



ANNO DECIMO

GEORGI V REGIS.

A.D. 1919.

No. 1398.

An Act to further amend the Vermin Act, 1914, and for other purposes.

[Assented to, November 27th, 1919.]

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, 1919.” Short titles.

(2) The Vermin Acts, 1914 and 1916, and this Act may be cited together as the “Vermin Acts, 1914 to 1919.” No. 1181 of 1914.
No. 1249 of 1916.

(3) The Vermin Act, 1914, is hereinafter referred to as “the principal Act.”

2. This Act is incorporated with the other Acts mentioned in section 1 hereof, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendments.

3. Section 17 of the principal Act is amended so as to read as follows:— Amendment of principal Act, s. 17—

17. (1) If the Commissioner has reason to believe that any District Council, Vermin Board, or Associated Board has failed or is failing to strictly enforce within its District the provisions of this Act as to the destruction of vermin, he shall immediately cause an inspection to be made of such District by a Government inspector. Failure to enforce vermin destruction.

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

(3) The Commissioner may, if satisfied that such District Council, Vermin Board, or Associated Board has failed, or is failing,

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failing, to strictly enforce such provisions, give one month's notice to such District Council, Associated Board, or Vermin Board to strictly enforce such provisions.

(4) If any such District Council, Vermin Board, or Associated Board fails to comply with such notice, the Commissioner may himself strictly enforce within its District the provisions of this Act as to the destruction of vermin.

(5) Any District Council, Vermin Board, or Associated Board failing to comply with a notice given under subsection (3) hereof 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 any subsequent offence, and, in addition, shall be liable to pay to the Commissioner the amount of any expenses incurred by the Commissioner in acting under subsection (4) hereof.

(6) The Commissioner may also in addition withhold any subsidy payable to such District Council, Vermin Board, or Associated Board to which it may be entitled under any Act.

Amendment of *ibid.*,
s. 20—
Months for simultaneous destruction of vermin.

4. Section 20 of the principal Act is amended by inserting after subsection (2) thereof the following subsections:—

(3) The Commissioner may, from time to time, upon the recommendation of any District Council, Vermin Board, or Associated Board, by notice published in the *Government Gazette*, fix a period other than the period referred to in subsection (1) hereof for the simultaneous destruction of vermin within the District of such District Council, Vermin Board, or Associated Board: Provided that such substituted period shall not exceed four months.

(4) Upon the publication of a notice under subsection (3) hereof the substituted period fixed by such notice for the simultaneous destruction of vermin within the District therein mentioned shall be deemed to be the simultaneous vermin destruction months for such District, and the provisions of this Act in their application to the said District shall be read and construed accordingly.

Amendment of *ibid.*,
s. 114 (2)—
Liability of adjoining occupiers.

5. Subsection (2) of section 114 of the principal Act is amended by striking out the words "at the rate of Four Pounds per centum per annum" in the third and fourth lines thereof, and inserting the following passage in lieu thereof:—"Such interest shall be at a rate equal to the fixed rate, except in a case where the Board has obtained a loan from the Government for the erection and maintenance of such last-mentioned vermin fence, in which case such interest shall be at the rate paid by the Board in respect of such loan."

Insertion of new section after s. 126 of principal Act—

Commissioner may upon request collect rates where District within District Council.

6. The following new section is inserted after section 126 of the principal Act:—

126A. (1) Notwithstanding anything contained in sections 125 and 126, the Commissioner may, upon the request in writing of

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of the Board of any District which is situated within the limits of a District Council District, undertake the collection of rates for the District of such Board.

(2) For the purposes of the collection of rates under this section, the Commissioner shall have all the powers and be subject to all the duties, with respect to the recovery of such rates, which are conferred and imposed upon him by section 125.

7. The following new section is inserted after section 128 of the principal Act :—

128A. (1) The Commissioner may, upon the application in writing of a Board, and if he is of opinion that it is necessary in order to avoid great hardship, extend the time for the repayment of any loan made to such Board for any period not exceeding thirty years from the date whereon such loan was originally made.

(2) Upon any such extension, the balance of the loan remaining unpaid at the time when the extension was made shall be repaid by equal annual instalments spread over the remainder of the term of the loan as extended, together with simple interest on the balance for the time being unpaid at the fixed rate.

Insertion of new section after section 128 of principal Act—

Time for repayment of loans may be extended.

8. Section 189 of the principal Act is amended so as to read as follows :—

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

Amendment of *ibid.*, s. 189—

Power of Council to remove wire netting.

Additional Provisions.

9. (1) Every owner and every occupier of any land adjoining any land reserved under the Crown Lands Act, 1915, for drainage purposes, or any land vested in the Commissioner of Public Works, or in His Majesty the King, or in the South-Eastern Drainage Assessment Board, on which is situated any main or district drain or drainage works within the meaning of the South-Eastern Drainage Act, 1878 (hereinafter called "drainage lands"), shall, at all times, and at his own expense, destroy all vermin upon such drainage lands, and on the half width of any road adjoining such drainage lands.

Destruction of vermin on drainage lands.

Cf. ibid., s. 39.

(2) When any land is separated from any such drainage lands by a road only, 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 drainage lands, and upon the half width of any other road adjoining such drainage lands.

(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 drainage lands on the side thereof remote from the first mentioned land, or separated therefrom by a road only, is Crown land.

(4) The

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(4) The obligation imposed by this section shall apply with respect to the whole width of drainage lands, 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 by a road only.

(5) When the owners or occupiers of lands on different sides of drainage lands, or separated therefrom by a road or roads only, are bound by this section to destroy vermin on such drainage lands, or on such drainage lands 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 in section 273 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 drainage lands, or drainage lands and road or roads, or the part or parts thereof whereon the vermin have been destroyed.

Notice to owner or occupier to destroy vermin.

Cf. *ibid.*, s. 40.

10. When an authorised person finds vermin upon any such drainage lands or road as mentioned in section 9, 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).

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

Cf. *ibid.*, s. 41.

11. (1) The owner or occupier of any land who, being bound by section 9 to destroy the vermin on any drainage lands, or on such drainage lands and any road or roads, does not—

(a) during the simultaneous vermin destruction months in any year, or

(b) within the prescribed time after the service upon him of a notice under section 10,

destroy all vermin on such drainage lands, or on such drainage lands 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 not exceeding Five Pounds, and for every subsequent offence not exceeding Twenty Pounds.

(2) The provisions of subsection (2) of section 23 of the principal Act shall apply to an information under this section: Provided that the information may be, *mutatis mutandis*, in such of the forms No. 3 and No. 4 in the Fifth Schedule to the principal 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 section 23 of the principal Act were repeated in this section.

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

H. L. GALWAY, Governor.