

# **Vermin and Noxious Weeds (Poison Baits) Bill**

**No.**

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# LEGISLATIVE ASSEMBLY

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Read 1° 23 October 1991

*(Brought in by Mr Crabb and Mr Pope)*

## A BILL

to amend the **Vermin and Noxious Weeds Act 1958** and the **Drugs, Poisons and Controlled Substances Act 1981** and for other purposes

### **Vermin and Noxious Weeds (Poison Baits) Act 1991**

The Parliament of Victoria enacts as follows:

**1. *Purpose***

The purpose of this Act is to provide for the control of the distribution and use of poison baits and related matters.

**5 2. *Commencement***

This Act comes into operation on a day to be proclaimed.

**3. *Pest animals***

The **Vermin and Noxious Weeds Act 1958** is amended as follows—

N . 6409.  
R print dt  
13/1990.

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Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

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(a) in section 3 (1) after the definition of “owner”  
insert—

“**pest animal**” means an animal or bird declared  
to be a pest animal under sub-section (2).”;

(b) after section 3 (2) (a) insert— 5

“(aa) declare to be a pest animal any animal or  
bird—

(i) which is not protected wildlife within the  
meaning of the **Wildlife Act 1975**; and

(ii) which is not the subject of an interim 10  
conservation order under the **Flora and  
Fauna Guarantee Act 1988**;

**4. Powers of entry**

Section 31 of the **Vermin and Noxious Weeds Act 1958** is  
amended as follows— 15

(a) after “31.” insert “(1)”;

(b) at the end of the section insert—

“(2) An authorised officer may enter land (whether  
enclosed or not) and may make any searches 20  
or inspections that the officer considers  
necessary to ascertain whether regulations  
made under section 44 (1) (ac) are being  
complied with.”.

**5. Regulation-making powers**

(1) After section 44 (1) (ab) of the **Vermin and Noxious Weeds** 25  
**Act 1958** insert—

“(ac) prohibiting or regulating the distribution or use of  
poison baits for destroying or controlling pest  
animals, including but not limited to—

(i) the procedures to be followed before, during 30  
and after the distribution or use of those baits;

(ii) the information to be given, published or  
displayed concerning the distribution or use of  
those baits;

- (iii) the use of goods and equipment in connection with the distribution or use of those baits;
- (iv) the substances and concentrations of substances which those baits may or must not contain;
- (v) the kinds of baits that may or must not be used for destroying or controlling specified kinds of pest animals;
- (vi) the safety of the public in connection with the distribution, use and effects of the use of those baits;
- (vii) what are or are not poison baits for the purposes of the regulations;
- (viii) the precautions to be taken to protect animals or birds that are not pest animals from poison baits used for destroying or controlling pest animals;”.

(2) After section 44 (2) of the **Vermin and Noxious Weeds Act 1958** insert—

“(3) The regulations—

- (a) may impose duties or confer powers on any person;
- (b) may leave anything to be determined or approved by any person.

(4) Regulations under sub-section (1) (ac) are in addition to and do not take away from the provisions of any other Act or instrument under an Act concerning poisons, animals or birds.”

**6. Amendment of Drugs, Poisons and Controlled Substances Act**

Section 52 (2) of the **Drugs, Poisons and Controlled Substances Act 1981** is amended as follows—

- (a) in paragraph (a) after “land” insert “or for destroying or controlling pest animals within the

No. 9719.  
R print dt  
N .25/1990.  
Subs qu ntly  
am nd d by  
N .49/1991  
and by  
proclamations  
and statutory  
rules.

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- meaning of the **Vermin and Noxious Weeds Act 1958** on any land”;
- (b) in paragraph (b) after “houses” insert “or pest animals within the meaning of the **Vermin and Noxious Weeds Act 1958**”; 5
- (c) in paragraph (d) (i) after “houses” insert “or pest animals within the meaning of the **Vermin and Noxious Weeds Act 1958** (not being wildlife within the meaning of the **Wildlife Act 1975**)”; 10
- (d) after “domestic animal” insert “and, if the poison or controlled substance is in a poison bait and is used for destroying or controlling pest animals within the meaning of the **Vermin and Noxious Weeds Act 1958**, complies with any applicable regulations under that Act”. 15