

## VERMIN.

11° Elizabeth II., No. LXI.

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No. 61 of 1962.

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### AN ACT to amend the Vermin Act, 1918-1960.

[Assented to 30th November, 1962.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title  
and citation.

1. (1) This Act may be cited as the *Vermin Act Amendment Act, 1962*.

Reprinted in  
Vol. 9 of the  
Reprinted  
Acts,  
approved for  
reprint 1st  
September,  
1954, and  
further  
amended by  
Acts Nos.  
44 of 1954,  
57 of 1956,  
82 of 1956,  
15 of 1958 and  
8 of 1960.

(2) In this Act the Vermin Act, 1918-1960, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Vermin Act, 1918-1962.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

3. Section four of the principal Act is amended— S. 4  
amended.

(a) by inserting, after the interpretation, “District”, the following interpretation—

“District of a shire” means the municipal district of a shire constituted under the Local Government Act, 1960;

(b) by substituting for the interpretation, “Vermin”, the following interpretation—

“Vermin” means any animal, bird or insect declared to be vermin, under and by virtue of section one hundred and forty of this Act;

and

(c) by repealing the provisos to the interpretation, “Vermin”.

4. Section six of the principal Act is amended by deleting the passage, “the board of any road district,”, in lines one and two. S. 6  
amended.

5. Section twenty-one of the principal Act is amended by substituting for the passage, “road board under the Road Districts Act, 1919-1948”, in lines fifteen and sixteen, the passage, “council, under section eighty-two of the Local Government Act, 1960”. S. 21  
amended.

6. Section twenty-three of the principal Act is amended— S. 23  
amended.

(a) by substituting for the passage, “Divisions six, seven, eight and nine of Part III. of the Road Districts Act, 1919-1948”, in lines two, three and four of subsection (2), the passage, “Divisions 3 and 4 of Part IV. of the Local Government Act, 1960”; and

(b) by substituting for the passage, “Division eleven of Part III. of the Road Districts Act, 1919-1948”, in lines one and two of subsection (3), the passage, “Division 5 of Part IV. of the Local Government Act, 1960”.

S. 45  
repealed and  
sections  
substituted.

7. The principal Act is amended by repealing section forty-five and substituting therefor the following sections:—

Shire  
Councils  
may be  
appointed  
vermin  
boards,  
in certain  
circum-  
stances.

45. (1) Notwithstanding any other provisions of this Act, where the boundaries of a vermin district are coincident with, or the whole of a vermin district is included within, the boundaries of the district of a shire, the Protection Board may, by declaration, appoint the council of that shire to be the board of that vermin district.

(2) A council appointed a vermin board under this section shall exercise the powers conferred on a board by this Act, as if those powers were conferred by the Local Government Act, 1960, and the provisions of Part VII. of that Act apply to the proceedings of a council when exercising those powers; but, with the exception of sections fourteen to thirty-two inclusive and sections thirty-four to forty-four inclusive, this Act applies to a council appointed a vermin board, under this section.

Council  
nominees  
may be  
appointed  
in certain  
circum-  
stances.

45A. (1) Where two or more, or portions of two or more, districts of a shire are included within the boundaries of a vermin district, the Protection Board may, notwithstanding any other provisions of this Act, by declaration, from time to time, appoint the members of the board for that vermin district from a panel of the names of persons, being persons who are members of a council of, or qualified to be members of a vermin board for, the district, submitted by the respective councils, in such numbers as the Protection Board shall determine.

(2) Every member appointed under this section shall, subject, in the case of a member of a council, to paragraphs (b) and (c), and, in the case of any other person, to paragraphs (a), (b) and (c), of section twenty-four of this Act, hold office for three years from the date of his appointment.

(3) Every vacancy in the membership of a board established under this section shall be filled by the Protection Board appointing, by declaration, a person nominated by the council that submitted the name in respect of which the vacancy has occurred; but, in the case of an extraordinary vacancy, the person appointed shall retire when the member in whose place he is appointed would, by effluxion of time, have retired.

45B. (1) Notwithstanding any other provision of this Act, where the boundaries of any vermin district are coincident with those, or the name of any vermin district is identical with that, of the district of a shire and the boundaries of the district of the shire are altered or its name is changed, the Protection Board may, by declaration, order that the boundaries of the vermin district be altered or that its name be changed (as the case may be), correspondingly, to the intent that the boundaries of the vermin district shall continue to coincide with those, or that its name shall continue to be identical with that, of the district of the shire.

Boundaries and name of vermin districts may be altered or changed in conformity with alterations or changes in shires.

(2) Where the boundaries of a vermin district are altered or its name is changed under the provisions of this section, if, at the time of the alteration or change, the council of the shire is, by virtue of a declaration made under section forty-five of this Act, the board of the vermin district, the council shall, subject to any order or direction of the Protection Board made by declaration, continue to be the board of the vermin district.

8. Section sixty-one of the principal Act is repealed and re-enacted with amendments as follows:—

S. 61 repealed and re-enacted.

61. The provisions of Division 5 of Part XXV. of the Local Government Act, 1960, apply *mutatis mutandis* to appeals against entries

Adoption of rating appeal provisions of Local Government Act, 1960.

made in a rate book under the provisions of this Part, as though re-enacted in this Part, except that—

- (a) an appeal shall not lie on the ground that the value of a holding recorded in the rate book is not the proper value that should have been so recorded, if the value complained of is not in excess of the amount at which the holding stands valued, for the time being, (on the capital unimproved system of valuation) in the books of the Commissioner of Taxation or in the rate book of the council of the district in which the holding is situated; and
- (b) where an assessment is made on the area of a holding, an appeal shall lie on the ground that the area set out in the rate book exceeds the true area of the holding.

S. 66  
amended.

9. Section sixty-six of the principal Act is amended—

- (a) by substituting for the passage, "Road Districts Act, 1919-1948," in line three and, again, in line eleven, the passage, "Local Government Act, 1960", in each case; and
- (b) by substituting for the words, "a road board", in line six and, again, in line eight, the words, "the council of a shire", in each case.

S. 88  
amended.

10. Section eighty-eight of the principal Act is amended by substituting for the words, "board of the road district", in line eight, the words, "council of the shire".

S. 97  
amended.

11. Section ninety-seven of the principal Act is amended by adding, after subsection (4), the following subsections:—

- (5) Any inspector or any authorised person may at any time stop any conveyance or vessel and may, with or without assistants, enter into

or upon the conveyance or board the vessel and search and inspect it, or any part of it, and everything on or in it, for the purpose of ascertaining whether any vermin or eggs of vermin are on or in the conveyance or vessel; and the inspector or authorised person may seize and carry away any vermin or eggs of vermin found in the conveyance or vessel.

(6) A person who, being in charge of a conveyance or vessel, fails to stop the conveyance or vessel when so required by a person who makes himself known as being an inspector or authorised person commits an offence.

Penalty: Fifty pounds.

12. Section ninety-eight of the principal Act is amended by adding, after subsection (2), the following subsection:—

S. 98  
amended.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, where a person has vermin in his possession or under his control, whether on a holding or not, and whether as owner or not, the Protection Board may, by notice in writing served on that person, require him forthwith to cause that vermin to be destroyed.

13. Section ninety-nine of the principal Act is repealed and re-enacted as follows:—

S. 99  
repealed and  
re-enacted.

99. (1) For the purposes of section ninety-eight of this Act, any person who,—

Persons not  
complying or  
continuing  
to comply  
with notices.

(a) being an owner or occupier of a holding, does not,—

(i) forthwith after the date specified in a notice published pursuant to subsection (1) of that section; or

(ii) within seven days after the service on him of a notice served pursuant to subsection (2) of that section; or

- (b) being a person having vermin in his possession or under his control, does not, forthwith after service on him of a notice served pursuant to subsection (3) of that section,

comply, or, where the notice requires continued compliance, continue thereafter to comply with the terms of the notice is guilty of an offence.

Penalty: For a first offence, not less than five, nor more than fifty, pounds; for any subsequent offence, not less than ten, nor more than fifty, pounds; and, where the offence is a continuing offence, a further penalty of not less, nor more, than one pound for each day the offence continues.

(2) Notwithstanding the provisions of any other Act, the penalties provided by this section are penalties irreducible in mitigation.

(3) Every complaint made under this section shall be heard and determined by a stipendiary magistrate.

S. 103  
amended.

14. Section one hundred and three of the principal Act is amended—

- (a) by substituting for the words, “not exceeding two pence”, in line sixteen of subsection (1), the words, “not exceeding three pence”; and
- (b) by substituting for the passage, “any municipal corporation, road board,”, in line twenty-one of paragraph (c) of the fifth proviso to subsection (1), the words, “the council of any municipality”.

S. 115  
repealed and  
re-enacted.

15. Section one hundred and fifteen of the principal Act is repealed and re-enacted with amendments as follows:—

115. (1) Every person who, without lawful excuse (the proof of which shall be on him),—

- (a) has in his possession any live vermin;

Keeping,  
liberating,  
etc. vermin  
and other  
animals.

or

- (b) liberates or attempts to liberate vermin; or
- (c) abandons, or permits, or fails to take reasonable precautions to prevent, the being at large of, any animal or bird that becomes vermin, by reason of being at large,

is guilty of an offence and is liable to a penalty of one hundred pounds; but, except as otherwise provided by subsection (3) of this section, nothing in this subsection prohibits a person from keeping live vermin in a safe enclosure with the prior written permission of, and subject to any conditions imposed by, the Protection Board.

(2) For the purposes of this section, a person in charge of any conveyance, vessel or aircraft is deemed to have liberated any vermin that escapes, or is free to escape, from that conveyance, vessel or aircraft, unless he shows that he might not reasonably have prevented its escape or freedom to escape.

(3) Notwithstanding the provisions of subsection (1) of this section, the Protection Board shall not, after the thirtieth day of June, one thousand nine hundred and sixty-six, issue a permit for the keeping of rabbits of any breed or variety, or any part breed or part variety, of the species *oryctolagus cuniculus*, unless the permit is for the keeping of that species of rabbit for laboratory, scientific, biological or zoological purposes only; and any permit for the keeping of that species of rabbit issued by the Protection Board, on or before that date, for a purpose other than any of those in this subsection mentioned, shall, by force of this subsection, cease to be of effect after that date.

16. Section one hundred and twenty-nine of the principal Act is amended by substituting for the words, "road district", in line four, the words, "district of a shire".

S. 129  
amended.



S. 131  
amended.

17. Section one hundred and thirty-one of the principal Act is amended by substituting for the words, "A road board", in line one, the words, "The council of a shire".

S. 135  
amended.

18. Section one hundred and thirty-five of the principal Act is amended by substituting for the word, "twenty-five", in line six, the words, "one hundred".

S. 140  
added.

19. The principal Act is amended by adding, after section one hundred and thirty-nine, the following section:—

Protection  
Board may  
declare  
animals,  
etc., to be  
vermin.

140. (1) The Protection Board may, from time to time, by declaration published in the *Government Gazette*, declare any class or classes of animal, bird or insect, whether at large or not, or by reason of being at large, to be vermin, for the purposes of this Act, in respect of the whole or any part of the State; and may, in like manner, vary or cancel any declaration so made.

(2) Every proclamation and declaration of vermin made under and by virtue of section four of this Act is cancelled.

(3) The Protection Board shall, at least once in every year, after the first day of January, one thousand nine hundred and sixty-three, publish in the *Government Gazette* a declaration, setting out seriatim every animal, bird and insect at that time declared to be vermin, under the provisions of this section, together with the part or parts of the State in respect of which it is so declared.

Third  
Schedule  
repealed.

20. The principal Act is amended by repealing the Third Schedule thereto.

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