

# LEGISLATIVE ASSEMBLY

Read 1° 22 November 1979

(Brought from the Legislative Council)

## A BILL

for

An Act to amend the *Vermin and Noxious Weeds Act* 1958 and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Vermin and Noxious Weeds (Amendment) Act* 1979. Short title.

(2) In this Act the *Vermin and Noxious Weeds Act* 1958 is called the Principal Act.

Principal Act  
No. 6409.  
Reprinted to  
No. 7463.  
Subsequently  
amended by  
Nos. 7824,  
7876, 7956, 8025,  
8081, 8096, 8165,  
8253, 8353,  
S.R. 158/1973,  
8702, 9212.

10 (3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Commence-  
ment.

2. In section 3F (2) of the Principal Act—

15 (a) for the expression “\$400” there shall be substituted the expression “\$4,000”; and

Amendment of  
No. 6409  
s. 3F (2).  
Alteration of  
Penalties.

- (b) the words "or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment" are hereby repealed.

Amendment of  
No. 6409 s. 6.

3. (1) For section 6 (1) of the Principal Act there shall be substituted the following sub-sections:

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Responsibility  
for destruction  
of vermin and  
noxious weeds.

"(1) Subject to this Act it shall be the duty of the Minister to take reasonable action to destroy and suppress all vermin and noxious weeds on and to keep clear and free of all vermin and noxious weeds—

- (a) unalienated lands of the Crown; 10
- (b) any lands vested in the Minister and his successors;
- (c) any lands vested in, managed, controlled or occupied by the Minister of Public Works, the Railway Construction Board, the Victorian Railways Board, any authority within the meaning of the *Water Act* 1958 (including water and drainage easements of any such authority) the Forests Commission, the Housing Commission, the Rural Finance Commission, the State Electricity Commission of Victoria, any other body established under a Statute of the State of Victoria; 15
- (d) any lands managed, controlled or occupied by any Municipality; 20
- (e) any parks within the meaning of the *National Parks Act* 1975 or lands managed or controlled by the Director of National Parks; and 25
- (f) any lands managed or controlled by the Director of Fisheries and Wildlife—

other than—

- (g) so much of any land as is held or occupied under lease or licence granted by the Crown or any person or corporation referred to in the foregoing provisions of this sub-section; and 30
- (h) any lands which are reserved under the *Crown Land (Reserves) Act* 1978 and as to which the Minister, having regard to the revenues and funds of the committee of management or other controlling body thereof declares that he is not responsible. 35

(1A) The Minister may enter into an agreement with any person referred to in paragraphs (c) and (d) of sub-section (1), the Minister administering the *National Parks Act* 1975 or the Minister administering the *Wildlife Act* 1975 in respect of the destruction and suppression of vermin and noxious weeds." 40

(2) For

(2) For section 6 (4) (a) of the Principal Act there shall be substituted the following sub-section:

“(4) (a) The Governor in Council may from time to time by proclamation published in the *Government Gazette* declare that it shall be the duty of the Minister to take reasonable action—

(i) to destroy and suppress—

all vermin and noxious weeds; or

such noxious weeds as are specified in the proclamation—  
on all roads (other than private roads and roads held or occupied under lease or licence granted by the Crown or by any municipality); and

(ii) to keep clear and free of—

all vermin and noxious weeds; or

such noxious weeds as are specified in the proclamation—  
all roads (other than private roads and roads held or occupied under lease or licence granted by the Crown or by any municipality)—

in any area specified in the proclamation and such proclamation shall have effect accordingly.”.

(3) In section 6 (5) of the Principal Act for the words “Except in the case of any road in respect of which by virtue of a proclamation under the last preceding sub-section the Minister is charged with the duty of destruction and suppression of vermin and noxious weeds” there shall be substituted the words “Subject to any proclamation under sub-section (4)”.

4. (1) For paragraph (c) of section 7 (1) of the Principal Act there shall be substituted the following paragraph: Amendment of  
No. 6409 s. 7.

“(c) specify a day being a day not less than thirty days after the publication of the proclamation on which the simultaneous poisoning or fumigation by every owner or occupier of such land shall commence; and”.

(2) In section 7 (3) of the Principal Act—

(a) for the expression “not less than \$20 nor more than \$100” there shall be substituted the expression “not less than \$200 nor more than \$1,000”; and

(b) for the expression “not less than \$50 nor more than \$200” there shall be substituted the expression “not less than \$500 nor more than \$2,000”.

Increasing  
penalties.

(3) In section 7 (5) of the Principal Act for the words “time specified” there shall be substituted the words “specified day”.

(4) In section 7 (8) of the Principal Act for the expression “\$40” there shall be substituted the expression “\$400”.

Increasing  
Penalties.

5. In

Amendment of  
No. 6409  
s. 8 (2).  
Increasing  
penalties.

5. In section 8 (2) of the Principal Act—

- (a) for the expression “not less than \$20 nor more than \$100” there shall be substituted the expression “not less than \$200 nor more than \$1,000”; and
- (b) for the expression “not less than \$50 nor more than \$200” there shall be substituted the expression “not less than \$500 nor more than \$2,000”.

Amendment of  
No. 6409  
s. 9 (4).  
Increasing  
penalties.

6. In section 9 (4) of the Principal Act—

- (a) for the expression “not less than \$20 nor more than \$100” there shall be substituted the expression “not less than \$200 nor more than \$1,000”; and
- (b) for the expression “not less than \$50 nor more than \$200” there shall be substituted the expression “not less than \$500 nor more than \$2,000”.

Amendment of  
No. 6409  
s. 11 (3).  
Increasing  
penalties.

7. In section 11 (3) of the Principal Act for the expression “not less than \$5 nor more than \$50” there shall be substituted the expression “not less than \$50 nor more than \$500”.

Amendment of  
No. 6409 s. 12.  
Alteration of  
penalties.

8. (1) In section 12 (1) of the Principal Act—

- (a) for the expression “not less than \$20 nor more than \$100” there shall be substituted the expression “not less than \$200 nor more than \$1,000”; and
- (b) the words “or to imprisonment for a term of not more than six months” are hereby repealed.

Keeping of  
animals  
declared to  
be vermin.

(2) For section 12 (2) of the Principal Act there shall be substituted the following sub-section:

- “ (2) Nothing in this Act shall be so construed as to prohibit any person from keeping within any cage or similar enclosure for research or other purposes any live animal or bird of a prescribed kind which is declared to be vermin upon such terms and conditions as are prescribed.”

Amendment of  
No. 6409  
s. 13 (2).  
Increasing  
penalties.

9. In section 13 (2) of the Principal Act—

- (a) for the expression “not less than \$20 nor more than \$100” there shall be substituted the expression “not less than \$200 nor more than \$1,000”; and
- (b) for the expression “not less than \$50 nor more than \$200” there shall be substituted the expression “not less than \$500 nor more than \$2,000”.

10. In section 14 (4) of the Principal Act—

(a) for the expression “not less than \$20 nor more than \$100” there shall be substituted the expression “not less than \$200 nor more than \$1,000”; and

Amendment of  
No. 6409  
s. 14 (4).  
Increasing  
penalties.

(b) for the expression “not less than \$50 nor more than \$200” there shall be substituted the expression “not less than \$500 nor more than \$2,000”.

11. In section 16 (1) of the Principal Act for the expression “not less than \$20 nor more than \$100” there shall be substituted the expression “not less than \$200 nor more than \$1,000”.

Amendment of  
No. 6409  
s. 16 (1).  
Increasing  
penalties.

12. For section 24 of the Principal Act there shall be substituted the following section:

Amendment of  
No. 6409 s. 24.  
Payment of  
rewards for the  
destruction of  
vermin.

“24. The Board shall out of moneys available for the purpose pay upon such terms and conditions as are prescribed sum by way of bonus or reward for the destruction of every one of a prescribed kind of vermin which is destroyed in Victoria.”

13. Section 40 of the Principal Act shall be amended as follows:

Amendment of  
No. 6409 s. 40.  
Increasing  
penalties.

(a) For the expression “not less than \$50 nor more than \$200” there shall be substituted the expression “not less than \$500 nor more than \$2,000”; and

(b) The words “or to imprisonment for a term of not more than three months” are hereby repealed.

14. In section 41 of the Principal Act for the expression “\$100” there shall be substituted the expression “\$1,000”.

Amendment of  
No. 6409 s. 41.  
Increasing  
penalty.

15. In section 44 of the Principal Act—

Amendment of  
No. 6409 s. 44.

(a) after paragraph (a) of sub-section (1) there shall be inserted the following paragraph:

“(ab) the kinds of live animal or bird declared to be vermin which may be kept for research or other purposes and the terms and conditions upon which they may be kept;” and

(b) in sub-section (2) for the expression “\$20” there shall be substituted the expression “\$200”.

16. In the Second Schedule to the Principal Act the words “Saffron Thistle” are hereby repealed.

Amendment of  
Second  
Schedule to  
No. 6409.





