



ANNO SEXAGESIMO TERTIO ET SEXAGESIMO
QUARTO

VICTORIÆ REGINÆ.

A.D. 1900.

No. 746.

An Act to amend the Law relating to Vermin Districts.

[Assented to, December 5th, 1900.]

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

1. This Act may be cited as “The Vermin Districts Amendment Act, 1900,” and shall be incorporated with “The Vermin Districts Act, 1894,” hereinafter called the principal Act. Short title and incorporation.

2. Section 4 of the principal Act defining “vermin-proof fence” is hereby repealed, but this repeal shall not affect any fence erected or made vermin-proof by any Board before the coming into operation of this Act. Repeal.

3. “Vermin-proof fence” shall mean— Vermin-proof fence.

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

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

4. (a) Every vermin-proof fence erected by a Board shall be erected to the satisfaction of the Commissioner. Fences subject to approval of Commissioner.

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

(c) The

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(c) The Commissioner may, by writing under his hand, require any Board to alter or repair any vermin-proof fence which has not been constructed in accordance with the requirements of this Act, and such Board shall alter or repair such fence accordingly.

Gates at junction
with another fence.

5. Any fence which joins, abuts on, or is connected with a vermin-proof fence erected by the Board shall be provided by the owner thereof at or about the point at which such fence joins, abuts on, or is connected with the vermin-proof fence with a suitable gate at least twelve feet wide, so as to allow free passage for the purpose of inspection and repair under section 4 of this Act. On default by the owner the Board may provide such gate and recover the cost from the owner. For the purposes of this section "owner" includes the occupier of the land on which the fence is erected.

Repeal.

6. The provisions of "The Wild Dog and Fox Destruction Act, 1889," are hereby repealed so far as relates to any lease situate to the north and west of the River Murray.

Exemption of fenced
lands from Wild Dog
and Fox Destruction
Act.

7. On the lessee of any land enclosing his land or any portion thereof with a vermin-proof fence to the satisfaction of the Commissioner, "The Wild Dog and Fox Destruction Act, 1889," shall not apply to the area so enclosed: Provided, however, that this section shall not affect any right accrued or any liability incurred under the said Act prior to such area being fenced with a vermin-proof fence.

Exemption not to
apply in certain cases.

8. The exemption from rates in the proviso to section 83 of the principal Act shall not apply to any land hereafter enclosed with a vermin-proof fence if such fence shall have been erected after the proclamation of the vermin district in which such land is situated.

Contributions by
instalments.

9. (1) Any Vermin Board liable under section 19 of the principal Act to pay any portion of the value of a vermin-proof fence to any other Board may pay such amount, with interest thereon, at the rate of Four Pounds per centum per annum, in twenty equal yearly instalments, calculated at the rate of Seven Pounds Seven Shillings and Two Pence for each One Hundred Pounds such first-mentioned Board is liable to pay.

(2) The first of such instalments shall become due and payable on the date when the liability of the first-mentioned Board is established, and one of such instalments shall become due in each year thereafter until the whole amount is paid.

Liability of adjoining
occupiers.

10. (1) Where the land of any occupier is not within a Vermin District, but abuts on a Vermin District, and such land is enclosed with a vermin-proof fence, or is portion of an area enclosed within a vermin-proof fence, such occupier 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 Vermin District one-half of the value of such fence at the time of such demand. (2) Such

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(2) Such occupier may pay the amount he is liable to pay to the Board, with interest thereon, at the rate of Four Pounds per centum per annum, in twenty equal yearly instalments, at the rate of Seven Pounds Seven Shillings and Two Pence for each One Hundred Pounds of the amount such occupier is liable to pay to the Board.

(3) The first of such instalments shall become due three months 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" has the same meaning as in "The Fences Act, 1892."

11. When a vermin-proof fence erected by any Board shall form the boundary of the land of any occupier whose land but for such vermin-proof fence would be without a boundary fence, the occupier of the land abutting on such vermin-proof fence, whether such land be inside or outside of a Vermin District, shall pay to the Board owning such vermin-proof 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.

Adjoining lessee using fence to pay interest.

12. Notwithstanding anything contained in "The Fences Act, 1892," no occupier shall be compellable to pay to any adjoining occupier half the cost of erecting any vermin-proof fence or of vermin-proofing any fence between their respective boundaries unless the boundaries of the adjoining land occupied by him shall be fenced with a vermin-proof fence.

Occupier not to pay in certain cases.

13. The Governor may, by Proclamation in the *Government Gazette*—

Alteration of boundaries.

(a) In case the Board has erected a vermin-proof fencing outside the boundaries of the district, or

(b) In case it is impracticable or would be very difficult to erect a vermin-proof 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 any portion of the district is situate outside of the vermin-proof fence erected by the Board,

sever such portion situate outside of such fence from such district.

14. The Governor may appoint a member on any Board.

Government representative on Boards.

The

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The officer so appointed shall not be subject to retirement by effluxion of time, but shall hold office during the Governor's pleasure.

In the case of Boards already constituted such officer shall be an additional member of the Board.

Where the Governor appoints any Government officer as a member of a Board the appointment shall specify that such member is not subject to retirement by effluxion of time.

Members of Board.

15. The Board of every Vermin District hereafter declared shall consist of not less than four members. Three of such members shall be owners of ratable property within the district, and one of such members may be a Government officer appointed as hereinbefore provided.

Amendment of section 44 of Act 597, 1894.

16. Section 44 of the principal Act is hereby amended by adding the following proviso:—"Provided that when such districts are included within the limits of a District Council, such *Gazette* notice shall appoint a time and place where written nominations shall be received."

Time and place for elections.**Amendment of section 45 of Act 597, 1894.**

17. Section 45 of the principal Act is hereby amended by adding the following proviso:—"Provided that in the case of elections for Boards of Vermin Districts within the limits of District Councils 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 chairman shall forthwith declare such persons duly elected. If a greater number are nominated than are required, the proceedings shall be adjourned for not less than fourteen days or more than twenty-eight days, when the votes of the ratepayers shall be taken by ballot; all proxy votes to be sent through the post to the Returning Officer in the form of the Schedule hereto."

Elections.**Amendment of section 78 of Act 597, 1894.**

18. Notwithstanding anything to the contrary in section 78 of the principal Act, it shall not be necessary for more than one member of the Board, in addition to the Chairman, to sign cheques on behalf of the Board.

Signing cheques.**Failure of elections.**

19. Section 47 of the principal Act, relating to supplementary elections, is hereby repealed, and the following section substituted in lieu thereof:—

47. Whenever the annual or other election shall from any cause 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 member of the Board required to be elected.

Suspension or abolition of Boards.

20. The Governor, if it shall appear to him that any Board refuses or neglects to perform the duties and functions imposed and conferred upon such Board by the principal Act or any Act amending the same, or refuses or neglects to declare or levy any rates which such Board should declare or levy, or makes default in the due

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due payment of any instalment of principal and interest due on any loan, or have misappropriated or have appropriated for any purpose not contemplated by the principal Act or any Act amending the same any of the moneys at the disposal of the Board, or any part of the revenue of the Board, may, by Proclamation in the *Government Gazette*, suspend the powers and functions of the Board for such time as he may think proper, or may abolish such Board.

21. When the powers and functions of a Board have been suspended, or the Board has been abolished, the Governor may, by Proclamation in the *Government Gazette*, 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 shall be appointed.

Effect of abolition and suspension.

22. During the period during which the powers and functions of the Board are suspended, and in case of the abolition of any Board, 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.

Property, &c., to vest in Commissioner.

23. The duty of preparing and publishing in the *Government Gazette*, in the month of April in each year, alphabetical lists of ratepayers entitled to vote for the election of members of Boards in each district, with the number of votes to which each ratepayer is entitled set opposite his name, shall hereafter as regards any district within the limits of a district council be performed by each Board in respect of its district instead of by the Commissioner, as provided in section 43 of the principal Act.

Board to publish list of ratepayers.

24. Section 43 of the principal Act is hereby amended by adding the following proviso:—“Provided that where such Vermin District is within the limits of a District Council such lists shall be prepared by the Board of such Vermin District instead of by the Commissioner, and such lists shall not be published in the *Government Gazette*, but a notice shall be sent by such Board to each individual ratepayer showing the number of votes to which he is entitled.”

Amendment of section 43 of Act 597, 1894.

Notices to ratepayers.

25. The first rate declared by a Vermin 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.

Rate for portion of year.

26. Each Board shall in respect of its district, if situated within the limits of a district council, have all the rights, powers, duties, and obligations vested in or imposed upon the Commissioner by Part X. of the principal Act, relating to the making and recovering of rates, and such part shall hereafter be read as if the word “Board” were inserted therein in place of the word “Commissioner” wherever the word “Commissioner” occurs in such part.

Board to collect rates.

27. Boards

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Limit of office expenses.

27. Boards may expend in any year for salaries, fees to officers, printing, advertising, stationery, and office expenses one-fourth of the whole of the rates declared for the district for that year, instead of one-tenth, as allowed by section 79 of the principal Act.

Rewards for destruction of foxes.

28. Within the District Councils referred to in Schedule C, and any other District Councils to be proclaimed by the Governor as fox-infested, rewards shall be paid out of funds which shall be provided by the District Councils for the destruction of foxes by such District Councils, in accordance with section 5 of the Act No. 634 of 1895 and section 2 of Act No. 706 of 1898. The reward shall be payable as follows:—On production to the authorised person to be appointed by the local authority of the skin of any fox destroyed within the boundaries of such District Council, the person destroying such fox shall be entitled to be paid the sum of Two Shillings and Six Pence for every such skin, and the authorised person may require the person producing the skin to make and sign a statutory declaration in the form of Schedule B before a Justice of the Peace to the effect that such fox was destroyed by such person within the boundaries of such District Council, and the authorised person may, on behalf of the local authority, either retain such skin or remove the head therefrom and destroy the same.

Three persons may form a Trust.

29. The Governor may authorise and direct the expenditure of any money under section 13 of the principal Act on the written request of not less than three persons instead of six persons as in the said section provided.

Additional members of Trusts.

30. Any person not being a member of a Trust constituted under section 13 of the principal Act may, with the consent of the members of such Trust, join in and become a member of such Trust.

Advances for new members of Trusts.

31. Upon any person, not being a member of a Trust, joining a Trust, 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 "The Vermin-proof Fencing Act, 1890," as he may think fit, for the purpose of erecting, or contributing to the erection of, wire netting, or other vermin-proof fencing, around the agricultural or cultivated lands of the person so joining such Trust; and all the members of such Trust shall be jointly and severally liable for the repayment of the whole amount expended, with the interest thereon, and 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.

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

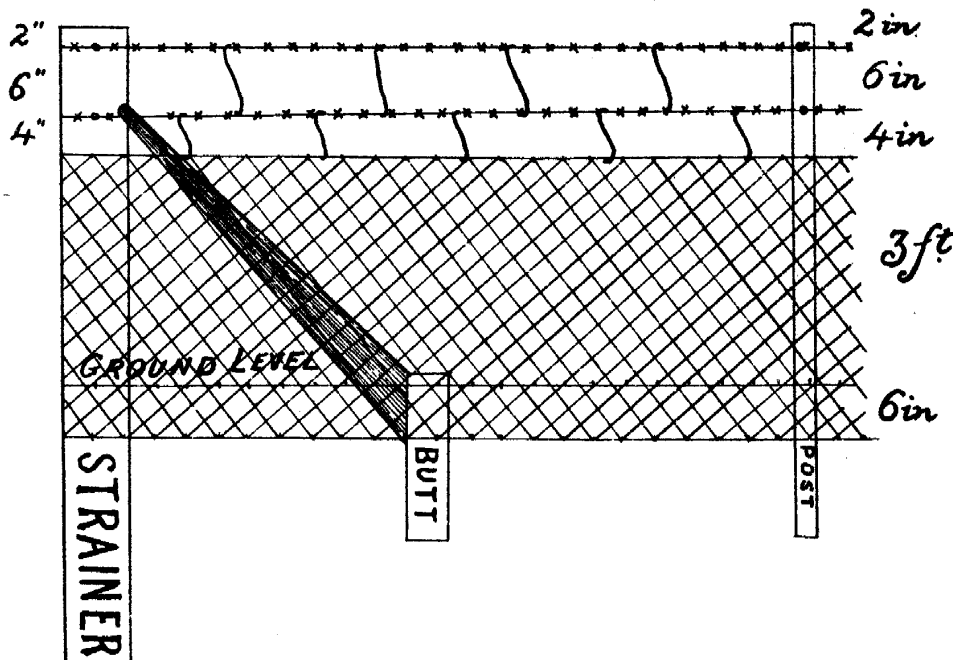
TENNYSON, Governor.

SCHEDULES.

SCHEDULES.

SCHEDULE A.

A VERMIN-PROOF FENCE.

(Not drawn to scale.)

Strainers not less than about six inches in thickness at smaller end, one hundred and fifty yards apart, three feet in the ground, forty-nine inches out of ground.

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

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

A barbed wire, with barbs not more than three inches apart, four inches above netting hung with S hooks four and one-fifth feet apart.

A second top similar barbed wire hung with S hooks six inches above other barbed wire.

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

Optional as to the use of a barbed wire in the ground.

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SCHEDULE B.

DISTRICT COUNCIL OF .		
Particulars of	foxes destroyed within the district of	by .
Locality Where Destroyed.	Sex of Animal.	Date When Killed.

I of do hereby solemnly and sincerely declare that the above particulars are true and correct, that the animals were killed by me, and to the best of my knowledge and belief they were all over the age of three months.

Declared at , in the province of South Australia, this day of [Signature.]
19 , before me. , J.P.

SCHEDULE C.

DISTRICT COUNCILS SOUTH AND EAST OF RIVER MURRAY.

Meningie	Mount Muirhead	Mount Gambier West
Tatiara	Kennion	Port MacDonnell
Lacepede	Penola	Portion of Blanchetown
Naracoorte	Mayurra	Portion of Morgan
Lucindale	Tantanoola	Portion of Caurnamont
Robe	Benara	Portion of Mannum
Beachport	Mount Gambier East	Portion of Mobilong