



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 46 of 1975

An Act to provide for the control of vertebrate pests; to repeal the Vermin Act, 1931-1967, and the Wild Dogs Act, 1931-1970; to amend the Statute Law Revision Act, 1935, the Statute Law Revision Act, 1936, the Loans for Fencing and Water Piping Act, 1938-1973, and the Statutes Amendment (Dog Fence and Vermin) Act, 1964; and for other purposes.

[Assented to 10th April, 1975]

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

PART I

PART I

PRELIMINARY

1. This Act may be cited as the "Vertebrate Pests Act, 1975". Short title.
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. This Act is arranged as follows:— Arrangement of Act.

PART I—PRELIMINARY

PART II—THE VERTEBRATE PESTS CONTROL AUTHORITY

DIVISION I—ESTABLISHMENT OF THE AUTHORITY

DIVISION II—FUNCTIONS OF THE AUTHORITY

DIVISION III—STAFF

DIVISION IV—FINANCIAL PROVISIONS

PART III—CONTROL OF VERTEBRATE PESTS

DIVISION I—AUTHORIZED OFFICERS

DIVISION II—OFFENCES

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DIVISION IV—ENFORCEMENT BY THE AUTHORITY

PART IV—MISCELLANEOUS

THE SCHEDULES.

PART I**Repeal.**

4. (1) The Acts specified in the first schedule to this Act are repealed.

(2) The Acts specified in the first column of the second schedule to this Act are amended in the manner indicated in the second column of that schedule and any Act as amended thereby and by all prior amendments amending the same may be cited by its new citation, if any, as specified in the third column of that schedule.

Interpretation.

5. In this Act, unless the contrary intention appears—

“area” means area as defined in the Local Government Act, 1934-1974, and includes an area in relation to which a body corporate is by virtue of an Act deemed to be, or is vested with the powers of, a council:

“the Authority” means the Vertebrate Pests Control Authority established under Part II of this Act:

“authorized officer” means a State authorized officer or a local authorized officer:

“cage” means an enclosure that is rabbit-proof and does not exceed four square metres in floor area:

“the Chairman” means the person holding the office of chairman of the Authority under Part II of this Act:

“control” in relation to vertebrate pests upon land means—

(a) eradicate, or eradication of, all vertebrate pests upon the land, where that is reasonably possible;

or

(b) where that is not reasonably possible, reduce, or reduction of, as far as is reasonably possible, the extent to which the land is subject to infestation, or is inhabited, by vertebrate pests,

by taking measures to destroy vertebrate pests and warrens, burrows, harbours and nests of vertebrate pests upon the land:

“council” means a council as defined in the Local Government Act, 1934-1974, and includes a body corporate that is by virtue of an Act deemed to be, or vested with the powers of, a council:

“dingo” includes a dog that is any cross of a dingo:

“the dog fence” means the fence established under the Dog Fence Act, 1946-1969:

“dog-proof fence” means a fence that conforms to the prescribed requirements for a dog-proof fence:

“drainage land” means—

(a) land reserved under the Crown Lands Act, 1929-1974, for drainage purposes;

or

(b) land in respect of which the Crown, the South-Eastern Drainage Board or any council by virtue of the provisions of the South-Eastern Drainage Act, 1931-1974, is vested with the care, control and management,

on which is situated a drain or drainage works:

“the Fund” means the Dingo Control Fund established under Part II of this Act:

“local authorized officer” means a person appointed to be a local authorized officer under Part III of this Act:

“nominated member” means a member of the Authority appointed by the Governor upon the nomination of the Minister under Part II of this Act:

“occupier” in relation to land means a person who has, or is entitled to, possession or control of the land:

“outside the dog fence” in relation to land, means land that is not within the portion of the State bounded by the dog fence, the eastern border of the State and the coast of the State and “inside the dog fence” has a correlative meaning:

“owner” in relation to land means—

(a) where the land is alienated from the Crown by grant in fee simple, the owner of the estate in fee simple;

(b) where the land is held of the Crown by lease or licence, the lessee or licensee;

and

(c) where the land is held of the Crown under an agreement to purchase, the person on whom the right of purchase is conferred by the agreement:

“Permanent Head” means the Permanent Head, within the meaning of the Public Service Act, 1967-1974, of the Department of the Public Service known as the “Department of Lands”:

“rabbit-proof fence” means a fence that conforms to the prescribed requirements for a rabbit-proof fence:

“ratable land” means land declared to be ratable land under Part II of this Act:

“the repealed Wild Dogs Act” means the Wild Dogs Act, 1931-1970, repealed by this Act:

“road” means a public street, public road or public place:

“State authorized officer” means an officer of the Authority appointed to be a State authorized officer under Part III of this Act:

“vertebrate pest”—

(a) means a rabbit, dingo or fox;

(b) means an animal of a specified species of vertebrate animals declared by proclamation to be vertebrate pests in respect of the whole of the State;

or

(c) where animals of a specified species of vertebrate animals are declared by proclamation to be vertebrate pests in respect of a specified portion of the State, means an animal of that species within that portion of the State,

but does not include the carcass or part of the carcass of any such rabbit, dingo, fox or animal.

PART I

Declaration of
vertebrate
pests.

6. (1) The Governor may by proclamation declare animals of a specified species of vertebrate animals to be vertebrate pests for the purposes of this Act, either in respect of the whole of the State or in respect of a specified portion of the State.

(2) The Governor may by proclamation amend, vary or revoke a declaration made under subsection (1) of this section.

PART II**PART II****THE VERTEBRATE PESTS CONTROL AUTHORITY****DIVISION I****DIVISION I—ESTABLISHMENT OF THE AUTHORITY**

Establishment
and incorpora-
tion of
Authority.

7. (1) There shall be an Authority entitled the "Vertebrate Pests Control Authority."

(2) The Authority—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall in its corporate name, be capable of suing and of being sued;

(c) shall be capable of holding, acquiring, dealing with, and disposing of real and personal property;

(d) shall be capable of acquiring or incurring any other rights or liabilities;

(e) shall have the powers, rights, duties and functions conferred, imposed or prescribed by or under this Act;

and

(f) shall perform its functions and hold its property on behalf of the Crown.

Constitution of
the Authority.

8. The Authority shall consist of the following members:—

(a) the person for the time being holding or acting in the office of the Permanent Head, who shall be the Chairman of the Authority;

and

(b) six other persons of whom not less than three are persons who own or occupy land upon which they are engaged in the business of primary production appointed by the Governor upon the nomination of the Minister.

9. (1) A nominated member shall be appointed for a term of office, not exceeding three years, and upon conditions, determined by the Governor, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may appoint a suitable person to be a deputy of a nominated member and that person while acting in the absence of that member, shall be deemed to be a member of the Authority and shall have all the powers, rights and duties of that member.

(3) The Governor may remove a nominated member from office for—

- (a) a breach of, or non-compliance with, the conditions of his appointment;
 - (b) mental or physical incapacity;
 - (c) neglect of duty;
- or
- (d) dishonourable conduct.

(4) The office of a nominated member shall become vacant if—

- (a) he dies;
 - (b) his term of office expires;
 - (c) he resigns by written notice addressed to the Minister;
- or
- (d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a nominated member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a nominated member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

10. A member of the Authority shall be entitled to receive allowances and expenses determined by the Governor. Allowances and expenses.

11. (1) Four members of the Authority shall constitute a quorum of the Authority, and no business shall be transacted at a meeting of the Authority unless a quorum is present. Quorum, etc.

(2) The Chairman shall preside at a meeting of the Authority at which he is present, and in the absence of the Chairman from a meeting, the members present shall decide who is to preside at that meeting.

(3) A decision carried by the votes of a majority of the members of the Authority present at a meeting shall be a decision of the Authority.

(4) Each member of the Authority shall be entitled to one vote on a matter arising for determination by the Authority, and the person presiding at the meeting of the Authority shall, in the event of an equality of votes, have a second or casting vote.

PART II
DIVISION I

(5) The Authority shall meet for the transaction of business at least four times in each year.

(6) Subject to this Act, the business of the Authority shall be conducted in a manner determined by the Authority.

Validity of acts of the Authority and immunity of its members.

12. (1) An act or proceeding of the Authority shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, the act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No personal liability shall attach to a member of the Authority for an act or omission by him, or by the Authority, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

Due execution of documents by the Authority.

13. (1) A document is duly executed by the Authority if it is sealed with the common seal of the Authority and signed by the Chairman.

(2) An apparently genuine document purporting to have been executed in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed.

DIVISION II

DIVISION II—FUNCTIONS OF THE AUTHORITY

Functions of the Authority.

14. (1) The functions of the Authority shall be—

- (a) to ensure that the provisions of this Act are enforced within the State;
 - (b) to take measures for the control of vertebrate pests upon Crown lands as defined in the Crown Lands Act, 1929-1974;
 - (c) to conduct research into the control of vertebrate pests;
 - (d) to maintain a record containing information in relation to the species, numbers and distribution of vertebrate pests within the State;
 - (e) to co-ordinate and advise on the development and implementation of programmes for the control of vertebrate pests;
- and
- (f) to perform such other functions as may be necessary or incidental to the foregoing.

(2) Nothing in subsection (1) of this section shall be construed as imposing an obligation on the Authority to take measures for the control of vertebrate pests upon Crown lands, where the Authority considers the owner or occupier of land adjoining the Crown lands has not adequately controlled vertebrate pests upon that land.

(3) The Authority may delegate to any member, officer or employee of the Authority any of its functions or powers under this Act, except this power of delegation.

(4) A delegation under subsection (3) of this section shall be revocable at will and shall not derogate from the power of the Authority to act in any matter.

Authority subject to general control and direction of the Minister.

15. In the exercise and discharge of its powers, duties and functions under this Act, the Authority shall be subject to the general control and direction of the Minister.

(2) Where the Authority is exercising or discharging its powers, duties or functions under this Act in relation to the control of dingoes upon lands that are lands within the meaning of the Pastoral Act, 1936-1974, the Authority shall consult with, and have regard to the advice of the Chairman of the Pastoral Board constituted under that Act.

PART II
DIVISION II

DIVISION III—STAFF

DIVISION III

16. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1974, appoint such officers as he considers necessary or expedient for the proper administration of this Act.

Officers and
employees.

(2) An officer appointed pursuant to subsection (1) of this section shall, subject to this section, hold office in accordance with the provisions of the Public Service Act, 1967-1974.

(3) The Minister may by notice published in the *Gazette* determine—

(a) that specified provisions of the Public Service Act, 1967-1974, and of the regulations thereunder, shall not apply to or in relation to an officer appointed pursuant to subsection (1) of this section;
and

(b) that provisions contained, or referred to, in the notice shall apply to and in relation to the officer in lieu of those provisions,

and the notice shall have effect in accordance with its terms.

(4) The Authority may, with the approval of the Minister, appoint such employees as it considers necessary or expedient for the proper administration of this Act.

(5) A person appointed pursuant to subsection (4) of this section shall hold office upon the terms and conditions determined from time to time by the Governor and the Public Service Act, 1967-1974, shall not apply to or in relation to persons so appointed.

(6) The Authority may, with the approval of the Minister controlling any department of the public service of the State, on terms mutually arranged make use of the services of an officer of that department.

DIVISION IV—FINANCIAL PROVISIONS

DIVISION IV

17. Subject to this Act, the moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Moneys for
the purposes
of the Act.

18. (1) There shall be a fund entitled the "Dingo Control Fund".

Dingo Control
Fund.

(2) The following moneys shall be paid into the Fund:—

(a) the moneys held immediately before the commencement of this Act in the Wild Dogs Fund under the repealed Wild Dogs Act;

(b) the moneys recovered by way of rates imposed under this Division;

(c) the moneys paid by the Treasurer by way of subsidy under this section;

and

(d) any other moneys received by the Authority and credited to the Fund.

(3) The Treasurer shall in each financial year out of moneys appropriated by Parliament for the purpose, pay to the Authority a subsidy equivalent in amount to the moneys payable to the Authority by way of rates for that financial year.

PART II
DIVISION IV

(4) The Fund shall be applied by the Authority—

(a) in the payment of rewards for the destruction of dingoes under this section;

and

(b) for any other purpose relating to the control of dingoes.

(5) The Authority shall, subject to the prescribed conditions, pay out of the Fund such sum, if any, as is from time to time fixed as a reward for the destruction of a dingo.

(6) The Authority may, after consultation with the Chairman of the Dog Fence Board constituted under the Dog Fence Act, 1946-1969, from time to time, by notice published in the *Gazette*, fix the sum, payable as a reward for the destruction of a dingo, which may vary according to the age of the dingo destroyed and according to the locality in which it is destroyed.

Imposition of
rates on
ratable land.

19. (1) The Authority may, by notice published in the *Gazette*, declare that any separate holding of more than ten square kilometres of land that is situated within the area specified in the notice shall be ratable land and, by further notice, amend or vary that notice.

(2) The Authority may, by notice published in the *Gazette*, in respect of the financial year commencing on the first day of July, 1975, and each subsequent financial year, declare a rate upon ratable land and the minimum amount of rate payable by any person.

(3) The rate shall be expressed as an amount per square kilometre of ratable land not exceeding ten cents per square kilometre.

(4) Where the amount of rate payable by any person would be less than the minimum amount for the time being declared under this section, the amount payable by that person shall be that minimum amount.

(5) The Authority shall as soon as practicable after declaration of a rate serve upon the owner or occupier of ratable land a notice setting forth the amount he is liable to pay by way of rates under this section.

(6) The amount of the rate imposed under this section is due and payable upon the expiration of twenty-eight days from the day on which the notice is served under subsection (5) of this section.

(7) Subject to subsection (8) of this section, where a person fails to pay the amount of rate payable by him on or before the expiration of twenty-eight days from the day on which the rate is due and payable, that person in addition to his liability to pay that rate, is liable to pay a fine of ten per centum upon the amount of rate that he has so failed to pay.

(8) The Authority may, in its discretion, remit the whole or part of any fine payable pursuant to subsection (7) of this section by any person.

(9) Any rate or fine imposed under this section shall, when it becomes due and payable, be a debt due to the Authority and may be recovered in any court of competent jurisdiction.

(10) A document executed by the Authority stating the amount of any rate or fine payable by any person shall, in the absence of proof to the contrary, be accepted as proof of that amount in any legal proceedings for its recovery.

20. (1) The Authority may borrow money from the Treasurer, or with the consent of the Treasurer, from any other person for the purpose of carrying out any of its functions under this Act.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) of this section is hereby guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of the State, which is hereby, to the necessary extent, appropriated accordingly.

21. The Authority may, with the approval of the Treasurer, invest any of the moneys received by the Authority that are not immediately required for the purposes of this Act in a manner approved by the Treasurer.

22. (1) The Authority shall cause proper accounts to be kept of its receipts and payments.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Authority.

23. (1) The Authority shall, as soon as practicable after the thirtieth day of June in each year, submit to the Minister a report on its operations during the financial year ending on that day together with the audited accounts of the Authority for that financial year.

(2) The Minister shall, as soon as practicable after receipt of the report and the audited accounts cause copies of the report and accounts to be laid before each House of Parliament.

PART III

PART III

CONTROL OF VERTEBRATE PESTS

DIVISION I—AUTHORIZED OFFICERS

DIVISION I

24. The Authority shall appoint a person to be a State authorized officer under this Act.

25. (1) A council shall appoint a person to be a local authorized officer under this Act.

(2) A power conferred by this Act on a local authorized officer may be exercised only in respect of land within the area of the council that appointed him.

26. (1) Notwithstanding the provisions of any other Act, but subject to this Act, an authorized officer may for the purpose of the control of vertebrate pests—

(a) enter upon any land;

(b) search that land to ascertain whether any vertebrate pests are present upon that land;

(c) question the owner or occupier or the person apparently in charge of that land relating to the presence of vertebrate pests upon that land;

PART III
DIVISION I

(d) take any steps to control vertebrate pests upon that land;

and

(e) remove any vertebrate pest from that land and destroy it.

(2) An authorized officer may be accompanied by such persons as he considers necessary to assist him in the exercise of the powers conferred by subsection (1) of this section.

(3) A person shall not hinder or obstruct an authorized officer or a person genuinely assisting an authorized officer in the exercise of the powers conferred by this section.

Penalty: Two hundred dollars.

(4) A person questioned pursuant to paragraph (c) of subsection (1) of this section shall not refuse or fail to answer that question to the best of his knowledge, information and belief.

Penalty: Two hundred dollars.

Protection of
authorized
officers, etc.

27. No personal liability shall attach to an authorized officer, or a person genuinely assisting an authorized officer, for an act or omission by him in good faith and in the exercise, or purported exercise, of his powers or functions or in the discharge, or purported discharge, of his duties under this Act.

DIVISION II

DIVISION II—OFFENCES

Owner or
occupier of
land to control
vertebrate pests
upon land.

28. (1) Notwithstanding the provisions of any other Act, the owner or occupier of any land shall control vertebrate pests, and keep vertebrate pests controlled, upon that land and upon half the width of any land comprised of a road or drainage land (other than drainage land that is fenced on both sides), or both, that adjoins that land.

(2) A local authorized officer may by notice in the prescribed form warn a person who he considers has not adequately complied with subsection (1) of this section.

(3) A duplicate copy of a notice given under subsection (2) of this section shall be forwarded to the Authority.

(4) A State authorized officer may by notice in the prescribed form require a person who he considers has not adequately complied with subsection (1) of this section—

(a) generally to control vertebrate pests upon that land;

or

(b) to control vertebrate pests of the species specified in the notice, or to take measures specified in the notice for the control of vertebrate pests, upon that land, or both.

(5) A notice given under subsection (4) of this section shall specify a period commencing upon the expiration of fourteen days from the giving of the notice within which the requirements of the notice are to be carried out.

(6) A person given a notice under subsection (4) of this section may apply to the Minister for review of the notice within fourteen days of the giving of the notice.

(7) The Minister may, on application made pursuant to subsection (6) of this section, confirm, vary or set aside the notice.

(8) A person given a notice under subsection (4) of this section shall not fail to control vertebrate pests in compliance with the notice.

Penalty: Not less than one hundred dollars but not exceeding five hundred dollars.

29. The occupier of any land shall not keep a vertebrate pest, or cause or permit a vertebrate pest to be kept, upon that land.

Offence to keep vertebrate pests.

Penalty: Not less than fifty dollars but not exceeding two hundred dollars.

30. Subject to section 33 of this Act, but notwithstanding any other provision of this Act, the occupier of any land shall not be guilty of an offence if any person keeps a vertebrate pest upon that land, nor is any power or duty conferred or imposed on any person to destroy such a vertebrate pest, where—

Certain vertebrate pests may be kept.

(a) in the case of a rabbit, it is kept in a cage and there is not more than one such cage upon that land;

or

(b) it is kept by, or bred for, a zoo, a circus or a research institution pursuant to the permission of the Authority and in accordance with the conditions specified in the permission.

31. (1) Subject to subsection (2) of this section a person shall not sell or offer for sale a vertebrate pest.

Offence to sell vertebrate pests.

Penalty: Not less than fifty dollars but not exceeding two hundred dollars.

(2) Notwithstanding the provisions of subsection (1) of this section, a person may with the approval of the Authority sell a vertebrate pest kept or bred by him pursuant to paragraph (b) of section 30 of this Act.

32. A person shall not let a vertebrate pest loose, or cause or permit a vertebrate pest to be let loose.

Offence to let vertebrate pests loose.

Penalty: Not less than fifty dollars but not exceeding two hundred dollars.

33. Notwithstanding section 30 of this Act, a person shall not—

(a) import a vertebrate pest into;

(b) keep a vertebrate pest upon a vessel touching;

or

(c) let a vertebrate pest loose upon, or cause or permit a vertebrate pest to be let loose upon,

Offence to import vertebrate pests into islands within the State, etc.

any island within the State.

Penalty: One thousand dollars or six months imprisonment.

34. (1) A person shall not interfere with a dog-proof or rabbit-proof fence or part of such a fence unless authorized by the owner or occupier of the land on which the fence is situated.

Offence to damage certain fences.

Penalty: Five hundred dollars or three months imprisonment.

(2) For the purposes of this section any gate or ramp pertaining to a dog-proof or rabbit-proof fence shall be deemed to be part of that fence.

PART III
DIVISION II

(3) Upon the conviction of a person of an offence against subsection (1) of this section, the court may order that person to pay compensation to the owner or occupier of the land on which the fence is situated.

Offence to
leave certain
gates open.

35. A person shall not leave open any gate in a dog-proof or rabbit-proof fence except for so long as is reasonably necessary for passage through the gate or unless authorized by the owner or occupier of the land on which such fence is situated.

Penalty: Two hundred dollars.

DIVISION III

DIVISION III—ENFORCEMENT BY COUNCILS

Prosecutions
and inspections.

36. A council shall—

- (a) enforce the provisions of Division II of this Part;
- (b) cause inspections to be made of land within the area of the council for the purpose of determining whether vertebrate pests are being controlled;
- and
- (c) keep records, specified by the Authority, and when requested by the Authority furnish information, relating to the species, numbers and distribution of vertebrate pests and the control of vertebrate pests upon land,

within the area of the council.

Power of
council to
declare special
rates.

37. (1) A council may, for the purpose of providing funds to perform the duties imposed on it under this Act, declare a special rate on the ratable property (not being land within the boundaries of a township as defined in the Local Government Act, 1934-1974) within its area or a portion of its area.

(2) A special rate declared pursuant to subsection (1) of this section may be declared without the consent of the ratepayers and shall be in addition to any special rate authorized to be declared or levied under the Local Government Act, 1934-1974, and the amount of the special rate so declared shall not be taken into account in determining whether the limit up to which a council may rate has been reached.

(3) Subject to this section, the Local Government Act, 1934-1974, shall apply to a rate declared under subsection (1) of this section, as if that rate were a special rate declared under that Act.

(4) Notwithstanding anything in this or any other Act, a council may expend any portion of its revenue in the performance of its powers, functions and duties under this Act.

Accounts and
minutes.

38. A council shall—

- (a) keep accounts of its revenue and expenditure;
- and
- (b) keep minutes of its proceedings,

for the purposes of this Act and when requested by the Authority shall furnish copies of such accounts and minutes to the Authority.

PART III
DIVISION III
 Agreements by
 councils
 relating to
 control of
 vertebrate
 pests.

39. A council may enter into an agreement with any person to take measures for the control of vertebrate pests upon land owned or occupied by that person, and land in respect of which that person is responsible under this Act for the control of vertebrate pests, that is within the area of the council.

40. (1) For the purposes of more effectively carrying out the provisions of this Division, the Governor may, upon the request of two or more councils, the areas of which are contiguous, by proclamation establish a board to discharge the duties, and exercise the powers, under this Act of those councils within the aggregate of the areas of those councils.

Councils may
 request
 establishment
 of boards.

(2) A board established by a proclamation made under subsection (1) of this section, shall be constituted, and its business shall be conducted, in the manner provided in the proclamation and shall be a body corporate under the name, and with the powers, functions and duties, specified in the proclamation.

(3) The expenses of a board established by a proclamation made under subsection (1) of this section shall be defrayed by the councils in relation to which the board is established, in such proportion as is specified in the proclamation.

(4) The provisions of this Act, other than section 37 of this Act, shall apply to and in relation to a board established under this section in the same manner and to the same extent as if it were a council, the area of which is the aggregate of the areas of the councils in relation to which it is established, and in that application a reference in those provisions to a council shall be read as a reference to the board.

(5) The Governor may, upon the request of the councils in relation to which a board is established, by proclamation amend, vary or revoke the proclamation made under subsection (1) of this section by which the board was established and in a proclamation so revoking the proclamation make provision for any matters relating to the dissolution of the board and the disposition of any property of the board.

(6) Any proclamation made under this section shall have effect as if it were enacted in this Act.

DIVISION IV—ENFORCEMENT BY THE AUTHORITY

DIVISION IV

41. (1) The Authority may by notice in the prescribed form require a council—

Notices to
 councils
 relating to
 inspections
 and certain
 information.

(a) to cause inspections to be made of land within the area of the council for the purpose of determining whether vertebrate pests are being controlled within the area of the council;

or

(b) to furnish information of a kind specified in the notice relating to the species, numbers and distribution of vertebrate pests and the control of vertebrate pests upon land within the area of the council.

(2) A notice given pursuant to subsection (1) of this section may specify a period, commencing upon the expiration of fourteen days from the giving of the notice, within which the requirements of the notice are to be carried out.

PART III
DIVISION IV

(3) A council given a notice pursuant to this section may apply to the Minister for review of the notice within fourteen days of the giving of the notice.

(4) The Minister may, on application made pursuant to subsection (3) of this section, confirm, vary or set aside the notice.

Authority may carry out requirements of notices.

42. (1) Where the Authority considers that the requirements of a notice given under this Act have not been adequately carried out, the Authority may cause those requirements to be carried out.

(2) A person bearing an authorization in the prescribed form issued to him by the Authority may exercise any power conferred by section 26 of this Act on an authorized officer that is reasonably necessary to enable him to carry out the requirements of a notice pursuant to subsection (1) of this section, and the provisions of that section shall apply to the exercise of the power.

(3) The cost to the Authority of carrying out the requirements of a notice under this section may be recovered in a summary manner as a debt due to the Authority by—

(a) the person to whom the notice was given and shall be a charge upon the land in respect of which the notice was given;

or

(b) the council to which the notice was given.

(4) A document executed by the Authority stating the cost referred to in subsection (3) of this section shall, in the absence of proof to the contrary, be accepted as proof of that cost in any legal proceedings for its recovery.

Subsidy to councils.

43. The Authority may subsidize a council in respect of the cost incurred, or to be incurred, by the council in discharging its duties under this Act to the extent the Authority considers appropriate in the circumstances.

Authority may recommend establishment of boards.

44. (1) Subject to subsection (2) of this section, the Governor may, upon the recommendation of the Authority, by regulation establish a board to discharge the duties, and exercise the powers, under this Act of two or more councils, the areas of which are contiguous.

(2) The Authority may make a recommendation referred to in subsection (1) of this section in relation to two or more councils, if it considers that one or more of those councils is not adequately discharging its duties under this Act.

(3) A board established by a regulation made under subsection (1) of this section, shall be constituted, and its business shall be conducted, in the manner provided by regulation and shall be a body corporate under the name, and with the powers, functions and duties, specified by regulation.

(4) The expenses of a board established under subsection (1) of this section shall be defrayed by the councils in relation to which the board is established, in such proportion as is specified by regulation.

(5) The provisions of this Act, other than section 37 of this Act, shall apply to and in relation to a board established under this section in the same manner and to the same extent as if it were a council, the area of which is the aggregate of the areas of the councils in relation to which it is established, and in that application a reference in those provisions to a council shall be read as a reference to the board.

(6) The Governor may, upon the recommendation of the Authority, by regulation, amend, vary or revoke any regulations made pursuant to this section and may, by regulation made upon a like recommendation, dissolve a Board established pursuant to this section and make provision for any matters relating to the dissolution of the Board and the disposition of any property of the Board.

45. (1) The Authority may, where it considers a council is not adequately discharging its duties under this Act, by notice in writing, advise the council that the Authority is assuming responsibility for the discharge of those duties from the date specified in the notice.

Assumption by the Authority of the responsibility of certain councils.

(2) The Authority shall review a notice given under this section at the conclusion of any financial year to which the notice applies and advise the council by notice in writing whether or not the notice is to continue to apply for the next financial year.

(3) A council given a notice under this section shall not be liable in respect of any financial year to which the notice applies to discharge the duties of a council under this Act.

(4) The cost to the Authority in respect of any financial year of discharging the duties under this Act of a council given a notice under this section may be recovered in a summary manner as a debt due to the Authority by that council.

(5) A document executed by the Authority stating the cost referred to in subsection (4) of this section shall, in the absence of proof to the contrary, be accepted as proof of that cost in any legal proceedings for its recovery.

PART IV

PART IV

MISCELLANEOUS

46. (1) Notwithstanding the provisions of any other Act, the owner or occupier of land bounded by and inside the dog fence may for the purpose of the control of vertebrate pests lay poison or set traps on adjoining land immediately outside the dog fence in accordance with the terms of approved proposals and shall have such access to the adjoining land as is necessary for that purpose.

Control of vertebrate pests outside the dog fence by poison and traps.

(2) In this section "approved proposals" means proposals contained in a notice given under subsection (3) of this section—

(a) to which no notice of objection is given under subsection (4) of this section;

or

(b) as confirmed or varied by the Minister under subsection (6) of this section.

(3) Where an owner or occupier proposes to lay poison or set traps pursuant to this section, he shall first give notice, in the prescribed form, of that intention to the owner or occupier of the adjoining land.

PART IV

(4) The owner or occupier of the adjoining land shall, if he objects to any proposals contained in a notice given under subsection (3) of this section, within fourteen days of the receipt of that notice, give notice to the other owner or occupier of his objection.

(5) Where notice of an objection is given under subsection (4) of this section, application for review of the proposals may be made to the Minister within fourteen days of the giving of that notice.

(6) The Minister may, on application made under subsection (5) of this section, confirm, vary or set aside the proposals.

Dog-proof and
rabbit-proof
fences.

47. Where any court is exercising a jurisdiction conferred upon it under the Fences Act, 1975, a document executed by the Authority stating—

(a) that any fence conforms, or any proposed fence would conform, with the prescribed requirements for a dog-proof or rabbit-proof fence;

or

(b) that any fencing work has made, or any proposed fencing work would make, a fence dog-proof or rabbit-proof;

and

(c) that such fence or fencing work is necessary or desirable for the control of vertebrate pests in the locality,

shall be admissible as proof that the nature of such fence or fencing work is adequate and appropriate in the circumstances.

Notices.

48. Any notice required or authorized to be given under this Act to the owner or occupier of any land shall be deemed to have been duly given when—

(a) it is served personally on—

(i) the owner, or one of a number of persons who own the land jointly or in common;

or

(ii) the occupier, or one of any joint occupiers;

(b) it would be delivered in the ordinary course of post, where the notice is posted in an envelope addressed to the last known or usual place of business or residence of—

(i) the owner, or one of a number of persons who own the land jointly or in common;

or

(ii) the occupier, or one of any joint occupiers;

(c) it is affixed to some conspicuous part of that land, where the land to which it relates appears to be unoccupied.

Evidentiary.

49. In proceedings in respect of an offence against this Act, an allegation in a complaint that—

(a) an animal is a vertebrate pest;

- (b) a person is a State authorized officer;
 - (c) a person is a local authorized officer;
 - (d) a person is the owner or occupier of any land;
 - (e) that a person has failed to control vertebrate pests in compliance with a notice given under Part III of this Act;
 - (f) any land is within a certain area or the area of a certain council;
- or
- (g) a fence is a dog-proof fence or a rabbit-proof fence,

shall, in the absence of proof by the defendant to the contrary, be accepted as proof of the matter so alleged.

50. (1) A penalty for an offence against this Act that is recovered on the complaint of a council or an officer of a council shall be paid to that council. Appropriation of penalties.

(2) A penalty for an offence against this Act that is recovered otherwise than on the complaint of a council or an officer of a council shall be paid into the General Revenue.

51. Proceedings in respect of offences against this Act shall be disposed of summarily. Summary proceedings.

52. (1) The Governor may make such regulations as are necessary or expedient for the purposes of this Act. Regulations.

(2) Without limiting the generality of subsection (1) of this section, those regulations may—

- (a) provide for the sale or supply unconditionally, or subject to conditions stipulated in the regulations, and the use, possession or disposal of a poison for the control of vertebrate pests;
- (b) prescribe the requirements for dog-proof and rabbit-proof fences;
- (c) impose a penalty not exceeding five hundred dollars for a breach of a regulation.

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

M. L. OLIPHANT, Governor

Section 4.

FIRST SCHEDULE

ACTS REPEALED

Vermin Act, 1931
 Vermin Act Amendment Act, 1935
 Vermin Act Amendment Act, 1936
 Vermin Act Amendment Act, 1939
 Vermin Act Amendment Act, 1942
 Vermin Act Amendment Act, 1943
 Vermin Act Amendment Act, 1944
 Vermin Act Amendment Act, 1945
 Vermin Act Amendment Act, 1953
 Vermin Act Amendment Act, 1954
 Vermin Act Amendment Act, 1957
 Vermin Act Amendment Act, 1959
 Vermin Act Amendment Act, 1960
 Vermin Act Amendment Act, 1962
 Vermin Act Amendment Act, 1967
 Wild Dogs Act, 1931
 Wild Dogs Act Amendment Act, 1938
 Wild Dogs Act Amendment Act, 1948
 Wild Dogs Act Amendment Act, 1951
 Wild Dogs Act Amendment Act, 1953
 Wild Dogs Act Amendment Act, 1954
 Wild Dogs Act Amendment Act, 1961
 Wild Dogs Act Amendment Act, 1970.

SECOND SCHEDULE

ACTS AMENDED

First Column Act Amended	Second Column How Amended	Third Column New Citation
Loans for Fencing and Water Piping Act, 1938-1973	Long Title— Strike out "to amend the Vermin Act, 1931-1936". Section 3— Subsection (2) is repealed. Section 10 (1)— Strike out "or vermin-proof fence". Strike out "or a vermin-proof fence". Section 10 (2)— Strike out "or a vermin-proof fence". Section 10— Strike out subsection (3) and insert the following subsection in lieu thereof:— (3) In this section "dog-proof fence" has the meaning given to that term by the Vertebrate Pests Act, 1975. The First Schedule— The first schedule is repealed.	Loans for Fencing and Water Piping Act, 1938-1975
Statute Law Revision Act, 1935	The Second Schedule— Strike out from the first and second columns the Title and the No. and Year of the Vermin Act, 1931, No. 2029 of 1931 and from the third column all amendments to that Act.	
Statute Law Revision Act, 1936	The Second Schedule— Strike out from the first and second columns the Title and the No. and Year of the Vermin Act Amendment Act, 1935, No. 2254 of 1935 and from the third column all amendments to that Act.	

SECOND SCHEDULE—*continued*

First Column Act Amended	Second Column How Amended	Third Column New Citation
Statutes Amend- ment (Dog Fence and Vermin) Act, 1964	<p>Long Title— Strike out "and the Vermin Act, 1931-1962".</p> <p>Section 1 (2)— Strike out "PART III—Amendment of Vermin Act, 1931-1962—Sections 4-5."</p> <p>PART III— PART III (comprising sections 4 and 5) is repealed.</p>	Statutes Amend- ment (Dog Fence and Vermin) Act, 1964-1975