

VERMIN.6th AND 7th GEO. VI., No. XLVIII.

No. 5 of 1943.**AN ACT to amend the Vermin Act, 1918-1938.**

[Assented to 6th May, 1943.]

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

Short title.

1. This Act may be cited as the *Vermin Act Amendment Act*, 1942, and shall be read as one with the Vermin Act, 1918-1938, hereinafter referred to as the principal Act.

Amendment
of s. 4.

2. Section four of the principal Act is amended by deleting the definition of "holding" and inserting in lieu thereof a definition as follows:—

"Holding" means any parcel of land as defined and identified by metes and bounds and by a number or other particulars in the certificate of title, Crown lease or other instrument of title by which the ownership of such parcel is evidenced. The term includes any parcel of land aforesaid,

whether held or used or occupied—

- (a) in fee simple;
- (b) under pastoral lease, conditional purchase lease or other lease granted by the Crown or as a homestead farm;
- (c) as a public reserve;
- (d) as a timber lease or timber concession;
- (e) as land under a sawmill or other permit under the Land Act, 1898, or any amendment of that Act, or under the Forests Act, 1918.

The term does not include any parcel of land held for any tenure under the Mining Act, 1904.

3. Section fifty-nine of the principal Act is amended by adding to subsection (2) thereof a further proviso as follows:—

Amendment
of s. 59.

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

4. Section ninety-four of the principal Act is amended by adding a proviso thereto as follows:—

Amendment
of s. 94.

Provided that, upon a complaint being made against an owner or occupier of a holding under this section, the court hearing the complaint shall have discretion to inquire whether there is any reasonable justification or excuse for such owner or occupier failing to destroy such vermin or eggs to the satisfaction of such inspector or authorised person, and if in the opinion of the court such reasonable justification or excuse exists, the court may dismiss the complaint or adjourn the hearing for the purpose of allowing the owner or occupier such further time to destroy such vermin or eggs as the court thinks fit. All complaints made under this section shall be heard and determined by a police or resident magistrate.

Amendment
of s. 97.

5. Section ninety-seven of the principal Act is amended by adding at the end thereof the following:—

All complaints made under this section shall be heard and determined by a police or resident magistrate.

Amendment
of s. 126.

6. Section one hundred and twenty-six of the principal Act is amended by adding at the end of subsection (2) thereof the words “Where an owner or occupier is in the opinion of the Board in necessitous circumstances such poison may be sold or supplied by the Board to such owner or occupier at such price and upon such conditions as the Board may determine, notwithstanding that by such sale or supply the Board may incur loss. A record shall be kept in the books of the Board of every such transaction.”

Citation of
principal Act
as amended.

7. The principal Act as amended by this Act may be cited as the Vermin Act, 1918-1942.