

VERMIN.

14° and 15° Geo. VI., No. LXI.

No. 61 of 1950.

AN ACT to amend the Vermin Act, 1918-1946.

[Assented to 18th December, 1950.]

BE it enacted by the King'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:—

1. This Act may be cited as the *Vermin Act Amendment Act, 1950*, and shall be read as one with the Vermin Act, 1918-1946 (Act No. 2 of 1919, as reprinted with amendments to and including Act No. 5 of 1943, incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, in The Reprinted Acts of the Parliament of Western Australia, Volume 2, 1943, and further amended by Act No. 49 of 1946), hereinafter referred to as the principal Act.

Short title

2. The principal Act, as amended by this Act, may be cited as the Vermin Act, 1918-1950.

Citation of principal Act as amended by this Act.

Amendment
of long title.

3. The long title to the principal Act is amended by substituting for the word "Destruction" the words "Control, Prevention and Eradication";

s. 1A added.

4. The principal Act is amended by adding after section one, the following section:—

Construc-
tion.

1A. This Act shall be construed in conjunction with the Agriculture Protection Board Act, 1950, as if the provisions of that Act were incorporated with and formed part of this Act, but where the provisions of this Act are in conflict or inconsistent with those of that Act, the provisions of that Act shall prevail to the extent to which they are so in conflict or inconsistent and, in this section, reference to the provisions of those Acts includes reference to the provisions of any regulation, by-law, Order in Council, proclamation, declaration and notice, made, given or promulgated under the provisions of those Acts.

Amendment
of s. 4.

5. Section four of the principal Act is amended by—

(a) adding after the word "requires" in line one the following interpretation:—

"Appointed day" means the day of the coming into operation of the Vermin Act Amendment Act, 1950;

(b) adding after the interpretation "Crown land" the following interpretation:—

"Declaration" means a declaration made by the Protection Board and published in the *Gazette*, and the verb "to declare" and inflexions and derivatives have correlative meanings;

(c) substituting for the words "chief inspector" in lines two and three of the interpretation "Inspector" the words "Chief Vermin Control Officer";

- (d) substituting for the words "Minister, or the chief inspector" in lines six and seven of the interpretation "Rabbit-proof fence" the words "Protection Board or the Chief Vermin Control Officer";
- (e) adding after the interpretation "Prescribed" the following interpretation:—
 "Protection Board" means the Agriculture Protection Board constituted under the provisions of the Agriculture Protection Board Act, 1950;
- (f) adding after the interpretation "Public reserve" the following interpretation:—
 "to destroy" includes to control, prevent and eradicate, and inflexions and derivatives have corresponding meanings;
- (g) amending the interpretation "Vermin" by—
 (i) deleting the words "and includes" in line one;
 (ii) adding after the second proviso the following proviso:—
 Provided also that, on and after the appointed day, the powers of the Governor referred to in the preceding provisions of this interpretation shall, without prejudice to anything done in exercise of those powers before that day, cease to be exercisable by the Governor and may be exercised by declaration;
- (h) substituting for the words "Minister or the chief inspector" in lines two and three of paragraph (b) of the interpretation "Vermin fence" the words "Protection Board or Chief Vermin Control Officer".

6. Section seven of the principal Act is amended by adding after the word "Minister" in line one, the words "or by this or any other Act on the Protection Board".

Amendment
of s. 7.

Amendment
of s. 8.

7. Section eight of the principal Act is amended by adding after the word "shall" in line one the words "subject to the provisions of this Act".

Amendment
of s. 9.

8. Section nine of the principal Act is amended by substituting for the words "chief inspector" in line two the words "Chief Vermin Control Officer, vermin control officers,".

Amendment
of s. 10.

9. Section ten of the principal Act is amended by substituting for the word "Minister" in line one of paragraph (d) the words, "Protection Board."

Amendment
of s. 11.

10. Section eleven of the principal Act is amended by adding after the word "Minister" in line three, the words "or the Protection Board."

Repeal and
re-enact-
ment of
s. 13.

11. Section thirteen of the principal Act is repealed and substituted by the following section:—

Delegation
of powers to
Chief Ver-
min Control
Officer.

13. (1) The Minister or the Protection Board, as the case may be, may, in relation to any matters or class of matters, or in relation to the whole or any particular part of the State, by writing signed by him or authenticated by the Protection Board, as the case may be, delegate all or any of his or its powers and functions under this Act, or any by-law or regulation in force by virtue of this Act, except this power of delegation, so that the delegated powers or functions may be exercised by the Chief Vermin Control Officer with respect to the matters or class of matters, or the whole or that part of the State specified in the instrument of delegation.

(2) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Minister or the Protection Board, as the case may be.

(3) Where, by any of the provisions of this Act, the exercise of any power or function by the Minister or the Protection Board, or the operation of any provision of this Act is dependent upon the opinion, belief,

satisfaction or state of mind of the Minister or the Protection Board in relation to any matter, that power or function may be exercised by the Chief Vermin Control Officer or that provision may operate, as the case may be, upon the opinion, belief, satisfaction or state of mind of the Chief Vermin Control Officer.

12. Section fourteen of the principal Act is <sup>Amendment
of s. 14.</sup> amended by—

- (a) substituting for the words “Governor may, by Order in Council” in subsection (1) line one, the words, “Protection Board may by declaration”;
- (b) substituting for the word “Governor” in subsection (2) line six, the words, “Protection Board”;
- (c) adding after the word “Crown” in line two of subsection (3), the words “through the Protection Board or otherwise”;
- (d) substituting for the word “Governor” in subsection (3) line three, the words’ “Protection Board”;
- (e) substituting for the words “Order in Council” appearing firstly in line one and, secondly, line five of subsection (4), the word “declaration.”

13. Section fifteen of the principal Act is <sup>Amendment
of s. 15.</sup> amended by—

- (a) adding before the word “For” in subsection (1) line one, the words, “Subject to the provisions of section forty-seven of this Act”;
- (b) substituting for the words “prescribed by the Governor” in subsection (1) line three, the word “declared”;

- (c) deleting the proviso to subsection (1);
- (d) substituting for the word "Governor" in subsection (2) line two, the words, "Protection Board";
- (e) substituting for the words "determine" in subsection (2) line two, the word "declare."

Amendment
of s. 16.

14. Section sixteen of the principal Act is amended by substituting for the word "Governor" in line two, the words "Protection Board by declaration."

Amendment
of s. 17.

15. Section seventeen of the principal Act is amended by substituting for the word "Governor," appearing firstly in line two of subsection (1) and, secondly, in lines one and two of subsection (2), the words "Protection Board by declaration."

Amendment
of s. 18.

16. Subsection (6) of section eighteen of the principal Act is amended by substituting for the word, "Minister" in line three, the words, "Protection Board."

Amendment
of s. 21.

17. Section twenty-one of the principal Act is amended by substituting for the words "Roads Act, 1911" in line fifteen, the words "Road Districts Act, 1919-1948."

Amendment
of s. 23.

18. Section twenty-three of the principal Act is amended by substituting for the words, "Roads Act, 1911," appearing firstly in line three of subsection (2), and secondly in lines one and two of subsection (3), the words, "Road Districts Act, 1919-1948."

Amendment
of s. 27.

19. Section twenty-seven of the principal Act is amended by—

- (a) substituting for the word "Governor" in line two, the words "Protection Board by declaration";
- (b) substituting for the words "if he thinks fit" in line three, the words "in its discretion."

20. Section forty-five of the principal Act is amended by— Amendment of s. 45.

- (a) substituting for the word "Governor" wherever it occurs, the words "Protection Board by declaration";
- (b) substituting for the words "Roads Act, 1911," in line eight of subsection (1), the words, "Road Districts Act, 1919-1948."

21. Section forty-six of the principal Act is amended by— Amendment of s. 46.

- (a) substituting for the word "Governor" in line one, the words "Protection Board by declaration";
- (b) substituting for the word "he" in line two, and the word "him" in line three, the words "Protection Board".

22. Section forty-seven of the principal Act is amended by— Amendment of s. 47.

- (a) substituting for the word "Governor" in line three, the words "Protection Board by declaration";
- (b) substituting for the words "the Minister" in line four, the words "a Commissioner nominated by the Protection Board".

23. Section forty-eight of the principal Act is amended by substituting for the word "Governor" in line one, the words "Protection Board by declaration". Amendment of s. 48.

24. Section forty-nine of the principal Act is amended by— Amendment of s. 49.

- (a) substituting for the words "the Minister" in line one, the words "a Commissioner nominated by the Protection Board";
- (b) substituting for the words "the Minister" in line twelve, the word "him".

Amendment
of s. 50.

25. Section fifty of the principal Act is amended by—

- (a) substituting for the word “Governor” in line one, the words “Protection Board by declaration”;
- (b) substituting for the word “he” in line one, the word “it”.

Amendment
of s. 51.

26. Section fifty-one of the principal Act is amended by—

- (a) substituting for the word “Governor” in subsection (1) line one, the words “Protection Board”;
- (b) substituting for the words “Order in Council” in subsection (1) lines seven and eight, and in subsection (2) line one, the word “declaration”;
- (c) substituting for the word “he” in line two of paragraph (a) of subsection (1), the word “it”.

Amendment
of s. 52.

27. Section fifty-two of the principal Act is amended by substituting for the word “Minister” in line two, the words “Protection Board”.

Amendment
of s. 55.

28. Section fifty-five of the principal Act is amended by adding after the word “Minister” in line two, the words “or the Protection Board”.

Amendment
of s. 56.

29. Section fifty-six of the principal Act is amended by adding after the word “Minister” appearing firstly in lines three and four, and secondly in line five, the words “or the Protection Board”.

Amendment
of s. 59.

30. Section fifty-nine of the principal Act is amended by—

- (a) substituting for subsection (2), the following subsection:—

(2) The vermin rate shall—

- (a) in the case of land held under pastoral lease issued under the Land Act, 1933-1948, or any earlier Act or regulations for which that Act is deemed to be substituted, be not more than one shilling and not less than one half of a penny for every one hundred acres of the land, any number in excess of any multiple of, but less than one hundred to be regarded as one hundred acres;
- (b) in the case of any other holding, be not more than two-pence and not less than $\frac{1}{8}$ d. for each pound of the unimproved capital value of the holding, any amount in excess of any multiple of but less than one pound to be regarded as one pound.

(b) adding the following subsections:—

- (2a) (a) Where a holding is and remains enclosed with a rabbit-proof fence, and the fence is maintained in good repair, the holding shall be rated at one half of the amount which, but for this paragraph, would be payable.
- (b) No rate shall be assessed or be deemed to be imposed or payable in respect of land held on conditional purchase lease granted, before or after the commencement of the Vermin Act Amendment Act, 1950, under the Land Act, 1933-1948, or any earlier Act or regulations for which that Act is deemed to be substituted, for two years from the commencement of the lease.

(c) Where two or more holdings are situated within an area of land which is completely enclosed with a rabbit-proof fence, and the holdings and the area of land are owned by one and the same person, each and every one of the holdings shall, for the purposes of this section, be deemed to be enclosed with the rabbit-proof fence, notwithstanding that the fence is not erected upon all of the boundaries of the holding.

(c) substituting for subsection (3) the following subsection:—

(3) A minimum vermin rate of two shillings and sixpence in any financial year may be made and levied under this section on rateable land, or on each of the several lots into which the land is subdivided, when the rate, if made under subsection (2) of this section, would be less than two shillings and sixpence.

Amendment
of s. 61.

31. Section sixty-one of the principal Act is amended by—

- (a) substituting for the word “twenty-four” in line two, the word, “fifty-one”;
- (b) substituting for the word, “twenty-nine” in line two, the word, “fifty-seven”;
- (c) substituting for the words, “Roads Act, 1911, and section thirty-three of the Roads Act Amendment Act, 1912,” in lines three and four, the words, “Road Districts Act, 1919-1948”.

Amendment
of s. 62.

32. Section sixty-two of the principal Act is amended by—

- (a) adding to subsection (1) after the word “thereof” in line ten of that subsection, the following paragraph—

(c) the first mortgagee of the holding, where the rates remain unpaid for a period of six months after having become due and payable;

(b) adding the following subsections:—

(8) In this section, “first mortgagee” includes The Rural and Industries Bank of Western Australia, except in cases in which that Bank is a first mortgagee by virtue of a mortgage executed pursuant to the provisions of subsection (2) of section eighty-nine of this Act, but does not include the Protection Board or a board in cases in which the board is a first mortgagee by virtue of such a mortgage.

(9) On the eleventh day of December, one thousand nine hundred and thirty-six and thereafter during the operation of the Distress for Rent Abolition Act, 1936, which came into operation on that day, the power to distrain referred to in subsections (1), (2) and (4) of this subsection is abolished.

33. Section sixty-six of the principal Act is amended by substituting for the words, “Roads Act, 1911,” appearing firstly in line three of subsection (1), and secondly in line three of subsection (2), the words “Road Districts Act, 1919-1948”.

Amendment
of s. 66.

34. Section sixty-seven of the principal Act is amended by substituting for the word “Governor” in line five, the words “Protection Board by declaration”.

Amendment
of s. 67.

35. Section sixty-eight of the principal Act is amended by substituting for the word “Minister” in line one, the words “Protection Board”.

Amendment
of s. 68.

36. Section sixty-nine of the principal Act is amended by substituting for the word “Minister” appearing firstly in line one, and secondly in line four, the words “Protection Board”.

Amendment
of s. 69.

Amendment
of s. 70.

37. Section seventy of the principal Act is amended by substituting for the word "Minister" appearing firstly in line two, secondly in line four and thirdly in line eight, the words "Protection Board".

Amendment
of s. 71.

38. Section seventy-one of the principal Act is amended by substituting for the word "Minister" appearing firstly and secondly in line two, the words "Protection Board".

Amendment
of s. 72.

39. Section seventy-two of the principal Act is amended by substituting the words "the Protection Board" for the words—

- (a) "the Minister" appearing firstly in line one, and secondly in lines five and six;
- (b) "him" in line three.

Amendment
of s. 73.

40. Section seventy-three of the principal Act is amended by adding after the word "may" in line one the words "with the consent in writing of the Protection Board".

Amendment
of s. 74.

41. Section seventy-four of the principal Act is amended by—

- (a) adding before the word "administration" in line two of paragraph (1), the words "board in the";

(b) adding the following subsection:—

(5) With the approval of the Protection Board, for the purpose of assisting in defraying the cost of destruction of vermin in any other district.

Amendment
of s. 75.

42. Section seventy-five of the principal Act is amended by adding after the word "Minister" appearing firstly in line one, and secondly in line five, and thirdly in line six, the words "or the "Protection Board".

43. Section seventy-seven of the principal Act is amended by substituting for the word "Minister" appearing firstly in line one, secondly in line four and thirdly in line six, the words "Protection Board."

Amendment
of s. 77.

44. Section seventy-eight of the principal Act is amended by substituting for the word "Minister" in line four the words "Protection Board".

Amendment
of s. 78.

45. Section seventy-nine of the principal Act is amended by substituting for the word "Minister" wherever it occurs, the words "Protection Board".

Amendment
of s. 79.

46. Section eighty of the principal Act is amended by substituting for the word "Minister" wherever it occurs the words "Protection Board".

Amendment
of s. 80.

47. Section eighty-two of the principal Act is amended by substituting for the word "Minister" in subsection (3), line four, the words "Protection Board".

Amendment
of s. 82.

48. Section eighty-four of the principal Act is amended by adding after the word "Minister" appearing firstly in line one, and secondly in line three, the words "or the Protection Board".

Amendment
of s. 84.

49. Section eighty-five of the principal Act is amended by adding after the word "Minister" in line two of paragraph (c) of subsection (4), the words " or the Protection Board".

Amendment
of s. 85.

50. Section eighty-seven of the principal Act is amended by—

Amendment
of s. 87.

- (a) substituting for the word "Governor" in subsection (1), in line one, the words "Protection Board by declaration";
- (b) deleting the words "by Proclamation" in subsection (1), line two;
- (c) substituting for the word "Minister" wherever it occurs the words "or the Protection Board";

- (d) adding after the word "Government" in lines three and four of the second proviso to subsection (1), the words "or the Protection Board";
- (e) substituting for the words "The Commissioner of Railways" in line one of subsection (10) the words "The Western Australian Government Railways Commission".

Amendment
of s. 88.

51. Section eighty-eight of the principal Act is amended by substituting for the word "Minister" appearing firstly in line three and secondly in line four of subsection (2) the words "Protection Board".

Amendment
of s. 89.

52. Section eighty-nine of the principal Act is amended by—

- (a) substituting for the word "Minister" wherever it occurs the words "Protection Board";
- (b) adding after the word "board" in subsection (1), line twelve, the words " or of the Protection Board";
- (c) substituting for the words "the Agricultural Bank" in lines three and four of subsection (2), the words "The Rural and Industries Bank of Western Australia";
- (d) adding after the word "shall" in subsection (2), line nine, the words "without prejudice to the provisions of subsection (8) of section sixty-two of this Act."

Amendment
of s. 90.

53. Section ninety of the principal Act is amended by substituting for the word "Minister" wherever it occurs the words "Protection Board".

Amendment
of s. 91.

54. Section ninety-one of the principal Act is amended by substituting for the words "in whom any land is vested" in line one of subsection (1) the words "to whom any land is mortgaged".

55. Section ninety-two of the principal Act is amended by substituting for the word "Minister" wherever it occurs the words "Protection Board". Amendment of s. 92.

56. Section ninety-three of the principal Act is amended by— Amendment of s. 93.

- (a) substituting for the word "Minister" wherever it occurs the words "Protection Board";
- (b) substituting for the word "Crown" in line three of subsection (3), the words "Protection Board".

57. Section ninety-four of the principal Act is amended by— Amendment of s. 94.

- (a) substituting for the word "Minister" wherever it occurs, the words "Protection Board";
- (b) substituting for the words "chief inspector" in line three of subsection (2), the words "Chief Vermin Control Officer."

58. Section ninety-five of the principal Act is amended by substituting for the word "Minister" in line five, the words "Protection Board." Amendment of s. 95.

59. Section ninety-six of the principal Act is amended by substituting for the word "Minister" in line five, the words "Protection Board or Chief Vermin Control Officer." Amendment of s. 96.

60. Section ninety-seven of the principal Act is amended by— Amendment of s. 97.

- (a) substituting for the word "Minister" in line two of subsection (3), the words "Protection Board";
- (b) substituting for the words "Chief Inspector" in subsection (4) line three, the words "Chief Vermin Control Officer."

Amendment
of ss. 98.

61. Section ninety-eight of the principal Act is amended by substituting for the word "Minister" wherever it occurs, the words "Protection Board."

Amendment
of s. 101.

62. Section one hundred and one of the principal Act is amended by substituting for the word "Minister" appearing firstly in line two, and secondly in line seven, the words "Protection Board."

Amendment
of s. 102.

63. Section one hundred and two of the principal Act is amended by substituting the words, "the Protection Board" for the words, "the Minister" wherever they occur, and for the word "he" in subsection (2), line five.

Amendment
of s. 103.

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

- (a) substituting for the words "owners of holdings within any municipal district, or any townsite, or residential area under the Land Act, 1898" in lines one, two and three of the first proviso to subsection (1), the words "the owner of any holding not exceeding an area of ten acres";
- (b) substituting for the words "Chief Inspector" in line three of the second proviso to subsection (1), the words "Chief Vermin Control Officer";
- (c) substituting for the word "Minister" in line four of subsection (3), the words "Protection Board";
- (d) adding after the word "claws" in line three of paragraph (a) of subsection (3), the words "or beaks";
- (e) deleting paragraph (b) of subsection (3);
- (f) substituting for paragraph (c) of subsection (3) the following paragraph—
 - (c) salaries and wages of officers and other employees of the Protection Board for destroying vermin and

other expenses incurred in exercising the powers and duties conferred and imposed upon the Protection Board to do so by the provisions of the Agriculture Protection Board Act, 1950, and of this Act;

- (g) adding after the word "foxes" in line two of paragraph (d) of subsection (3), the word "emus";
- (h) deleting subsection (4);
- (i) substituting for the word "Advisory" in line one of subsection (5), the word "Protection";
- (j) deleting the words "with the approval of the Minister" in lines one and two of subsection (5);
- (k) adding before the word "Board" in line four of subsection (5), the word "Protection";
- (l) substituting for the word "Minister" in subsection (7), line two, the words "Protection Board."

65. Section one hundred and four of the principal Act is repealed. Repeal of s. 104.

66. Section one hundred and five of the principal Act is amended by adding after the word "Crown" in line four, the words "or the Protection Board." Amendment of s. 105.

67. Section one hundred and six of the principal Act is amended by adding after the word "Minister" in line one of subsection (2), the words "or the Protection Board." Amendment of s. 106.

68. Section one hundred and seven of the principal Act is amended by substituting for the words "Chief Inspector" appearing firstly in line two, and secondly in lines four and five, the words "Chief Vermin Control Officer." Amendment of s. 107.

Amendment
of s. 108.

69. Section one hundred and eight of the principal Act is amended by substituting for the word "Minister" in lines two and three, the words "Protection Board by declaration."

Amendment
of s. 113.

70. Section one hundred and thirteen of the principal Act is amended by adding after the word "Minister" in line five of subsection (1), the words "or the Protection Board."

Amendment
of s. 115.

71. Section one hundred and fifteen of the principal Act is amended by substituting for the word "Minister" in line eight, the words "Protection Board."

Amendment
of s. 117.

72. Section one hundred and seventeen of the principal Act is amended by substituting for the word "Minister" in line two, the words "Protection Board."

Amendment
of s. 120.

73. Section one hundred and twenty of the principal Act is amended by adding after the word "Minister" in lines two and four, the words "or the Protection Board".

Amendment
of s. 117.

74. Section one hundred and twenty-five of the principal Act is amended by adding after the word "Minister" in lines two, four and seven, the words "or the Protection Board".

Amendment
of s. 130.

75. Section one hundred and thirty of the principal Act is amended by substituting for the word "Minister" in line two of subsection (1) and in line one of subsection (2), the words "Protection Board".

Amendment
of s. 135.

76. Section one hundred and thirty-five of the principal Act is amended by adding after the word "all" in line two, the words "forms, fees and".

Repeal of
s. 136.

77. Section one hundred and thirty-six of the principal Act is repealed.

78. Section one hundred and thirty-seven of the principal Act is amended by substituting for the words "Chief Inspector" in line one, the words "Chief Vermin Control Officer".

Amendment
of s. 137.

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

s s. 138 and
139 added.

138. (1) The production of—

Evidence

- (a) a copy of the *Government Gazette* containing any regulation, declaration, order or notice purporting to have been made or given under any of the provisions of this Act; or
- (b) a copy purporting to be a true copy of any such regulation, declaration, order or notice, certified as such under the hand of the Chairman or an authorised officer of the Protection Board;

shall be evidence until the contrary is proved of the due making, existence, confirmation, approval and giving of such regulation, declaration, order or notice and of all preliminary steps necessary to give full force and effect to the same.

(2) The provisions of this section are in addition to and not in derogation of those of the Evidence Act, 1906.

139. Without prejudice to the operation of the other provisions of the Interpretation Act, 1913-1948, those of section fifteen of that Act are expressly declared to apply in respect of all things done in the exercise of powers conferred upon the Governor, the Minister, the Chief Inspector of Vermin or other person pursuant to the provisions of the Vermin Act, 1913-1946, notwithstanding that the exercise of those powers is by the Vermin Act Amendment Act, 1950, conferred upon the Protection Board, the Chief Vermin Control Officer, a Commissioner or other person, as the case may be.

Saving of
existing
districts,
appoint-
ments, etc
No. 30 of
1918, s. 15.