



ANNO VICESIMO PRIMO

GEORGII V REGIS.

A.D. 1930.

No. 1955.

An Act to empower the Postponement of certain Repayments under the Vermin Acts, 1914 to 1928, to amend the said Acts, and for other purposes.

[Assented to, October 16th, 1930.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Vermin Act Amendment Act, 1930". Short titles.

(2) The Vermin Acts, 1914 to 1928, and this Act may be cited together as the "Vermin Acts, 1914 to 1930".

(3) The Vermin Act, 1914, is hereinafter referred to as "the principal Act". No. 1181 of 1914.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. (1) In any case where—

(a) a loan has, before the passing of this Act, been made to a Vermin Board under Division X. of Part III. or Division III. of Part VI. of the principal Act or to a lessee of land under Division IV. of the said Part VI. ; and

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(b) at least fourteen annual instalments in respect of the said loan will become due and payable after the passing of this Act,

the Bank may on application in writing made within twelve months from the passing of this Act by the Board or lessee, as the case may be, extend the period for the repayment of the said loan for such time as the Bank thinks fit, but so that the total time for repayment thereof from the date upon which the loan was originally made (including any period for suspension of repayments granted pursuant to section 4 of this Act) shall not exceed forty-two years, and, in the case of a loan to a lessee, so that the said time for repayment so extended shall expire on or before the expiration of the term of the lease of the lessee.

(2) Upon any such extension, the balance of the loan, together with interest at the fixed rate on the balance of the loan for the time being unpaid, shall be repaid by such equal annual instalments spread over the remainder of the term of the loan as are fixed by the Bank.

(3) The Bank may require payment to be made of any arrears of instalments or interest in respect of any such loan or of any part of any such arrears before extending the period in respect of the loan under subsection (1) hereof, or the Bank may capitalize the said amount of arrears, or, as the case may be, the part not required to be paid as aforesaid, and any such arrears so capitalized shall be paid to the Bank within such time and upon such terms as the Bank thinks fit. In every such case the said arrears shall bear interest at such rate as is determined by the Bank.

(4) When the Bank has granted an extension under this section to any Vermin Board with respect to a loan, the obligations on the part of occupiers and other persons as to payments falling due to the Board in respect of fencing material furnished by the Board to the said occupiers by means of the loan, shall be extended for the same period and subject to the same conditions as to repayment of instalments, interest, and arrears as the obligations of the Board in respect of the loan are extended.

Power to suspend
certain repayments.
CF., 1203, 1915,
ss. 3 and 4.

4. (1) In this section—

“ Lessee ” means lessee to whom an advance has been made under section 202 of the principal Act or under the corresponding provision of any Act thereby repealed :

“ Loan ” includes an amount expended, or an amount advanced, under Part IV. or section 202 of the principal Act or under the provisions corresponding thereto respectively of any Act thereby repealed, as well as a loan to a District Council, Vermin Board, or Vermin Trust.

(2) Notwithstanding anything contained in the principal Act, the Commissioner, on the recommendation of the Bank, may, subject as hereinafter provided, suspend the operation of the provisions

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provisions of the principal Act requiring the repayment by District Councils, Vermin Boards, Vermin Trusts, and lessees respectively of instalments of loans granted to them prior to the first day of February, nineteen hundred and thirty, under that Act or any Act thereby repealed, during such period as he thinks fit; and the Commissioner may, subject as aforesaid, and upon the said recommendation, from time to time extend the suspension for a further period.

(3) Any period of suspension under this section—

(a) may commence from a date prior to the passing of this Act, but not earlier than the first day of January, nineteen hundred and thirty :

(b) shall, with all (if any) extensions thereof, expire not later than the thirty-first day of December, nineteen hundred and thirty-two, and not exceed two years.

(4) The power hereby conferred on the Commissioner may be exercised in the case of any District Council, Vermin Board, Vermin Trust, or lessee which or who makes application in writing to the Commissioner in that behalf: Provided that the District Council, Vermin Board, Vermin Trust, or lessee shall satisfy the Commissioner, by such evidence as the Commissioner may require, that it or he is unable, by reason of the effects of the recent drought, to pay its or his instalments of principal and interest due in respect of the loan at the times and in manner provided by the principal Act.

(5) Interest at such rate as is fixed by the Commissioner on the recommendation of the Bank on the amount of the loan unpaid at the time of the commencement of the period of suspension shall be payable during the period of suspension. The said interest shall be paid at such times after the expiration of the period of suspension as are fixed by the Commissioner on the recommendation of the Bank, and shall for all purposes be deemed to be an instalment payable under the principal Act.

(6) When the provisions of the principal Act mentioned in subsection (2) hereof have been suspended as therein provided in the case of any District Council, Vermin Board, Vermin Trust, or lessee, the Council, Board, Trust, or lessee shall not be liable, during the period of suspension, to make any payment on account of principal or interest due in respect of the loan to which the suspension applies.

(7) The Commissioner may, if he thinks fit, for the purposes of subsection (2) hereof, fix periods of suspension of different lengths in the case of different District Councils, Vermin Boards, Vermin Trusts, or lessees.

(8) A period equal in length to the period of suspension fixed by the Commissioner under this section in the case of any loan shall be added to the period within which the loan is required by the principal Act to be repaid; and every instalment of the principal moneys payable on account of the loan, and interest on the moneys, which, but for the provisions of this Act, would have been payable on
some

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some date during the period of suspension, shall be payable upon the corresponding date in the added period; and the suspension shall not alter the dates upon which the other instalments and interest fall due.

When liability of District Council, etc., suspended, suspension to extend to occupiers.
Ibid., s. 5.

5. (1) When the Commissioner has granted a suspension under section 4 to any District Council, Vermin Board, or Vermin Trust, with respect to any loan, the obligations on the part of occupiers and other persons as to payments falling due with respect to the loan, during the period of suspension, shall be suspended for the same period, but interest on the loan as provided by subsection (5) of section 4 shall be payable in manner provided by the said subsection.

(2) Any payment which, but for this section, an occupier or other person would have been liable to make on some date during a period of suspension shall be made by the occupier or person on the corresponding date in the added period referred to in subsection (8) of section 4.

Amendment of principal Act, s. 13—
Contributions to Associated Boards.

6. Subsection (3) of section 13 of the principal Act is amended by adding at the end thereof the words " Provided that if the assessment of one or more of the associated District Councils is based upon annual values and the assessment of one or more of the associated District Councils is based upon land values the amounts payable as aforesaid shall be such as are fixed by the Minister upon application by the Associated Board "

Amendment of principal Act, s. 30—
Unoccupied lands.

7. Section 30 of the principal Act is amended by striking out the words " no person is registered as the owner thereof " in the second line thereof and by inserting in lieu thereof the words " and the owner thereof is unknown ".

Amendment of principal Act, s. 36—
Keeping of rabbits in cages, &c.

8. Section 36 of the principal Act is amended—

(a) by striking out the word " cages " in the last line thereof and by inserting in lieu thereof the words " any cage or enclosure " ; and

(b) by adding at the end thereof the following paragraph :—

" In this section—

' Cage ' means a cage, hutch, box, or similar erection which is completely rabbit proof :

' Enclosure ' means any land not exceeding six hundred square feet in area which is completely enclosed by a rabbit-proof fence and which is completely rabbit proof."

Amendment of principal Act, s. 39—
Breakwind reserves.

9. Section 39 of the principal Act is amended by inserting after the word " land " in the second line thereof the passage " (including Crown lands) ".

Amendment of principal Act, s. 41—
Penalties.

10. Section 41 of the principal Act is amended by inserting after " 23 " in the last line thereof the passage " and of section 24 ".

11. Section

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11. Section 42 of the principal Act is amended by adding at the end of the definition of "Public notice" therein the words "Provided that, in any case where posting as aforesaid on post offices is not permitted by the Commonwealth postal authorities, public notice shall be deemed complete without posting thereon".

Amendment of
principal Act,
s. 42—
Public notice.

12. Section 46 of the principal Act is amended—

Amendment of
principal Act,
s. 46—
Acquired fences.

(a) by adding at the end of subsection (1) thereof the following paragraph:—

(e) There shall be set off against the amount which the Board of the new District is required by this section to pay to the Board of the previously existing District—

(i.) one-half of any amount which any occupier of land within the new District has paid pursuant to section 114 to the Board of the previously existing District in respect of the said vermin fence or dog-proof fence; and

(ii.) one-half of any amount which the Board of the previously existing District has paid pursuant to subsection (2) of this section to any lessee of land within the new District in respect of any fence forming the whole or any portion of the boundary fence in question.

(b) by striking out the proviso to subsection (2) thereof; and

(c) by adding at the end of subsection (2) thereof the words "Every such fence shall upon payment as aforesaid vest in the Board".

13. Paragraph (c) of section 47 of the principal Act is amended by striking out the words "or representatives of ratepayers, within the District" therein and by inserting in lieu thereof the words "or persons residing within the District who are the representatives within the District of ratepayers".

Amendment of
principal Act,
s. 47—
Appointment of
Boards.

14. Section 54 of the principal Act is amended—

Amendment of
principal Act,
s. 54—
Vesting of property.

(a) by inserting at the end of paragraph II. thereof the passage "(but not including any amounts paid pursuant to section 115)"; and

(b) by adding at the end of paragraph III. thereof the words "and in respect of which said land the ratepayer was during the said period required pursuant to this Act to pay rates to the Board."

15. Section 81 of the principal Act is amended by striking out the word "male" in the first line thereof.

Amendment of
principal Act,
s. 81—

16. Section Secretary.

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Amendment of
principal Act,
s. 108—
Vesting of vermin
fences.

16. Section 108 of the principal Act is amended by adding at the end of subsection (1) thereof the words “No payment made pursuant to section 114 in respect of any such fence to the Board by any occupier of land shall vest any interest in the fence in such occupier”.

Amendment of
principal Act,
s. 112—
Cost of maintaining
fences.

17. Section 112 of the principal Act is amended by striking out the words “or purchased by” in the second line thereof, and by inserting in lieu thereof the words “purchased or acquired by or vested in”.

Amendment of
principal Act,
s. 115—

18. Section 115 of the principal Act is amended so as to read as follows :—

Payment of interest
by adjoining owner.

115. (1) If any occupier of land outside a District which abuts on the vermin fence or dog-proof fence of a Board and which, but for the vermin fence or dog-proof fence would be without a boundary fence, avails himself of the vermin fence or dog-proof fence of the Board by keeping or depasturing sheep or cattle on the land abutting thereon, the said occupier shall, for so long as he continues to avail himself of the said fence as aforesaid, pay to the Board owning the fence—

(a) if the land is enclosed with a vermin fence or dog-proof fence, Five Pounds per centum per annum on one-half of the amount of the value of the fence at the time it is first availed of as aforesaid, or if the fence was so availed of at the time of the passing of the Vermin Act Amendment Act, 1930, then at the time of the said passing; but the value of any such vermin fence or dog-proof fence shall in no case be deemed to be less than Fifty Pounds per mile of such fence :

(b) if the land is not enclosed with a vermin fence or dog-proof fence, Five Pounds per centum per annum on one-half of the amount of the value of the fence estimated as if it were a sheep-proof fence or cattle-proof fence (according to whether sheep or cattle are depastured on the said land) in a similar state of repair as the vermin fence or dog-proof fence at the time it is first availed of as aforesaid, or if the fence was so availed of at the time of the passing of the Vermin Act Amendment Act, 1930, then at the time of the said passing; but the value of any such sheep-proof fence or cattle-proof fence shall in no case be deemed to be less than Thirty Pounds per mile of such fence.

(2) If any occupier of land inside a District which abuts on the vermin fence or dog-proof fence of a Board, and which, but for the vermin fence or dog-proof fence would be without a boundary fence, avails himself of the vermin fence or dog-proof fence of the Board by keeping or depasturing sheep or cattle on the land abutting thereon, the said occupier shall, for so long

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as he continues to avail himself of the said fence as aforesaid, pay to the Board owning the fence Five Pounds per centum per annum on one-half of the amount of the value of the fence, estimated as if it were a sheep-proof fence or cattle-proof fence (according to whether sheep or cattle are depastured on the said land) in a similar state of repair as the vermin fence or dog-proof fence at the time it is first availed of as aforesaid, or if the fence was so availed of at the time of the passing of the Vermin Act Amendment Act, 1930, then at the time of the said passing; but the value of any such sheep-proof fence or cattle-proof fence shall in no case be deemed to be less than Thirty Pounds per mile of such fence.

(3) Any sum payable pursuant to this section shall be payable annually, and shall be devoted by the Board to which it is paid towards the maintenance of the fence in respect of which it is paid.

19. Section 118 of the principal Act is amended by inserting after the word "land" in the third line of paragraph (c) thereof the passage "(including Crown lands)".

Amendment of principal Act, s. 118—

Expenditure of revenue.

20. (1) Part IV. of the principal Act is hereby repealed.

Repeal of principal Act, Part IV.

(2) Notwithstanding the said repeal—

(a) the members of every Trust constituted or continued in pursuance of the said Part shall be under the same liability to repay all sums granted and paid to the members or the Trust and interest thereon as if the provisions of the said Part IV. had continued in full force and effect, and for the purposes of securing payment as aforesaid the provisions of the said Part shall, notwithstanding the repeal thereof, be deemed to be in full force and effect; and

(b) every such Trust shall continue until such time as the sums granted and paid to the Trust and its members and interest thereon are paid, and no longer.

21. Section 226 of the principal Act is amended by inserting after the word "statement" in the fourth line thereof the words "or who wilfully makes any false statement in any declaration made pursuant to section 166".

Amendment of principal Act, s. 226—

Making false statements.

22. Section 245 of the principal Act is amended by inserting after the word "Council" in the fourth line thereof the words "a Board, or the Bank".

Amendment of principal Act, s. 245—

Failure to erect wire netting, &c.

23. Section 256 of the principal Act is amended by striking out the word "Commissioner" in the fourth line thereof and by inserting in lieu thereof the words "Bank, by the Secretary to the Board".

Amendment of principal Act, s. 256—

Evidence of moneys owing.

24. Section

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Amendment of
principal Act,
s. 269—
Powers to remit
penalties.

24. Section 269 of the principal Act is amended by adding at the end thereof the passage “or section 41 of this Act or under section 11 of the Vermin Act Further Amendment Act, 1919”.

Amendment of
1398, 1919, s. 11—
Penalties.

25. Section 11 of the Vermin Act Further Amendment Act, 1919, is amended by inserting after “23” in the last line thereof the passage “and of section 24”.

Amendment of
1567, 1923, s. 12—
Evidentiary
provisions.

26. Section 12 of the Vermin Act Further Amendment Act, 1923, is amended by striking out the words “or are not situated within any district” in the fourth and fifth lines of subsection (2) thereof and by inserting in lieu thereof the words “situated within any specified District Council District or Vermin-Fenced District, or are not situated within any District Council District or Vermin-Fenced District”.

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

A. HORE-RUTHVEN, Governor.