section shall be recoverable by action in any Court of competent jurisdiction, or summarily in manner indicated by section 260. Cf. *ibid.*, s. 4, def. of "ratepayer".

(12) For the purposes of this section, the Surveyor-General shall be deemed to be the occupier of Crown lands.

160. (1) In every case where a fence has been erected under section 159 the Governor, on the recommendation of the Commissioner, may by proclamation declare the lands shown on the plan under subsection (1) of section 159, with respect to such fence, as the lands which would be benefited by such fence, to be a Vermin-Fenced District for the purpose of this Act. The Governor may constitute the fenced area a Vermin-Fenced District.

(2) The power conferred by subsection (1) hereof may be exercised without any petition and notwithstanding that the provisions of section 42 have not been observed in the particular case: Provided that—

(a) the proclamation shall assign a name to the District thereby constituted and shall define the boundaries thereof, and

(b) subsection (4) of the said section 42 shall apply.

(3) Upon and from the constitution under subsection (1) hereof of a Vermin-Fenced District, all the provisions of this Act shall apply as if such District had been constituted under section 42: Provided that the provisions of subsections (2) to (12) inclusive of section 159 shall continue to apply, instead of the provisions of this Act, as to the matters dealt with in those subsections, which would apply in case such District had been constituted under section 42.

161. A document purporting to be certified by the Surveyor-General as a correct copy of a plan laid before Parliament under section 159 shall be *prima facie* evidence that the owners and occupiers of the land shown on such document, as the lands which would be benefited by the fence proposed to be erected, are liable under section 159 in respect of the cost of the fence erected under that section, and that they are so liable in the proportions shown on such document.

10. Section 162 of the principal Act is amended by inserting the words "by himself or any person or body authorised by him in that behalf" after the word "Commissioner" in the first line thereof. Amendment of section 162—Erection of vermin-proof fences across roads.

11. (1) Section

The Vermin Act Further Amendment Act.—1913.

Amendment of section 167—
Provision for payment of expenses of administration.

11. (1) Section 167 of the principal Act is amended by striking out the last four lines of subdivision (h) thereof, and substituting therefor the following provision, namely:—

and also undertakes to pay annually to the Council, for the purpose of defraying the expenses of administration in connection with the loan, an additional sum calculated at the rate of Ten Shillings per centum per annum upon the amount for the time being due by him in respect of his proportion of the value of such wire netting, or if any such sum so calculated amounts to less than One Shilling, then the sum of One Shilling.

Provisions as to interest to apply.

(2) All the provisions of the principal Act and of any amendments thereof, with respect to the interest on the debt due by an occupier to the Council, as provided by section 174 of the principal Act, shall apply to the additional sums mentioned in subsection (1) hereof.

Consequent amendment of section 172.

(3) Subsection (5) of section 172 of the principal Act is amended by substituting the word "sums" for the word "sum" in the last line thereof.

Amendment of Second Schedule—Forms of information.

12. The Second Schedule to the principal Act is amended by substituting the forms No. 2 and No. 3 in the First Schedule to this Act for the forms No. 2 and No. 3 inserted in the said Second Schedule by the amending Act of 1907.

Amendment of sec. 4 of amending Act, 1911, (No. 1066 of 1911)—Loans to Vermin Board for wire netting.

13. Section 4 of "The Vermin Act Amendment Act, 1911," is amended by inserting the words "or wire netting" after the word "fencing" in the second line thereof.

Amendment of section 24 of amending Act 1911 (No. 1066 of 1911)—Laying of poison and setting traps.

14. Section 24 of "The Vermin Act Amendment Act, 1911," is amended—

i. by inserting the words "or set traps" after the word "poison" in subsection (1) thereof; and

ii. by adding thereto the following subsection:—

(4) In this section, the expression "any land" includes any Crown lands, notwithstanding the definition of that expression in section 4 of the principal Act.

Destruction of Vermin on Breakwind Reserves in Pinnaroo Railway District.

Destruction of vermin on breakwind reserves.

Cf. Vermin Act, 1905, s. 20.

No. 831 of 1903.

15. (1) Every owner and every occupier of any land adjoining any land within the Pinnaroo Railway District reserved by the Surveyor-General as a breakwind (whether the land so reserved is or is not within any of the hundreds mentioned in section 13 of the "Pinnaroo Railway Act") shall at all times and at his own expense, destroy all vermin upon such breakwind reserve, and upon the half width of any road adjoining such reserve.

(2) When

The Vermin Act Further Amendment Act.—1913.

(2) When any land is separated from any such breakwind reserve only by a road, the owner or occupier of such land shall, at all times and at his own expense, destroy all vermin upon the full width of such road, and upon such breakwind reserve, and upon the half width of any other road adjoining such reserve.

(3) The obligation imposed by this section on the owner or occupier of land shall not apply in any case where the land adjoining the breakwind reserve on the side thereof remote from the first-mentioned land, or only separated therefrom by a road, is Crown land (which term does not include land vested in the South Australian Railways Commissioner).

(4) The obligation imposed by this section shall apply with respect to the whole width of a breakwind reserve, and with respect to so much of the length thereof, as adjoins the land of the owner or occupier bound by this section, or as is separated therefrom only by a road.

(5) When the owners or occupiers of lands on different sides of a breakwind reserve, or only separated therefrom by a road or roads, are bound by this section to destroy vermin on such reserve, or such reserve and road or roads, and the owner or occupier of the land on one of such sides destroys such vermin, he may, by action in any Court of competent jurisdiction or summarily in manner indicated by section 260 of the principal Act, recover a portion of the costs and expenses of the destruction thereof from the owner or occupier of the land on the other of such sides.

The portion so recoverable shall be determined according to the respective liabilities of such owners or occupiers under this section in respect of such reserve, or reserve and road or roads, or the part or parts thereof whereon the vermin have been so destroyed.

(6) In this section the expression "Pinnaroo Railway District" means the area enclosed by the outer edge of the blue line shown on the plan in the Second Schedule to the "Pinnaroo Railway Act."

16. When an authorised person finds vermin upon any such breakwind reserve or road as mentioned in section 15 of this Act, he may, by notice in writing require any person bound by the said section to destroy such vermin to forthwith destroy all vermin thereon, or on the part or parts thereof in respect of which he is so bound, as the case may be.

Notice to owner or occupier to destroy vermin.

Cf. *ibid.*, s. 23.

17. (1) The owner or occupier of any land who, being bound by section 15 of this Act to destroy the vermin on a breakwind reserve, or on such reserve and any road or roads, does not—

Penalty for not destroying vermin during simultaneous destruction period or after notice.

(a) during the simultaneous vermin destruction months of January, February, March, and April in any year, or

Cf. *ibid.*, s. 24.

(b) within the prescribed time after the service upon him of a notice under section 23 of the principal Act,

destroy

The Vermin Act Further Amendment Act.—1913.

destroy all vermin on such reserve, or on such reserve and road or roads, or on the part or parts thereof in respect of which he is so bound, as the case may be, shall be liable to a penalty for a first offence of not more than Five Pounds, and for every subsequent offence of not more than Twenty Pounds.

(2) The provisions of subsection (2) of section 24 of the principal Act (as substituted by this Act) shall apply to an information under this section: Provided that the information may be in such of the forms No. 1 and No. 2 in the Second Schedule to this Act as is applicable to the case, and when in such form shall not be questioned for want of form.

(3) This section shall be read as if the provisions of subsection (3) of the said section 24 (as so substituted) were repeated in this section.

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

DAY H BOSANQUET, Governor.

The Vermin Act Further Amendment Act.—1913.

THE SCHEDULES.

THE FIRST SCHEDULE.

Section 12.

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 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 _____, 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 simultaneous vermin destruction months of January, February, March, and April, in the year 19____, destroy all vermin upon such land (and upon the half width of all roads adjoining the same) 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 _____, 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 the time prescribed by the Commissioner of Crown Lands under section 24 of "The Vermin Act, 1905," after the service upon him of a notice under section 23 of the said Act, destroy all vermin upon such land (and upon the half width of all roads adjoining the same) 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.

The Vermin Act Further Amendment Act.—1913.

Section 17.

THE SECOND SCHEDULE.

FORM No. 1.

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 _____, 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*], and, being as such owner (*or occupier*), bound by section 13 of "The Vermin Act Further Amendment Act, 1913," to destroy the vermin upon a certain breakwind reserve [*or a certain breakwind reserve and a certain road (or certain roads) adjoining the same*] [*or a certain part (or parts) of a certain breakwind reserve (or of a certain breakwind reserve and a certain road (or certain roads) adjoining the same)*] did not during the simultaneous vermin destruction months of January, February, March, and April, in the year 19____, destroy all vermin upon such reserve [*or such reserve and road (or roads)*] [*or such part (or parts) of the said reserve (or the said reserve and road) (or roads)*] 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. 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 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 _____, 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*], and being, as such owner (*or occupier*), bound by section 13 of "The Vermin Act Further Amendment Act, 1913," to destroy the vermin upon a certain breakwind reserve [*or a certain breakwind reserve and a certain road (or certain roads) adjoining the same*] [*or a certain part (or parts) of a certain breakwind reserve (or of a certain breakwind reserve and a certain road (or certain roads) adjoining the same)*] did not, within the time prescribed by the Commissioner of Crown Lands under section 24 of "The Vermin Act, 1905," after the service upon him of a notice under section 23 of the said Act, destroy all vermin upon such reserve [*or such reserve and road (or roads)*] [*or such part (or parts) of the said reserve (or the said reserve and road) (or roads)*] 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.