**VERMIN ACT AMENDMENT BILL 1967**

**House of Assembly, 26 October 1967, pages3093-5**

Second reading

**The Hon. J. D. CORCORAN (Minister of Lands)** obtained leave and introduced a Bill for an Act to amend the Vermin Act, 1931- 1964. Read a first time.

The Hon. J. D. CORCORAN: I move:

***That this Bill be now read a second time.***

The principal Act, the Vermin Act, 1931-1964, sets out the legal framework for the control or destruction of vermin within the State. Primarily the responsibility for control and destruction rests with the individual landholders and certain supervisory powers are vested in vermin boards and councils with little or no intervention by the central Government unless the local authorities fail in the performance of their duties under the Act. For some time now it has been felt that there is a need for a redefinition of the powers and duties of those authorities and persons engaged in vermin control and this measure effects this redefinition and at the same time pays regard to certain other aspects of vermin control administration.

For some time now there has been functioning an *ad hoc* committee of landholders and others interested who from time to time have tendered most valuable and useful advice to the Minister in connection with the problems associated with vermin control. This measure proposes that this committee will be established on a more formal basis and accordingly provides for its establishment and its powers and functions. Under the principal Act, as some honourable members will be aware, landholders are responsible for vermin control on their own lands and on the half-width of roads adjoining those lands; this measure proposes that the local authorities, that is, vermin boards and councils, will assume the responsibility for vermin control on the roads but thatthe costs involved will be a charge on the adjoining landholders as to the half-width of the roads adjoining their lands.

The principle Act also laid on owners or occupiers the duty to comply with directions of the local authorities with regard to the control or destruction of vermin on the lands of those owners or occupiers; in practice the provisions relating to this matter have been found to be somewhat complicated in operation and accordingly they have been somewhat simplified. In form this measure proposes the repeal of Part II of the principal Act which dealt with vermin destruction and the enactment of two parts, the first dealing with matters of administration and the second dealing with control and destruction.

In matters of administration and practice regard has been paid to the Weeds Act which was passed by this House in 1956, since the administrative problems associated with weed control are in some respects not dissimilar to the problems associated with vermin control and at the same time regard has been paid to the experience of the authorities in relation to weed control. Clauses 1 to 4 are formal. Clause 5 effects certain amendments to the definition sections in the following respects:

1. a definition of “areas” has been included

to relate to the extended definition of a council, which now includes certain statutory bodies having the functions similar to those of district and municipal councils;

1. the definition of “control” has been

widened to include the destruction of warrens, burrows and harbour of vermin and related to an ascertain­able standard, that is, to the satisfac­tion of an authorized officer, it is felt that this is a more practical approach;

1. a definition of “restricted poison” has

been included as has a definition of “committee”; and

1. the definition of “vermin” has been

extended to relate to the proposed new power to be conferred on the Gover­nor to declare an animal to be vermin in a limited part of the State.

Clause 6 inserts a new Part 1A relating to the general administration of the Act. In

Division I the Vermin Control Advisory Committee is formally created and its method of functioning and powers are provided for. In Division II provision is made for the appoint­ment of two classes of authorized officers, Government authorized officers appointed by the

Government and local authorized officers appointed by the local authorities, that is, councils or vermin boards. The powers of authorized officers are set out in this division. Generally the division follows the Weeds Act. In Division III provision is made fr grants to local authorities for approved programmes of vermin control and while this is a relatively new provision in relation to vermin it is again based on comparable provisions in the Weeds Act. Proposed new clause 14 vests in the Minister the powers of a council in areas of the State where there is no council or vermin board.

In Division IV the question of vermin control on Crown lands and other lands occupied by the Crown or its instrumentalities is dealt with. Clause 7 inserts a new Part II in the Principal Act. New section 16 provides for the declaration of vermin in relation to the whole State or in relation to a part of the State*.* New section 17 provides for the declaration of certain highly dangerous as restricted poisons and section 18 permits the Governor to make regulations regarding the use of poisons and restricted poisons. New section 19 sets out the respective spheres of influence of councils and vermin boards and parallels the previous provisions of the principal Act. New section 20 sets out the general duties of councils and boards and again follows the duties provided for previously.

New section 21 incorporates a departure in that it imposes a duty on the council or board to control vermin on roads and on such lands referred to in proposed new section 15 as the Minister directs. Provision is made for the council or board to recover amounts expended on this work from the occupiers or owners of the land or the Crown as the case may be. New section 22 permits a council to declare a rate for the purposes of carrying out its duties under new section 19. Provision has always been provided at Part IX for a vermin board to levy rates. New section 23 provides an authority for the council or board to be reimbursed for expenditure on Crown land and lands of the Crown. New section 24 permits the council or board to seek reimbursement for certain expenditure on roads from the owners or occupiers of land adjoining those roads.

New section 25 permits repayments to councils or boards of certain expenses that the councils have borne on behalf of the Crown. New sections 26, 27, 28 and 29 provide for the joining by two or more councils to form an associated councils vermin board. This is a re-enactment of a provision contained in the principal act. New section 30 provides that the Minister may direct a council or board to carry out the duties under the Act and in the event of a failure to comply with that direction empowers the Minister to carry out the work at the cost of the council or board. Section 31 empowers a council or board to make agreements with owners or occupiers of land for the control or destruction of vermin. This is a new provision and one much desired by councils,

New section 32 repeats a provision in the principal Act relating to a duty on the owners and occupiers to control vermin on their land. A penalty is now provided for a breach of that duty. New sections 33, 34, 35, 36, 37 and 38 set out a new procedure in relation to directions from a council or board, the procedures being as follows:

1. the council or board may by notice in writing direct an owner or occupier to carry out certain work within a given time;
2. the owner or occupier may appeal to the Minister against the direction and the Minister may amend, vary or annul the direction;
3. if the Minister confirms, varies or annuls the direction he must advise

the owner or occupier; and

1. if the owner or occupier does not then comply with the direction or the direction as varied, he is liable to a penalty and the council or board may do the work at his expense.

These provisions replace the somewhat more cumbersome provisions, which had substantially the same effect, in the principal Act. In Division IV, new sections 39, 40 and 41 make special provision with regard to breakwind reserves and drainage lands. The provisions are necessarily a little complicated in form but in general they place the responsibility for maintenance of the reserves and drainage lands on the owners or occupiers of adjoining lands when they have the use of them for grazing purposes and otherwise recognize the responsibility of the appropriate council or board for roads. Clauses 8 to 10 merely make amendments to the principal Act consequential on the amendments effected by clauses 1 to 7 of the Bill. Because of the pressure of work on the Government Printer at present, it has not been possible at this stage to obtain a printed copy of the Bill. However, for the convenience of members, I have provided stencilled copies. Although certain errors have been made in these copies, I point out that they have been noted and will be corrected in the printed Bill.

Mr. NANKIVELL secured the adjournment of the debate