

## VERMIN DESTRUCTION AMENDMENT ACT 1986

### No. 36 of 1986

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#### SCHEDULE 1

AMENDMENTS OF PRINCIPAL ACT  
RELATING TO INCREASES OF  
PENALTIES FOR VARIOUS  
OFFENCES AND TO STATUTE  
LAW REVISION



## VERMIN DESTRUCTION AMENDMENT ACT 1986

No. 36 of 1986

AN ACT to amend the Vermin Destruction Act 1950.

[Royal Assent 20 May 1986]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Vermin Destruction Amendment Act 1986*. Short title.

**2**—(1) This section and section 1 shall commence on the day on which this Act receives the Royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on a day to be fixed by proclamation.

**3**—In this Act, the *Vermin Destruction Act 1950*\* is referred to as the Principal Act. Principal Act.

\* No. 68 of 1950. For this Act, as amended to 1959, see the Reprint of Statutes (1826-1959), Vol. 6, p. 529. Subsequently amended by No. 16 of 1961, No. 55 of 1965, No. 47 of 1970, Nos. 28 and 52 of 1976, No. 10 of 1977, No. 54 of 1980, No. 85 of 1981, No. 99 of 1982, and No. 29 of 1984.

Amendment of  
section 4 of  
Principal Act  
(Interpre-  
tation).

4—(1) Section 4 (1) of the Principal Act is amended as follows:—

(a) by inserting the following definition before the definition of “cover”:—

“Chief Inspector” means the Chief Inspector of Stock and, except where used in the definition of “inspector” in this subsection, includes a person who has been authorized by the Chief Inspector to issue permits;

(b) by omitting “of Stock” from the definition of “inspector”;

(c) by inserting the following definition after the definition of “occupier”:—

“permit” means a permit issued under section 21A and in force under this Act;

(d) by omitting paragraphs (b) and (c) of the definition of “public authority” and substituting the following paragraph:—

(b) The Tasmanian Development Authority;

(e) by omitting paragraph (f) of that definition and substituting the following paragraph:—

(f) The Inland Fisheries Commission;

(f) by omitting from that definition “Secretary for Lands” and substituting “Director-General of Lands”;

(g) by inserting the following definition after the definition of “public authority”:—

“the regulations” means regulations made and in force under this Act;

(2) Section 4 of the Principal Act is further amended by inserting the following subsection after subsection (1):—

(1A) A reference in this Act to a permit includes—

(a) a permit that has been cancelled under this Act; and

(b) a permit an application for the renewal of which has been refused under section 21E,

and, in relation to a permit to which paragraph (a) or (b) applies, a reference in this Act to the holder of the permit is a reference to the person whose permit has been so cancelled or whose application for the renewal of the permit has been so refused, as the case may be.

5—Section 7 of the Principal Act is repealed.

Repeal of section 7 of Principal Act (Appeal board).

6—Section 8 of the Principal Act is amended as follows:—

Amendment of section 8 of Principal Act (Duty of occupiers to destroy and suppress vermin).

(a) by inserting “(1)” before “It”;

(b) by adding the following subsection as subsection (2) of that section:—

(2) Subsection (1) does not apply to a person who—

(a) pursuant to a permit, keeps any vermin on any land of which he is the occupier; or

(b) for a purpose referred to in section 21 (5), keeps not more than 10 rabbits on any land of which he is the occupier.

7—Section 11 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 11 of Principal Act.

11—(1) Subject to subsection (7), an inspector authorized, either generally or in a particular case, for the purpose by the Director may at any reasonable time, with or without assistants, enter and remain in any land and any premises on land for the purpose of ascertaining whether there are any vermin on that land or in or on those premises.

Powers of inspectors.

(2) Subject to subsection (7), an inspector authorized, either generally or in a particular case, for the purpose by the Director may at any reasonable time, with or without assistants, enter and remain in any land and any premises on land that is or are being used, or that he has reasonable grounds to suspect is or are being used, for the keeping of vermin, for the purpose of ascertaining whether or not an offence under this Act has been, or is being, committed in relation to the keeping of that vermin.

(3) Subject to subsection (7), an inspector authorized, either generally or in a particular case, for the purpose by the Director may at any reasonable time enter and remain in any vehicle, vessel, or aircraft that is being used, or that he has reasonable grounds to suspect is being used, for the transport of any vermin from one part of the State to another part of the State or for the introduction of any vermin into the State,

for the purpose of ascertaining whether or not an offence under this Act has been, or is being, committed in relation to the transport or introduction of that vermin.

(4) Where, pursuant to an authority under subsection (1) or (2), an inspector enters any land or premises referred to in the relevant subsection or, pursuant to an authority under subsection (3), enters any vehicle, vessel, or aircraft referred to in that last-mentioned subsection, he may—

(a) make such inspections, examinations, and inquiries as he thinks necessary for a purpose referred to in the relevant subsection;

(b) examine, with respect to matters under this Act—

(i) the occupier of any land or premises so entered or any person employed or engaged on or in that land or those premises; or

(ii) the occupant of any vehicle, vessel, or aircraft so entered;

(c) if, in the course of an entry pursuant to an authority under subsection (1), he finds any vermin on that land or in or on those premises, or, if in the course of an entry pursuant to an authority under subsection (2) or (3), he finds that, in relation to—

(i) the keeping of any vermin on that land or those premises, an offence has been, or is being, committed under this Act; or

(ii) the transport of any vermin, or in relation to the introduction of any vermin, in or on any vehicle, vessel, or aircraft, an offence has been, or is being, committed under this Act,

the inspector may seize and destroy or otherwise dispose of that vermin in such manner as he thinks fit; and

(d) request the holder of a permit to produce the permit for inspection by the inspector.

(5) For the purpose of making an inspection under subsection (4) (a) on or in any vehicle, vessel, or aircraft referred to in subsection (3), an inspector may request that the vehicle, vessel, or aircraft be stopped or kept stationary.

(6) In subsection (4) (d), “permit” includes a permit to which section 18 (2) of the *Vermin Destruction Amendment Act* 1986 applies.

(7) Where on or in any land or premises referred to in subsection (1) or (2) or any vehicle, vessel, or aircraft referred to in subsection (3) an inspector is about to exercise or is in the course of exercising a power conferred on him by this section and a person apparently the occupier of that land or those premises or apparently in charge of that vehicle, vessel, or aircraft or of any work or activity carried on there requests him to produce evidence of his appointment as an inspector, it is not lawful for him to exercise or, as the case may be, to continue to exercise, that power unless he produces that evidence to that person.

(8) A person who—

(a) obstructs, hinders, delays, threatens, or assaults an inspector in the exercise of his powers under this section;

(b) fails to comply with a reasonable request of an inspector, made under any such power when it is within his power to comply with the request;

(c) gives an answer to a question asked by an inspector made under any such power which, to his knowledge, is false or misleading in a material particular; or

(d) intentionally conceals a person from an inspector or prevents a person from appearing before or being examined by an inspector for the purposes of this Act or attempts so to conceal or prevent a person,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

**8**—(1) Section 17 (1) of the Principal Act is amended by omitting “the appeal board” and substituting “a magistrate”.

Amendment of  
section 17 of  
Principal Act  
(Appeals).

(2) Section 17 of the Principal Act is further amended by omitting subsections (2) to (7).

(3) Section 17 (8) of the Principal Act is amended by omitting " The allowing of any appeal under this section shall not relieve the appellant " and substituting " Where an appeal under this section is upheld by a magistrate, the appellant is not relieved ".

Amendment of section 19 of Principal Act (Power to proclaim natural enemy of vermin).

**9**—Section 19 (2) of the Principal Act is amended as follows:—

- (a) by omitting "Animals and Birds Protection Board " and substituting " Director of the National Parks and Wildlife Service ";
- (b) by omitting " that Board " and substituting " that Director ";
- (c) by omitting " it " and substituting " he ".

Substitution of section 21 of Principal Act.

**10**—Section 21 of the Principal Act is repealed and the following section is substituted:—

Keeping, &c., of vermin.

21—(1) Except as provided by subsections (2), (3), (4), and (5), a person shall not, for any purpose—

(a) on or after the day fixed by proclamation under section 2 (2) of the *Vermin Destruction Amendment Act 1986*—

- (i) keep any vermin other than rabbits;
- (ii) transport any vermin other than rabbits from one part of the State to another part of the State; or
- (iii) introduce any vermin other than rabbits into the State; or

(b) on or after the expiry of the period of 2 months commencing on the day fixed as mentioned in paragraph (a)—

- (i) keep any rabbits;
- (ii) transport any rabbits from one part of the State to another part of the State; or
- (iii) introduce any rabbits into the State.

Penalty: \$500.



(2) Subject to section 25, a person may—

- (a) keep any number of rabbits more than 10 for the purpose of their being kept as pets, kept for sale as pets, or kept for scientific purposes or kept for a prescribed purpose;
- (b) transport or cause to be transported from one part of the State to another part of the State—
  - (i) that number of rabbits for a purpose referred to in paragraph (a) that is to be carried out by him; and
  - (ii) some or all of that number of rabbits for the purpose of exhibiting them at a show or an exhibition or for the purpose of having them examined or treated, or both, by a veterinary surgeon; and
- (c) introduce or cause to be introduced into the State that number of rabbits for a purpose referred to in paragraph (a) that is to be carried out by him,

if he holds a subsisting permit issued under section 21A authorizing the things specified in section 21B (1) (a) to be done in relation to that number of rabbits or in relation to some or all of that number, as the case may be.

(3) A person may—

- (a) keep any number of vermin (other than rabbits) for a purpose prescribed by the regulations or keep any number of vermin (other than rabbits) for the purpose of their being kept for scientific purposes;
- (b) transport or cause to be transported from one part of the State to another part of the State that number of vermin for a purpose referred to in paragraph (a) that is to be carried out by him; and
- (c) introduce or cause to be introduced into the State that number of vermin for a purpose referred to in paragraph (a) that is to be carried out by him,

if he holds a subsisting permit issued under section 21A authorizing the things specified in section 21B (1) (b) to be done in relation to that number of vermin.

(4) Subject to section 25, a person—

(a) may—

(i) transport from one part of the State to another part of the State any number of rabbits more than 10 for a purpose referred to in subsection (2) (a) that is to be carried out by another person or some or all of that number of rabbits for a purpose referred to in subsection (2) (b) (ii); or

(ii) introduce into the State that number of rabbits for a purpose referred to in subsection (2) (a) that is to be carried out by another person,

if that other person holds a subsisting permit under section 21A authorizing the things specified in section 21B (1) (a) to be done in relation to that number of rabbits or in relation to some or all of that number, as the case may be; or

(b) may transport from one part of the State to another part of the State, or introduce into the State, any number of vermin (other than rabbits) for a purpose referred to in subsection (3) (a) that is to be carried out by another person if that other person holds a subsisting permit under section 21A authorizing the things specified in section 21B (1) (b) to be done in relation to that number of vermin.

(5) Subject to section 25, a person may—

(a) keep not more than 10 rabbits;

(b) transport not more than that number of rabbits from one part of the State to another part of the State; or

(c) introduce not more than that number of rabbits into the State,

for the purpose of their being kept as pets, kept for sale as pets, or kept for scientific purposes if those rabbits are kept, transported, or introduced, as the case may be, by that person subject to and in accordance with the conditions and restrictions prescribed by the regulations.

(6) Where a person keeps not more than 10 rabbits as provided in subsection (5)—

(a) that person may, subject to his compliance with;

(b) another person may, subject to his compliance with,

such conditions and restrictions as are prescribed by the regulations, transport some or all of those rabbits for a purpose referred to in subsection (2) (b) (ii).

(7) Where a person, in the course of—

(a) keeping not more than 10 rabbits for a purpose referred to in subsection (5), contravenes, or fails to comply with, a condition or restriction in relation to the keeping of those rabbits that is prescribed by the regulations for the purposes of that subsection;

(b) transporting not more than that number of rabbits for such a purpose or for a purpose referred to in subsection (2) (b) (ii), contravenes, or fails to comply with, a condition or restriction in relation to the transport of those rabbits that is prescribed for the purposes of subsection (5) or (6), as the case may be; or

(c) introducing not more than that number of rabbits for such a purpose, contravenes, or fails to comply with, a condition or restriction in relation to the introduction of those rabbits that is so prescribed,

that person—

(d) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500; and

(e) if a notice under subsection (8) has been served on him, shall, in the manner and time specified in that notice, dispose of the rabbits so kept, transported, or introduced by him.

(8) An inspector may, by notice in writing served on a person to whom subsection (7) applies, require that person to destroy or otherwise dispose of the rabbits specified in the notice in the manner and in the time specified in the notice.

(9) A person shall not, without reasonable excuse, fail to comply with a notice served on him under subsection (8).

Penalty: \$500.

Insertion in  
Principal Act  
of new sections  
21A, 21B, 21C,  
21D, 21E, 21F,  
21G, 21H, 21I,  
21J, 21K, 21L,  
21M, and 21N.

**11**—After section 21 of the Principal Act, the following sections are inserted:—

Applications  
for, and issue  
of, permits.

21A—(1) A person who seeks a permit under this section shall make an application to the Chief Inspector.

(2) An application for a permit under this section shall be—

- (a) in writing in a form approved by the Director; and
- (b) accompanied by the fee prescribed by the regulations.

(3) On receipt of an application under subsection (2), the Chief Inspector may, subject to this section, grant the application or refuse to grant the application.

(4) Without prejudice to the generality of subsection (3), the Chief Inspector may refuse to grant an application under subsection (2) for a permit if he—

- (a) considers that, having regard to the agricultural, pastoral, horticultural, or similar purposes for which land is used in the part of the State where the applicant proposes to keep the rabbits or other vermin pursuant to the permit, it is undesirable to keep the rabbits or other vermin in that part of the State; or
- (b) is not satisfied that—
  - (i) the premises where the applicant proposes to keep the rabbits or other vermin pursuant to the permit are suitable for the purpose of keeping the rabbits or other vermin;

- (ii) the buildings and cages on those premises in which the applicant proposes to keep the rabbits or other vermin pursuant to the permit, and any equipment other than cages on those premises that the applicant proposes to use for that purpose, are suitable for that purpose;
- (iii) the construction of those buildings and cages and of that other equipment will be adequate to prevent the escape of the rabbits or other vermin from those premises; and
- (iv) those premises will be adequately and securely fenced to prevent the escape of rabbits or other vermin from those premises.

(5) Where the Chief Inspector grants an application under subsection (3), he shall issue to the applicant a permit authorizing him to do the things specified in section 21B (1) (a) or (b), as the case requires.

(6) Where the Chief Inspector refuses to grant an application under subsection (3), he shall, immediately, by notice in writing served on the applicant, inform him of the refusal and of the ground on which the refusal is based.

21B—(1) Subject to section 25, a permit authorizes the holder, while it is in force— Authority of permit.

(a) in the case of a permit to keep any number of rabbits more than 10, to—

- (i) keep the number of rabbits specified in the permit on the land and for the purpose so specified, being a purpose referred to in section 21 (2) (a);
- (ii) transport or cause to be transported from one part of the State to another part of the State the number of rabbits so specified for the purpose so specified and to transport some or all of that number of rabbits for a purpose referred to in section 21 (2) (b) (ii); and

(iii) introduce or cause to be introduced into the State the number of rabbits so specified for the purpose so specified; or

(b) in the case of any other permit, to—

(i) keep the number of vermin specified in the permit on the land and for the purpose so specified, being a purpose referred to in section 21 (3) (a);

(ii) transport or cause to be transported the number of vermin so specified for the purpose so specified; and

(iii) introduce or cause to be introduced into the State the number of vermin so specified for the purpose so specified.

(2) A permit is not transferable.

Permits subject to conditions and restrictions.

21C—(1) A permit is subject to such conditions and restrictions as may be specified in the permit, being conditions and restrictions which are determined by the Chief Inspector.

(2) The holder of a permit who contravenes, or fails to comply with, a condition or restriction to which the permit is subject is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

Duration of permits.

21D—Subject to this Act, a permit remains in force from the date on which it is issued until and including 31st August next following, but may be renewed annually, as provided in section 21E, for a period terminating on 31st August immediately following the date of renewal.

Renewal of permits.

21E—(1) The holder of a permit may, at any time within the period of 28 days before the permit held by him ceases to be in force, apply to the Chief Inspector for renewal of the permit.

(2) An application for the renewal of a permit shall be—

(a) in writing in a form approved by the Director; and

(b) accompanied by the fee prescribed by the regulations.

(3) On receipt of an application made in accordance with subsections (1) and (2), the Chief Inspector shall, unless the application is withdrawn, grant to the applicant the renewal of the permit applied for if he is satisfied that grounds do not exist on which he should cancel the permit.

(4) Subject to this Part, where an application for renewal of a permit is made before the date on which the permit would, but for this subsection, have ceased to be in force (which date is, in this subsection, referred to as "the date of expiry") and—

(a) the renewal is granted before the date of expiry—  
on the grant of the renewal, the permit shall be in force for a period of 12 months commencing on the date of expiry; or

(b) the renewal is not granted before the date of expiry and the application is not withdrawn before the date of expiry—

(i) the permit shall be deemed to continue to be in force on and from the date of expiry until the renewal is granted, the application is withdrawn, or the renewal is refused, whichever first occurs; and

(ii) on the grant of the renewal, the permit shall be in force for the remaining portion of the period of 12 months commencing on the date of expiry, and the renewal shall be expressed to have taken effect on and from that date.

(5) Where an application for the renewal of a permit is refused by the Chief Inspector, he shall, by notice in writing served on the applicant, inform him of the refusal and of the ground on which the refusal is based.

21F—A person who makes an application under section 21A or 21E which to his knowledge is false or misleading in a material respect is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months, or to both.

False or misleading applications.

Surrender of  
permits.

21G—(1) The holder of a permit may surrender the permit by delivering it to the Chief Inspector together with a notification in writing to the effect that the permit is surrendered.

(2) The Chief Inspector shall, on receipt of a permit and notification under subsection (1), cancel the permit.

Refund of fees.

21H—Where—

(a) an application for a permit or for the renewal of a permit is refused or withdrawn; or

(b) a permit is cancelled, suspended, or surrendered, there may be refunded to the applicant or the holder of the permit, or to any other person who appears to be entitled to it, the whole or any part of the fee which has been paid by the applicant or holder of the permit.

Cancellation,  
&c., of  
permits.

21I—(1) Subject to subsection (4), where the holder of a permit is convicted of an offence under this Act or the regulations, the Chief Inspector may—

(a) cancel the permit; or

(b) suspend it for such period, or vary it in such manner, as he considers proper in the circumstances.

(2) On the application of the holder of a permit, the Chief Inspector may—

(a) cancel the permit, subject to the holder of the permit destroying or otherwise disposing, in the manner and within the time directed by the Chief Inspector, the vermin to which the permit relates; or

(b) suspend the permit for such period, or vary it in such manner, as may be agreed on with the holder of the permit.

(3) Where the Chief Inspector is satisfied that a condition or restriction to which a permit is subject has been contravened or has not been complied with, he may, subject to subsection (4)—

(a) cancel the permit; or

(b) suspend it for such period, or vary it in such manner, as he considers proper in the circumstances.



(4) The Chief Inspector shall not exercise his powers under subsection (1) or (3) in relation to a permit unless he has first afforded the holder of the permit an opportunity to appear before the Chief Inspector and make submissions and give evidence to the Chief Inspector in relation to the matter.

(5) References in this section to the variation of a permit shall be read as including references to any alteration of the terms of the permit or the conditions or restrictions to which it is subject; and without limiting the generality of the foregoing words, any such variation may be expressed to have effect only for a limited period or until the happening of a specified event, and, if so expressed, has effect accordingly.

(6) Where a permit has been cancelled, suspended, or varied under subsection (1) or (3), the Chief Inspector shall, by notice in writing served on the holder of the permit, inform him of the cancellation, suspension, or variation and the cancellation, suspension, or variation shall, subject to section 21N (2), take effect on such date as the Chief Inspector specifies in that notice, being a date not earlier than 14 days after the service of the notice on the holder of the permit.

(7) A permit that has been varied under this section has effect, for so long as the variation is in force, as so varied and a permit that has been suspended is of no effect during the period of its suspension, except for the purposes of the provisions of this Act relating to the renewal of permits.

21J—(1) A person who is aggrieved by—

- (a) the refusal of the Chief Inspector to grant to that person an application for a permit or for the renewal of a permit;
- (b) the conditions or restrictions to which a permit issued to him is subject; or
- (c) the cancellation, pursuant to section 21I (1) or (3) or 21L (3), of a permit held by him; or
- (d) the suspension or variation, pursuant to section 21I (1) or (3), of a permit held by him,

may appeal to a magistrate.

Appeals in  
respect of  
permits.

(2) An appeal under this section shall be instituted within a period of 14 days after—

- (a) the service of a notice under section 21A (6), in the case of an appeal against the refusal of the Chief Inspector to grant an application for a permit;
- (b) the service of a notice under section 21E (5), in the case of an appeal against the refusal of the Chief Inspector to grant an application for the renewal of a permit;
- (c) the receipt of a permit, in the case of an appeal against the conditions or restrictions to which the permit is subject;
- (d) the service of a notice under section 21I (6) or 21L (4), as the case requires, in the case of an appeal against the cancellation of a permit; or
- (e) the service of a notice under section 21I (6), in the case of an appeal against the suspension or variation of a permit.

Delivery of permits to Chief Inspector.

21K—(1) Where—

- (a) a permit has been cancelled, suspended, or varied under section 21I;
- (b) a permit has been cancelled under section 21L; or
- (c) pursuant to section 21N (1), a magistrate directs the Chief Inspector to vary the conditions or restrictions to which a permit is subject,

the Chief Inspector may, by notice in writing served on the holder of the permit, require that holder to deliver the permit to the Chief Inspector within the time specified in the notice.

(2) Where the Chief Inspector receives, pursuant to a notice served under subsection (1), a permit—

- (a) that has been varied under section 21I; or
- (b) in respect of which the Chief Inspector has been directed by a magistrate pursuant to section 21N (1) to vary the conditions or restrictions to which the permit is subject,

the Chief Inspector shall endorse on the permit a note of the variation and shall return the permit to the holder of the permit.

(3) Where the Chief Inspector receives, pursuant to a notice served under subsection (1), a permit that has been suspended under section 21I, the Chief Inspector shall return the permit to the holder of the permit after the expiration of the period of suspension.

(4) The holder of a permit shall not, without reasonable excuse, fail to comply with a notice served on him under subsection (1).

Penalty: \$200.

21L—(1) An inspector may, by notice in writing served on a person who is the holder of a permit, require that person to effect such repairs and alterations as the inspector considers necessary and as are specified in the notice to make the arrangements for the keeping of vermin pursuant to the permit comply with the conditions or restrictions specified in the permit. Power of inspector to give notice to holder of permit to effect repairs, &c.

(2) A person on whom a notice under subsection (1) is served shall, within such period as is specified in the notice, effect the repairs and alterations specified in the notice.

(3) Where a person on whom a notice under subsection (1) is served fails, within the period specified in the notice, to effect the repairs and alterations specified in the notice, the Chief Inspector may, without prejudice to any other penalty to which that person may be liable, cancel the permit.

(4) Where a permit has been cancelled under subsection (3), the Chief Inspector shall, by notice in writing served on the holder of the permit, inform him of the cancellation, and the cancellation shall, subject to section 21N (2), take effect on such date as the Chief Inspector specifies in that notice, being a date not earlier than 14 days after the service of the notice on the holder of the permit.

21M—(1) Where a permit has been cancelled under section 21I (1) or (3) or section 21L (3), the holder of the permit shall, subject to subsection (4)— Disposal of vermin.

(a) in the manner specified in the notice under section 21I (6) or 21L (4) informing him of the cancellation of the permit; and

(b) within the time specified in that notice, destroy or otherwise dispose of the vermin to which the permit relates.

(2) Where an application for the renewal of a permit has been refused under section 21E, the holder of the permit shall, subject to subsection (4)—

(a) in the manner specified in the notice under section 21E (5) informing the holder of the refusal to renew the permit; and

(b) within the time specified in that notice, destroy or otherwise dispose of the vermin to which the permit relates.

(3) Where a permit is varied under section 21I by the reduction of the number of vermin to which the permit relates, the holder of the permit shall, subject to subsection (4)—

(a) in the manner specified in the notice under section 21I (6) informing him of the variation of the permit; and

(b) within the time specified in that notice, dispose of such of those vermin as are in excess of that reduced number.

(4) Where an appeal is brought under section 21J in respect of the cancellation of a permit, the refusal of an application for the renewal of a permit, or the variation of a permit in the manner referred to in subsection (3), the time specified in a notice referred to in subsection (1), (2), or (3) does not commence to run until the determination or abandonment of the appeal.

(5) Where a person fails to comply with a notice referred to in subsection (1), (2), or (3), an inspector may seize and destroy or otherwise dispose of the vermin to which the notice relates in such manner as he thinks fit.

21N—(1) On the hearing of an appeal under section 17 or 21J, the magistrate, unless he dismisses the appeal, may quash the decision appealed against and—

(a) in the case of an appeal under section 17, direct the Director to withdraw the notice served by him under section 12 or, as the case may be, to withdraw from the land on which he has entered; or

(b) in the case of an appeal under section 21J, direct the Chief Inspector to take such action as the magistrate considers necessary in the matter to which the appeal relates.

(2) Where an appeal is brought under section 21J in respect of the cancellation, suspension, or variation of a permit, that cancellation, suspension, or variation shall not have effect until the determination or abandonment of the appeal or until such later date as the magistrate may determine.

(3) The magistrate shall cause a copy of his decision in relation to an appeal under this section to be served on all the parties to the appeal.

(4) The Director or Chief Inspector shall comply with any directions given to him under subsection (1).

(5) The decision of a magistrate on the hearing of an appeal under section 17 or 21J is final.

**12**—Section 24 (2) of the Principal Act is amended as follows:—

(a) by omitting “conveying or”;

(b) by omitting “under the authority of section twenty-one” and substituting “for the purposes of section 21 or in accordance with a permit”.

Amendment of section 24 of Principal Act (Carrying vermin through vermin proof fence or gate).

**13**—Section 25 (b) of the Principal Act is amended by omitting “conveyed or”.

Amendment of section 25 of Principal Act (Prohibition of introduction of rabbits into islands of Bass Strait).

**14**—Section 27 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 27 of Principal Act.

27—Notwithstanding any Act or rule of law to the contrary, the property in any vermin that, pursuant to the Act or the regulations—

Property in vermin destroyed, &c., by Director, &c.

(a) is destroyed by the Director, an officer, or any other employee, within the meaning of the *Tasmanian State Service Act 1984*; or

(b) is proposed to be otherwise disposed of by a person referred to in paragraph (a), vests in the Crown.

Insertion in  
Principal Act  
of new  
section 31A.

**15**—After section 31 of the Principal Act, the following section is inserted:—

Costs of  
administration,  
&c.

31A—(1) The costs and expenses incurred in the administration of this Act shall be paid out of money to be provided by Parliament for the purpose.

(2) All penalties imposed, and all fees and other money received, under this Act shall be paid into, and form part of, the Consolidated Revenue.

Amendment of  
section 32 of  
Principal Act  
(Regulations).

**16**—Section 32 of the Principal Act is amended as follows:—

(a) by inserting “(1)” before “The”;

(b) by adding the following subsections as subsections (2), (3), (4), and (5) of that section:—

(2) Without prejudice to the generality of subsection (1), regulations made under this section may prescribe cases in which, and the persons by which, vermin, the destruction or other disposal of which is not otherwise provided for under this Act, may be destroyed or otherwise disposed of.

(3) Regulations under this section may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(4) Regulations under this section may provide that it is an offence, punishable on summary conviction, for a person to contravene or fail to comply with any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$500 and, in the case of a continuing offence, a further penalty not exceeding \$10 for each day during which the offence continues.

(5) A regulation under this section may authorize any matter or thing to be from time to time determined, applied, or regulated by any person specified in the regulation.

**17**—The provisions of the Principal Act specified in the first column of Schedule 1 are amended as respectively specified in the second column of that Schedule.

Amendments of Principal Act relating to increases of penalties for various offences and to statute law revision.

**18**—(1) In this section—

Transitional provisions.

“the proclaimed day” means the day fixed by proclamation under section 2 (2);

“the regulations” means the *Vermin Destruction Regulations* 1952 made under the Principal Act and as in force immediately before the proclaimed day.

(2) Where, immediately before the proclaimed day, a permit is in force under the regulations authorizing a person to keep rabbits for scientific purposes—

(a) unless the permit is sooner revoked or otherwise ceases to have effect, that person may, on and after that day and until and including 31st August next following, keep rabbits for those purposes pursuant to that permit as if this Act had not been enacted; and

(b) the provisions of those regulations authorizing the Chief Inspector to revoke such a permit and requiring that, on the revocation of such a permit, the rabbits kept pursuant to the permit, shall be destroyed as provided in the regulations shall be deemed to continue in force on and after that day, notwithstanding any amendments made to those regulations as a result of the enactment of this Act.

(3) Where, immediately before the proclaimed day, a permit is in force under the regulations authorizing a person to convey and transport any live rabbits to any hospital or to any scientific or other institution and those rabbits have not been so conveyed and

transported before that day, that person may, on and after that day, convey and transport those rabbits pursuant to that permit as if this Act had not been enacted.

(4) Where, immediately before the proclaimed day, a permission is in force under the regulations authorizing a person to introduce any live rabbits into the State from a place outside the State and those rabbits have not been so introduced before that day, that person may, on and after that day, introduce those rabbits pursuant to that permission as if this Act had not been enacted.

(5) Where, immediately before the proclaimed day, a permission is in force under the regulations authorizing a person to convey any live rabbits from any part of the State to any other part of the State and those rabbits have not been so conveyed before that day, that person may, on and after that day, convey those rabbits pursuant to that permission as if this Act had not been enacted.

(6) Where, immediately before the proclaimed day, the hearing of an appeal under section 17 of the Principal Act (as in force before that day) has not been completed by the appeal board constituted under section 7 of that Act (as so in force), that appeal board shall, notwithstanding section 8 of this Act, continue in force, on and after that day, until it has completed the hearing of that appeal and made its determination on that appeal.

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## SCHEDULE 1

## Section 17

AMENDMENTS OF PRINCIPAL ACT RELATING TO INCREASES OF PENALTIES  
FOR VARIOUS OFFENCES AND TO STATUTE LAW REVISION

COLUMN 1 Provision amended	COLUMN 2 How amended
Section 9 (3)	Omit "Two hundred dollars", substitute "\$500".
Section 10	Omit "Director of Lands", wherever occurring, substitute "Director-General of Lands".
Section 12 (4A)	Omit "two hundred dollars", substitute "\$500".
Section 20	Omit "One hundred dollars", substitute "\$250".
Section 22	Omit "one hundred dollars", substitute "\$500".
Section 23	Omit "One hundred dollars", substitute "\$250".
Section 24 (1)	Omit "One hundred dollars", substitute "\$250".
Section 25	Omit "five hundred dollars" and "one thousand dollars", substitute "\$1 000" and "\$2 000" respectively.

