



ANNO DECIMO QUARTO

GEORGII V REGIS.

A.D. 1923.

No. 1567.

An Act to amend the Vermin Acts, 1914 to 1922, and for other purposes.

[Assented to, November 14th, 1923.]

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 as the "Vermin Act Further Amendment Act, 1923." Short titles.

(2) The Vermin Acts, 1914 to 1922, and this Act may be cited together as the "Vermin Acts, 1914 to 1923."

(3) The Vermin Act, 1914, is hereinafter referred to as "the principal Act." No. 1181 of 1914.

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

3. Section 17 of the principal Act (as amended by section 3 of the Vermin Act Further Amendment Act, 1919) is further amended by striking out subsections (4) and (5) thereof and inserting in lieu of the said subsections the following subsections :— Amendment of principal Act, s. 17—
Notice to be complied with to satisfaction of Commissioner.

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

Vermin Act Further Amendment Act.—1923.

Board, or Associated Board, by action in any Court of competent jurisdiction, the cost of so doing, or may deduct such cost from any subsidy which such District Council, Vermin Board, or Associated Board is entitled to be paid under any Act.

(5) Any District Council, Vermin Board, or Associated Board failing to comply with a notice given under subsection (3) hereof shall, in addition to any liability incurred under subsection (4) of this section, 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.

(6) For the purpose of enforcing the provisions of this Act as mentioned in subsection (4) of this section, the Commissioner may within any District exercise all the powers, functions, authorities, and discretions which the District Council, Vermin Board, or Associated Board itself might exercise.

(7) If the Commissioner in enforcing the provisions of this Act as mentioned in subsection (4) of this section, incurs expense in destroying or taking measures to destroy vermin on any land, not being land vested in or under the control of a Board, a Municipal Corporation, or a District Council, the Commissioner may, if he thinks fit, recover the amount of such expense from the owner or occupier of the land instead of from the District Council, Vermin Board, or Associated Board.

Amendment of
principal Act, s. 20—
Vermin destruction
months reduced.

4. Section 20 of the principal Act is amended—

- (a) by inserting before the word "March" in the last line of subsection (1) thereof the word "and", and by striking out in the same line the words "and April";
- (b) by striking out subsection (3) thereof (which subsection was inserted in the said section by section 4 of the Vermin Act Further Amendment Act, 1919) and substituting in lieu of the subsection so struck out the following subsection:—

(3) The Commissioner may, from time to time, by notice published in the *Government Gazette*, fix a period or periods other than the period referred to in subsection (1) hereof for the simultaneous destruction of vermin within the district of any District Council, Vermin Board, or Associated Board, provided that such substituted period or periods shall not exceed three months in the aggregate. Such substituted period or periods may be within or outside, either wholly or partially, the said period referred to in subsection (1) hereof; and

- (c) by inserting in subsection (4) thereof (which subsection was inserted in the said section by section 4 of the Vermin Act Further Amendment Act, 1919) after the words "substituted period" in the second line thereof the words "or periods".

5. Section

No. 1398 of 1919.

Vermin Act Further Amendment Act.—1923.

5. Section 23 of the principal Act is amended—
- (a) by striking out the passage “of January, February, March, and April” in subsection (1) thereof;
- (b) by striking out the passage “not exceeding Five Pounds, and for every subsequent offence not exceeding Twenty Pounds” at the end of subsection (1) thereof, and inserting in lieu thereof the words “of not less than Two Pounds nor more than Five Pounds, and for a second offence of not less than Five Pounds nor more than Twenty Pounds, and for any subsequent offence of not less than Twenty Pounds nor more than Fifty Pounds”; and
- (c) by adding at the end of subsection (3) thereof the following words:—“A copy of the *Government Gazette* containing any such notice as aforesaid shall be *prima facie* evidence that the time prescribed by such notice is the prescribed time within the meaning of this section.”
6. Section 24 of the principal Act is amended by adding at the end thereof the following subsection:—
- (3) Any such averment shall be deemed to be proved as provided in subsections (1) or (2) hereof, notwithstanding that such averment may not be an averment of fact only, and notwithstanding that any evidence may be given as to the subject matter of such averment.
7. Section 26 of the principal Act is amended by inserting after the word “compliance” in paragraph (b) thereof the words “to the satisfaction of an authorised person”.
8. Section 27 of the principal Act is amended by adding at the end of subsection (1) thereof the following words:—“and may be recovered by action in any Court of competent jurisdiction, or in a summary way”.
9. Section 38 of the principal Act is amended by inserting after the words “authorised person” in the first line thereof, the words “or Government inspector”.
10. Section 41 of the principal Act is amended—
- (a) by striking out the passage “of January, February, March, and April” in subdivision (a) of subsection (1) thereof;
- (b) by adding after the word “months” in the fourth line of the said section the words “fixed by or pursuant to section 20 of this Act (as amended by the Vermin Act Further Amendment Act, 1919, and the Vermin Act Further Amendment Act, 1923)”; and
- (c) by striking out the words “not exceeding Five Pounds, and for every subsequent offence not exceeding Twenty Pounds”

Amendment of principal Act, s. 23—
Consequential amendment.

Alteration of penalties.

Amendment of principal Act, s. 24—
Onus of proof.

Amendment of principal Act, s. 26—

Notice to be complied with to satisfaction of authorised person.

Amendment of principal Act, s. 27—
Costs and expenses may be recovered summarily.

Amendment of principal Act, s. 38—
Inspectors acting *bona fide* not liable for damage.

Amendment of principal Act, s. 41.

Alteration of penalties.

Vermin Act Further Amendment Act.—1923.

Pounds” in the eleventh and twelfth lines thereof, and inserting in lieu of such words the words “of not less than Two Pounds nor more than Five Pounds, and for a second offence of not less than Five Pounds nor more than Twenty Pounds, and for any subsequent offence of not less than Twenty Pounds nor more than Fifty Pounds.”

Amendment of principal Act, s. 223—
Service by post when no delivery by letter carriers.

11. Section 223 of the principal Act is amended by adding at the end of sub-paragraph (c) of paragraph (2) thereof the following words :—“or, in cases where there is no delivery by letter carriers, would be ready for delivery if called for at the post office of destination”.

Amendment of principal Act, Part VIII., Division II.—
Certain allegations *prima facie* proof.

12. Division II. of Part VIII. of the principal Act is amended by inserting therein after section 256 thereof the following section :—

256A. (1) In any proceedings for an offence against this Act, the production of any writing purporting to be an authorisation and appointment by any District Council, Vermin Board, or Associated Board, or by the Commissioner, of any person by the name of the informant to be an authorised person shall be *prima facie* evidence that the informant is an authorised person authorised and appointed by the District Council, Vermin Board, or Associated Board mentioned in such writing, or by the Commissioner, as the case may be.

(2) In any proceedings for an offence against this Act, any allegation in the information—

- (a) that any Crown lands or any other land mentioned in the information are or are not situated within any district ;
- (b) that any person mentioned in the information is the owner or occupier of any land ; or
- (c) that any road or land mentioned in the information adjoins any land,

shall be *prima facie* evidence of the truth of the matters so alleged.

Amendment of principal Act, Fifth Schedule—
Consequential amendment of forms.

13. The Fifth Schedule to the principal Act is amended—

- (a) by striking out the passage “of January, February, March, and April,” in Form No. 1 therein and substituting in lieu thereof the passage “[*here state the simultaneous vermin destruction months for the District in question*]” ; and
- (b) by striking out the passage “of January, February, March, and April,” in Form No. 3 therein and substituting in lieu thereof the passage “[*here state the simultaneous vermin destruction months for the Pinnaroo Railway District*]”.

14. Section

Vermin Act Further Amendment Act.—1923.

14. Section 11 of the Vermin Act Further Amendment Act, 1919, is amended by striking out in the eleventh and twelfth lines thereof the words "not exceeding Five Pounds, and for every subsequent offence not exceeding Twenty Pounds" and inserting in lieu of such words the words "of not less than Two Pounds nor more than Five Pounds, and for a second offence of not less than Five Pounds nor more than Twenty Pounds, and for any subsequent offence of not less than Twenty Pounds nor more than Fifty Pounds."

Amendment of
1398 of 1919, s. 11—
Alteration of
penalties.

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

TOM BRIDGES, Governor.