



ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO
SEXTO

VICTORIÆ REGINÆ.

A.D. 1882.

No. 262.

An Act to provide for the Destruction of Vermin.

[*Assented to, November 17th, 1882.*]

WHEREAS it is desirable to provide for the destruction of vermin—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be for all purposes cited as the “Vermin Destruction Act, 1882.”

Short title.

2. In the construction and for the purposes of this Act, the words and expressions following shall have and include the respective meanings hereinafter assigned to them, unless there be something in the subject matter or context repugnant thereto, that is to say—

Interpretation.

“Vermin” shall include kangaroos, wallabies, and other marsupials, dingoes or native dogs, dogs run wild, dogs at large, rabbits, eaglehawks, and any other bird or animal which the Governor, by Proclamation published in the *Government Gazette*, may declare to be vermin for the purposes of this Act:

“Board” shall mean the Board of Directors of any district as constituted by this Act:

“District” shall mean any vermin district proclaimed under this Act:

“Authorised person” shall mean any person authorised in writing by a Board, and all persons under his control or orders, for the purposes of this Act:

“Commissioner

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“ Commissioner of Crown Lands ” shall mean the Commissioner of Crown Lands for the said province for the time being :

“ Large stock ” shall include horses and cattle :

“ Scalp-money ” shall mean a sum payable in respect of a portion of the skin of the head of any vermin to which both ears are attached, or in respect of the head of any bird :

“ Lessee ” shall include the lessee of any lands under any Crown Lands Act, or any amendment thereof, as well as the holder of any lands under any agreement or application for a lease, or either of their assignee, overseer, superintendent, or agent :

Governor may pro-
claim districts.

3. The Governor, by Proclamation to be published in the *Government Gazette*, may from time to time declare any lands to be “ vermin districts ” for the purposes of this Act, and fix the boundaries thereof, and may from time to time in like manner cause any lands to cease to be vermin districts, or may vary the boundaries thereof.

Governor may appoint
Board.

4. The Governor shall, upon the proclamation of any vermin district as aforesaid, appoint five persons to be the Board of Directors for the destruction of vermin of such district, and who shall be appointed upon the election of the lessees of land within the district, and of whom three shall form a quorum, two directors to retire every year by rotation, being those who have been longest in office. Retiring directors to be eligible for re-election.

No person shall be elected a member of the Board for any district unless he shall own within the district at least one thousand sheep or two hundred and fifty large stock, or be an overseer or superintendent of at least five thousand sheep or one thousand large stock within the district.

The lessees of lands within any district, being the owners of “ large stock ” or “ sheep ” within the district, shall be entitled to vote at the election of members of the Board in accordance with the scale contained in the schedule hereto.

If any casual vacancy shall occur in the Board by the death, resignation, or removal of any member, the Governor may appoint a member in the place of the member so dying, resigning, or removed, and the member so appointed shall continue to be a member of the Board for the same period as the member so dying, resigning, or removed would have done.

If the lessees of land within any district shall fail to exercise their right to elect members of the Board within six weeks after a notice shall have been published in the *Government Gazette* by the Commissioner of Crown Lands, calling upon such lessees to exercise their right of election, the Governor may appoint members of the Board, who shall hold office for the same period, and have the same rights and duties, as if they had been elected by such lessees.

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If any member of the Board shall cease to own the number of large stock or cattle necessary to qualify him to be a member of the Board, the Commissioner of Crown Lands, who, for the purposes of this section, shall be the sole judge of his qualification, may recommend the Governor to remove such member, and he may thereupon be removed.

5. The Board may take any proper and lawful measures to ensure the destruction, within its district, of all vermin, and for that purpose may, out of the sums of money raised under this Act, pay for such destruction such sums of money by way of scalp-money as may seem fit. Power of Board.

6. Upon its appointment the Board shall, within thirty days and thereafter, in the month of January in each year, recommend to the Governor an annual rate or assessment to be paid by the lessees of land within the district: such rate or assessment shall not exceed— On appointment of Board assessment to be made.

(a.) The sum of Sixpence for every square mile held under lease or application for lease, or otherwise occupied within the district for pastoral purposes: and

(b.) The sum of Two Pounds for every thousand sheep depastured within the district: and

(c.) The sum of Ten Shillings for every hundred large stock depastured within the district:

Every such rate when made in respect of large stock or sheep shall be payable in respect of, and apportioned to, the actual number of large stock or sheep so depastured, the property of, or in charge of, the lessee liable to pay the rate.

7. Such rate or assessment, on being proclaimed by the Governor in the *Government Gazette*, shall be the rate payable by the lessees of land within the district for the current year for the purposes of this Act, and shall be payable to the Commissioner of Crown Lands at the same time with the moneys payable by the lessees on account of stock depasturing on the leased lands within the district. Payment of assessment.

The Commissioner of Crown Lands, on receipt of the rate payable by any lessee, shall remit the same to the Board of the proper district, to be by them expended for the purposes of this Act.

The Board may, if any lessee shall fail or neglect to pay such rate or assessment to the Commissioner of Crown Lands as aforesaid, by notice published in the *Government Gazette*, call upon every such lessee to pay the sum due under any such rate or assessment on or before a day to be named in such notice; and if any such lessee shall make default in complying with the requirements of any such notice the Board may recover all moneys due in respect of any such rate or assessment, together with a penalty of ten per centum, by distress of the large stock, sheep, goods, and chattels of the lessee making default, or, in the discretion of the Board, in a summary manner.

8. It

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Lessee to destroy
vermin.

8. It shall be the duty of the lessee of any land within any district to make effective provision for, and to ensure the destruction of, all vermin upon the land occupied by him.

In default of lessee,
Board may destroy
vermin.

9. If any lessee of land held under lease, or application for lease, or any occupier of land used for pastoral purposes within any district shall, after receipt by him of a notice from the Board calling upon him to destroy all vermin upon the land occupied by him, fail to destroy such vermin within the space of thirty days from the receipt of such notice, or within such further time as the Board may appoint in such notice, the Board, or any authorised person, may enter upon his land and use such means as may seem expedient to take and destroy vermin, and remove the carcasses or any portion thereof, and for that purpose may stop up any burrows or holes, and, after forty-eight hours' notice to the lessees and adjoining lessees (if any), may burn or destroy any brushwood or fences on such land which may be found to harbor vermin: Provided that proper precaution be taken to protect the said lessees from unnecessary damage or loss from any such burning or destruction.

Board may recover
expenses.

10. The costs and expenses in excess of any scalp-money which may be allowed, incurred by the Board, or by any authorised person, under the provisions of the last section, shall be paid by the lessee to the Board; and if not so paid within fourteen days after a demand has been made by the Board under the hand of any member thereof, may be recovered in a summary manner by the Board. For the purposes of this section the scalp-money shall be fixed by the Board.

On neglect of Board,
adjoining Board may
put Act in force.

11. If any Board shall neglect to carry out the provisions of this Act, and to take proper measures to ensure the destruction of vermin within its district, it shall be lawful for the respective Boards of two or more adjoining districts to require such defaulting Board to proceed, within thirty days after the publication of a notice in the *Government Gazette*, addressed to such Board, to take the proper measures under this Act to ensure the destruction of such vermin within its district: And if, within three months after the publication of such notice, such defaulting Board shall not proceed to carry out the requirements of such notice, then it shall be lawful for the Boards of such adjoining districts to present a petition to the Governor setting out the facts, and praying the said Governor to annex such defaulting district to the districts of the petitioners for the purposes of this Act; and upon receipt of such petition the Governor shall cause the substance and prayer thereof to be published in the *Government Gazette*, and he may, on the expiry of thirty days after such publication, by Proclamation in the *Government Gazette*, declare that such defaulting district shall be annexed to the districts of such petitioning Boards, and for the purposes of this Act, but not otherwise, shall form part thereof, whereupon the owners and lessees of land within such annexed district shall be liable to assessment, and to all other the provisions of this Act, as if such lands were contained in the districts to which the said district shall be so declared to be annexed.

12. It

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12. It shall be lawful for any authorised person to enter any land within any district for the purpose of ascertaining if any vermin are thereupon; and no such person shall be deemed a trespasser by reason of such entry, or be liable for any damage thereby occasioned, unless the same shall be occasioned by his wilful act or gross negligence: Provided that every authorised person, upon being so required by the owner of such land, shall exhibit his authority, or on default he shall be liable to be dealt with as a trespasser.

Authorised persons may enter upon land to search for vermin, &c.

13. This Act shall apply to all pastoral lands outside proclaimed hundreds, and such lands within proclaimed hundreds as the Governor may appoint by Proclamation: Provided always that where such lands are within proclaimed hundreds, it shall not be necessary for the Governor to appoint any Board for the district, but the Commissioner of Crown Lands shall have all the powers and perform all the duties of a Board within the meaning and for the purposes of this Act; or when such lands are within the boundaries of a District Council, the Commissioner may appoint such Council a Board for the purposes of this Act.

Operation of Act.

14. The Board of every district shall be entitled to receive from the Treasurer of the province for the time being, who is hereby authorised to pay the same out of the General Revenue of the said province, in respect of all vermin destroyed by such Board on Crown lands, or in respect of which such Board shall have paid scalp-money, the several sums specified in the Second Schedule hereto.

Board to receive moneys from Treasurer.

15. All penalties or moneys which may by this Act be recovered in a summary manner, may be recovered before any two or more Justices of the Peace under the provisions of the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the Duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all orders made by such Justices may be enforced as in the said Ordinance, or in any other Act as aforesaid, is or shall be provided.

Summary proceedings.

16. The Board of any district shall require any person applying for scalp-money, in respect of any vermin, to produce the scalps or heads of such vermin, and to make a declaration before a Justice of the Peace that all the vermin, in respect of which he is applying for scalp-money, have been destroyed within the district; and every person who shall, in any such declaration, wilfully make a false statement shall be deemed to have committed perjury, and shall be punishable accordingly.

Board may require declaration.

No person, who shall refuse to make any such declaration, shall be entitled to be paid any scalp-money by the Board in excess of the sums actually allowed to the Board under the Second Schedule hereto.

17. If

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Penalty for not giving information.

17. If any person neglect to make any return, or give any information required by any Board or by any authorised person for the purposes of this Act, he shall, on conviction, be liable for every such offence to a penalty not exceeding Twenty Pounds, to be recovered in a summary manner.

General penalty.

18. Every person who shall commit a breach of any of the provisions of this Act, or of any regulation made hereunder, for which a penalty is not specially provided, shall be liable, on conviction, for every such offence to a penalty not exceeding Ten Pounds, to be recovered in a summary manner.

Registrars of Dogs within districts to post list of dogs and their owners.

19. Every Registrar of Dogs under "The Dog Act, 1867," within any district, shall post, in some conspicuous and convenient place outside his place of registry, and every police office in the district, the names of all persons who have registered dogs within his district during the current year, together with full particulars of all such dogs.

Regulations.

20. The Governor may from time to time make regulations for the following purposes—

- i. To regulate the election of members of Boards:
- ii. To regulate the place, time, and mode of meetings of Boards, the appointment of their officers, and conduct of their proceedings:
- iii. To determine the duties, and manner of exercising the powers by this Act respectively imposed and conferred upon Boards:
- iv. To provide for the receipt of the moneys payable under this Act, and the mode of distribution or expenditure thereof:
- v. To regulate the enforcement of rates by distress or otherwise, and to determine the persons by whom, and the manner in which, such enforcement shall be carried out:
- vi. To regulate the performance by the Commissioner of Crown Lands of the duties of Boards within proclaimed hundreds:
- vii. Generally for carrying out the provisions of this Act:

All such regulations, when published in the *Government Gazette*, shall have the force of law. Penalties not exceeding Ten Pounds may be in such regulations assigned to any breach thereof, and all such penalties may be recovered in a summary manner.

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

WM. F. DRUMMOND JERVOIS, Governor.

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SCHEDULES REFERRED TO.

FIRST SCHEDULE.

Scale of Votes at the Election of Directors.

Every lessee within the district shall have—

For 250 cattle or 1,000 sheep within the district	1 vote
For 2,500 cattle or 10,000 sheep within the district	2 votes
For 7,500 cattle or 30,000 sheep within the district	3 votes
For 15,000 cattle or 60,000 sheep within the district	4 votes

SECOND SCHEDULE.

Moneys Payable to Boards in respect of the Destruction of Vermin.

For every dog, the sum of Ten Shillings
 For every dingo, the sum of Ten Shillings
 For every eaglehawk, the sum of One Shilling
 For every kangaroo, the sum of Sixpence
 For every wallaby, the sum of Fourpence
 For every rabbit, the sum of Twopence
 For all other vermin, such sums as the Governor, by Proclamation to be published in the *Government Gazette*, may appoint.