

VERMIN AND NOXIOUS WEEDS ACT 1928.

19 GEORGE V. An Act to consolidate the Law relating to Vermin
No. 3799. and Noxious Weeds.

[12th February, 1929.]

*Vermin and
Noxious Weeds
Act 1928.*

BE it enacted by the King'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) :—

Short title and
commencement.

1. This Act may be cited as the *Vermin and Noxious Weeds Act 1928*, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Repeal.
Schedule.

2. The Act mentioned in the Schedule to this Act to the extent thereby expressed to be repealed is hereby repealed. Such repeal shall not affect any right acquired or liability civil or criminal incurred or matter or thing done under the said repealed Act before the commencement of this Act.

General Provisions.

Interpretation.
7b. s. 2.

3. (1) In this Act unless inconsistent with the context or subject-matter—

"Local
authority."

"Local authority" means any municipality or the council thereof, any waterworks trust or local governing body within the meaning of the *Water Act 1928*, any trust within the meaning of the *Mildura Irrigation and Water Trusts Act 1928* the trustees of any cemetery under the *Cemeteries Act 1928*, any sewerage authority within the meaning of the *Sewerage Districts Act 1928*, the Melbourne and Metropolitan Board of Works, the Melbourne Harbor Trust Commissioners, the Geelong Harbor Trust Commissioners and the Geelong Waterworks and Sewerage Trust.

- "Minister" means the Commissioner of Crown Lands and Survey. Vermin and Noxious Weeds Act 1922.
- "Municipality" includes the city of Melbourne and the city of Geelong. "Minister."
"Municipality."
- "Noxious weed" means any plant which the Governor in Council by proclamation declares to be a noxious weed for the purposes of this Act. "Noxious weed."
- "Owner" and "occupier" respectively include any joint owner or joint occupier or the agent of any owner or occupier. "Owner";
"occupier."
- "Owner" includes— "Owner."
- (a) any person holding or occupying any land under any lease or licence from the Crown or deriving title from under or through such person; and
- (b) a mortgagee of land in possession thereof. Mortgagee in possession.
"Prescribed."
- "Prescribed" means prescribed by this Act or the regulations. "Prescribed."
- "Proclamation" means proclamation of the Governor in Council published in the *Government Gazette*. "Proclamation."
- "Regulations" means regulations under this Act. "Regulations."
- "Superintendent" means the Superintendent of vermin and noxious weeds destruction appointed under this Act. "Superintendent."
- "Vermin" means any animal or bird which the Governor in Council by proclamation declares to be vermin for the purposes of this Act. "Vermin."
- (2) Any reference in this Act to an "inspector" shall for the purposes of the exercise and performance of any powers conferred or duties imposed on inspectors include a reference to the Superintendent, any chief inspector, and any persons authorized in writing to exercise any power or perform any duty of an inspector. References to "Inspector."
- (3) For the purposes of this Act— Lands held for trust purposes.
- (a) any lands vested in or occupied controlled or managed by any local authority or any board or trustees (not being a local authority) shall be deemed to be owned by such local authority board or trustees respectively; and
- (b) any such local authority board or trustees shall be deemed to be the owners of the said lands; and (whether the said lands are subject to any public or private trust) may apply any funds under their control in defraying any costs and expenses necessarily and properly incurred by such authority board or trustees (as the case may be) as such owners under this Act.
4. (1) For the purposes of this Act the Governor in Council may by Order published in the *Government Gazette* divide Victoria into not less than five vermin and noxious weeds areas and may by Order so published revoke amend or vary any Order made under this section. Vermin and noxious weeds areas.
Ib. s. 4.
- (2) In the case of any such area a meeting of municipal delegates shall be convened by the Minister on the request in Meetings of municipal delegates.

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writing of any one or more of the councils of municipalities the municipal districts whereof are situate within the area and shall be held at a time and place to be appointed by the Minister.

(3) The Minister shall cause notice of the time and place of every such meeting to be given to the councils of the municipalities concerned not less than forty-two days before the time appointed for the meeting.

(4) The council of every municipality the municipal district whereof is situate within the area concerned may appoint one but not more than one of the members of the council to be a delegate to such meeting.

(5) Any meeting of municipal delegates may regulate its own proceedings.

*Powers of
meetings of
municipal
delegates.*

(6) Any meeting of municipal delegates may make recommendations to the Minister as to all or any of the following matters:—

(a) What animals or birds should be declared to be vermin and what plants should be declared to be noxious weeds for the purposes of this Act; and

(b) What animals birds or reptiles should be named in any proclamation as natural enemies of vermin.

*Duty of
Minister.*

(7) The Minister shall take such recommendations into consideration and if he refuses to submit the same to the Governor in Council a report of such refusal together with the reasons therefor shall be laid before both Houses of Parliament within fourteen days after the date of such refusal if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

*Duty of public
departments,
ib. s. 6.*

5. (1) It shall be the duty of the following corporations namely: the Board of Land and Works, the Victorian Railways Commissioners, the State Rivers and Water Supply Commission, the Country Roads Board, the Closer Settlement Board, the Forests Commission, and the State Electricity Commission of Victoria respectively from time to time—

(a) to destroy all vermin on all lands vested in or occupied controlled or managed by them respectively (other than so much of such lands as is held or occupied by any other person under lease or licence granted by any such corporation); and

(b) to destroy and suppress all noxious weeds on such lands.

*Duty of
Superintendent.*

(2) When the Superintendent finds that noxious weeds are growing or are upon any of the lands aforesaid of any of the corporations aforesaid he may give notice in the prescribed form to the corporation requiring it—

(a) forthwith to effectually destroy and suppress all noxious weeds growing or being upon such land; and

(b) to keep such land clear and free of all noxious weeds for six months after the service of the notice:

Provided that this section shall not be taken to impose any duty on the State Rivers and Water Supply Commission in respect of lands not situate in any irrigation and water supply district or on the Country Roads Board in respect of any main road.

Vermin and Noxious Weeds Act 1922.
Saving.

6. (1) The Governor in Council may—

- (a) by proclamation declare any animal or bird to be vermin for the purposes of this Act ;
- (b) by proclamation declare any plant to be a noxious weed for the purposes of this Act ; and
- (c) by proclamation revoke amend or vary any proclamation made under this section.

Power to prohibit animals or birds as vermin and plants as noxious weeds for purposes of Act.
Ib. s. 6.

(2) Any declaration under this section may by the proclamation whereby the declaration is made or any subsequent proclamation be made to extend to the whole or any part of Victoria as specified in the proclamation.

Power to extend.

Administration.

7. (1) This Act shall be administered in the Department of Crown Lands and Survey.

Administration in Lands Department.
Ib. s. 7.

(2) The Governor in Council—

- (a) may, subject to the *Public Service Act 1928*, appoint some person to be Superintendent of vermin and noxious weeds destruction and two persons to be chief inspectors ; and
- (b) may appoint and remove such other inspectors as are required for the purposes of this Act who shall not be subject to the *Public Service Act 1928*.

Superintendent Inspectors &c.

(3) The persons who immediately before the commencement of this Act were Superintendent of vermin and noxious weeds chief inspectors and inspectors of vermin shall be deemed to have been appointed to the same respective positions under this Act.

8. (1) The Superintendent—

- (a) shall so far as practicable visit and inspect all or any lands to which this Act applies ;
- (b) shall have and may exercise all such powers and duties as are conferred or imposed on him by or under this Act ; and may exercise any powers conferred on a chief inspector or any other inspector by or under this Act ;
- (c) may by writing under his hand authorize any person to exercise any power or perform any duty of an inspector ;
- (d) shall have the control and direction of the chief inspectors and all other inspectors and of all persons engaged or employed under this Act ;

Powers and duties of Superintendent.
Ib. s. 8.

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(e) shall report on the work carried on by inspectors and also on the state and condition of the lands in the several parts of Victoria with respect to vermin and noxious weeds; and

(f) for the purposes of this Act shall perform all such other duties as the Minister directs.

*Powers and
duties of chief
inspectors and
inspectors.*

(2) Every chief inspector and every other inspector—

(a) shall be subject to the control and direction of the Superintendent; and

(b) shall have and exercise all such powers or duties as are conferred or imposed on them respectively by or under this Act and such other duties as the Minister directs.

*Inspectors.
Ib. s. 9.*

9. Inspectors may be appointed either generally for the whole of Victoria or for some specified area only and with authority to discharge or exercise all the duties and powers of inspectors under this Act or any specified duties or powers only.

*Power of
inspector to
employ &c.
assistants.
Ib. s. 10.*

10. Any inspector may—

(a) engage or employ all such persons as are necessary to assist the inspector in the proper performance of his duties under this Act; and

(b) dismiss or dispense with the services of all persons so engaged or employed.

Destruction of Vermin.

*Duty of
occupiers or
owners to
destroy vermin.
Ib. s. 11.*

11. It shall be the duty of every occupier and of every owner of land from time to time to destroy all vermin on any land occupied or owned by him and on the adjacent half-width of all roads bounding or adjoining the same or any part thereof and to keep such land and half-width of roads clear and free of all vermin and for such purpose to do all necessary or proper acts or things:

Provided that where on any road any formed part of the road or any bridge culvert cutting embankment channel drain or work or any stone gravel wood or material deposited on the road to be used in the construction or maintenance thereof is a harbor or cover for vermin it shall be the duty of the council of the municipality in the municipal district of which such harbor or cover is situate to destroy all vermin therein and to keep the same clear and free of all vermin.

*Power to order
simultaneous
destruction.
Ib. s. 12.*

12. (1) The Governor in Council may from time to time by proclamation specify a day on from and after which any duty specified in the last preceding section shall in the whole or any part of Victoria specified in the proclamation be simultaneously commenced continued and performed by every occupier and every owner of any land within the whole or such part of Victoria (as the case may be).

Publication.

(2) Every such proclamation shall be published in the *Government Gazette* and be advertised in some newspaper circulating within Victoria and (where the proclamation relates to a part only

of Victoria) in a newspaper (if any) published in the part of Victoria to which the proclamation relates. Vermin and Noxious Weeds Act 1928.

(3) Every occupier or owner who on from and after such day has failed to take sufficient reasonable means to fully and continuously perform such duty shall be liable to a penalty of not less than Two nor more than Fifty pounds in addition to any other penalty or liability to which he may be subject. Penalty.

13. Notwithstanding anything in any Act the owner or occupier of any land for the purpose of destroying vermin may at any time during the months of May to September (both inclusive), and without giving notice to any authority or person of his intention so to do, burn any straw stubble grass herbage wood or other inflammable material on such land after having cleared of inflammable substances a space of not less than twenty feet in breadth round the inflammable material intended to be burnt. Burning without notice during winter months. *Id.* s. 13.

14. Notwithstanding anything in any Act if any owner or occupier of land in the Mallee country (within the meaning of the *Land Act 1928*) satisfies the Superintendent— Power to owner or occupier of land in Mallee to clear half-width of road of scrub &c. which harbors vermin. *Id.* s. 14.

(a) that any saplings mallee shoots shrubs or underwood growing upon any unformed part of the adjacent half-width of any road bounding or adjoining the said land or any part thereof are a harbor or cover for vermin; and

(b) that it is under this Act the duty of the said owner or occupier to destroy all vermin on the said half-width of road and to keep the same clear and free of vermin; and

(c) that it is desirable that the said saplings mallee shoots shrubs or underwood should be destroyed,

the Superintendent subject to this section may in writing authorize the said owner or occupier at his own expense and subject to such conditions restrictions directions and supervision as are specified in the authority to enter on the said half-width of road and to take all such measures as are reasonably necessary for cutting rolling down or otherwise destroying such saplings mallee shoots shrubs or underwood to a sufficient extent to make the same no longer a harbor or cover for vermin.

15. (1) Where any inspector finds vermin on any land he may give notice in the prescribed form to the owner or occupier of the land requiring him— Notice to owner or occupier to destroy vermin. *Id.* s. 15.

(a) forthwith to destroy all vermin on the land and the adjacent half-width of all roads bounding or adjoining the same or any part thereof; and

(b) thenceforth to keep such land and half-width of roads clear and free of all vermin.

(2) If any such owner or occupier fails or neglects to comply with the requirements of the notice any inspector after fourteen Penalties.

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days from the date of the service of such notice may with the authority in writing of the Superintendent and without any further notice summon such owner or occupier before a court of petty sessions consisting of a police magistrate; and if in the opinion of the court such owner or occupier has failed or neglected to take sufficient reasonable means to comply with the requirements of the notice he shall in respect of any offence charged in each such summons be liable for a first offence to a penalty of not more than Five pounds and for a second or any subsequent offence to a penalty of not less than Two nor more than Fifty pounds in addition to any other penalty or liability to which he may be subject.

*Power of
inspector where
owner or
occupier fails to
comply with
notice.
Ib. s. 16.*

16. (1) If after fourteen days from the date of the service of such notice any such owner or occupier has in the opinion of any inspector not complied with the requirements thereof any inspector—

(a) may enter upon and remain on any land to which such notice relates;

(b) may use or cause to be used all such means and take or cause to be taken all such measures as he thinks proper for destroying or suppressing or preventing the harboring or breeding of any vermin on such land (including the digging out filling up and stopping of all warrens and burrows); and

(c) may lay poison on such land and do all other things thereon proper or reasonable for the destruction and suppression of vermin.

*Notice to be
given before
poison laid.*

(2) Before any poison is so laid on such land the inspector shall give to the owner or occupier of the land fourteen days' notice in writing stating the particular land upon which poison is to be laid.

*This section
not to affect
other
proceedings &c.*

(3) The provisions of this section shall not affect any proceeding against or liability of such owner or occupier under this Act.

*Notice to
destroy fences
or timber
giving harbor
to vermin.
Ib. s. 17.*

17. (1) Where any inspector finds that any live fence or any brushwood fence or log fence or any hedge or any stone wall or any dead or fallen timber on any land is a harbor or cover for vermin he may with the authority in writing of the Superintendent by notice in the prescribed form require the owner or occupier of such land to cause—

(a) such live fence to be cut so that the branches or leaves thereof shall not be within one foot of the ground, and the ground under and for at least two feet on each side of such live fence to be cleared of grass or rubbish, and such fence to be limited to a width not exceeding two feet in extent up to a height of one foot from the ground;

(b) such brushwood fence to be destroyed and the materials thereof burnt or removed;

(c) such log fence hedge or stone wall to be so improved Vermin and Noxious Weeds Act 1922.
pulled down or removed as to be no longer a harbor
or cover for vermin ;

(d) such dead or fallen timber to be removed or burnt.

(2) When land upon which there is dead or fallen timber is securely surrounded with a rabbit-proof fence the owner or occupier of such land shall not be so required to remove or burn the dead or fallen timber thereon.

(3) In any case where a dividing brushwood fence or log fence or hedge or stone wall separates the lands of different owners or occupiers notice in the prescribed form shall be given to the owners or occupiers of the land so separated ; and anything done after such notice by any inspector under this Act in respect of such live fence or brushwood fence or log fence hedge or wall shall be deemed to have been done as to one-half thereof upon the lands on one side and as to the other half thereof upon the lands on the other side of such live fence or brushwood fence or log fence or hedge or wall.

(4) If after three months from the date of the service of any such notice any such owner or occupier has in the opinion of any inspector not complied with the requirements thereof such inspector, Power of Inspector to destroy such fences &c.
with the authority in writing of the Superintendent—

(a) may enter on any lands to which such notice relates ; and

(b) may as the case requires take all such measures as he thinks necessary—

(i.) for cutting such live fence or clearing the grass or rubbish and limiting the width of such fence :

(ii.) for destroying such brushwood fence and burning the materials thereof :

(iii.) for improving pulling down or removing such log fences hedges or stone walls :

(iv.) for removing or burning such dead or fallen timber.

18. (1) The Governor in Council may by proclamation—

(a) declare any animal bird or reptile therein named to be a Power to proclaim natural enemy of vermin ;
natural enemy of vermin ; Ib. s. 18.

(b) prohibit within the whole or any part of Victoria as specified in the proclamation the wounding killing or capturing selling or disposing of any such animal bird or reptile without a special permit in writing in that behalf signed by the Superintendent ; and and to protect same.

(c) alter or revoke any such proclamation.

(2) The Superintendent may—

(a) issue a permit in writing signed by him to any person Permit to kill such natural enemy.
authorizing the person named therein to wound kill or capture sell or dispose of any animal bird or reptile declared to be a natural enemy of vermin under this Act ; and

(b) alter or revoke any such permit.

Destruction of Noxious Weeds.

*Vermin and
Noxious Weeds
Act 1922 s. 19.
Notice to
destroy noxious
weeds.*

Penalties.

*Temporary
adjournment
of hearing.*

*Further
adjournment.*

*Power to
strike out
information.*

19. (1) Where any inspector finds or believes that noxious weeds are growing or are upon any land he may give notice^(a) in the prescribed form to the owner^(b) or occupier of the land requiring him—

- (a) forthwith to effectually destroy and suppress all noxious weeds growing or being upon the land and upon the adjacent half-width of all roads bounding or adjoining the land or any part thereof; and
- (b) to keep such land and adjacent half-width of roads clear and free of all noxious weeds for six months after the service of the notice.

(2) Every owner or occupier who—

- (a) within twenty-one days after service of the notice has not effectually destroyed and suppressed all noxious weeds growing or being upon such land and adjacent half-width of roads; or
- (b) at any time after the expiration of the said twenty-one days and within the said period of six months does not keep such land and adjacent half-width of roads clear and free of all noxious weeds,

shall be liable on conviction before a court of petty sessions consisting of a police magistrate for a first offence to a penalty of not more than Five pounds and for a second or any subsequent offence to a penalty of not less than Two nor more than Fifty pounds in addition to any other penalty or liability to which he may be subject.

(3) In any proceedings for offences under this section upon proof to the satisfaction of the court that the person upon whom such notice was served has within twenty-one days from the date of the service of the notice used and has continued to use and is using sufficient reasonable means to effectually destroy and suppress such noxious weeds the further hearing of the information may be adjourned by the court for such period and on such terms and conditions as it thinks fit.

(4) Where the further hearing of the information is adjourned the defendant may on notice to the informant at any time before the expiration of such period apply from time to time to a court so constituted for a further adjournment and the court may on such application upon the like proof grant a further adjournment.

(5) Upon proof to the satisfaction of a court so constituted that the defendant has between the date of such notice and the date of the further hearing of the information effectually destroyed and suppressed all noxious weeds growing or being upon such land and adjacent half-width of roads the court shall strike out such information.

(a) Under a former Act, where land was owned or occupied by a partnership, it was held that the notice must be addressed and served upon the individual partners and not upon the firm as such.—*Russell v. Watson*, 1917 V.L.R., 368.

A notice under this section must be a sufficient

notice, not to enable a stranger to find the land referred to, but to enable a sensible reasonable man to know what land is meant.—*Clark v. Peacock*, 1919 V.L.R., 337.

(b) Observations on the evidence necessary to prove ownership of land.—*Ib.*

(6) No further proceedings against any such owner or occupier for non-compliance with the requirements of a notice under this section shall be taken within twenty-eight days after any previous conviction of such owner or occupier (as the case may be).

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As to further proceedings after conviction.

20. (1) If after twenty-one days from the date of the service of any notice under sub-section (1) of the last preceding section on the owner or occupier of any land such owner or occupier has in the opinion of any inspector not complied with the requirements thereof any inspector with the authority in writing of the Superintendent—

Power to enter for the purpose of destroying noxious weeds.
ib. s. 20.

- (a) may enter on the land to which the notice relates; and
- (b) may use or cause to be used all such means and take or cause to be taken all such measures to destroy and suppress the noxious weeds growing or being upon the land and adjacent half-width of roads as are deemed by the said inspector to be effective or sufficient for the protection of the adjoining or adjacent lands.

(2) The provisions of this section shall not affect any proceeding against or liability of such owner or occupier under this Act.

21. (1) Notwithstanding anything in this Act where the Minister on the application of the owner or occupier of any land to which this section applies and after a report by the Superintendent is satisfied that the immediate destruction and suppression of noxious weeds on any private land or any land vested in occupied controlled or managed by any local authority or any board or trustees (not being a local authority) would entail an unreasonable expenditure by the owner or occupier of such land the Minister may by order in writing permit the owner or occupier to destroy and suppress the noxious weeds from time to time on such portion only of such land as the Minister determines to be reasonable in order to prevent the spread of noxious weeds from such land; and the said portion may be increased from year to year to such an extent as the Minister determines and permits by further order.

Power to Minister to permit portions of land to be cleared of noxious weeds in certain cases.
ib. s. 21.

(2) So long as any such order remains in force with respect to any such land it shall be the duty of the owner or occupier of such land to destroy and suppress all noxious weeds from time to time on the portion thereof to which such order relates and the provisions of this Act shall take effect accordingly with respect to any such land.

22. Where the Minister is satisfied that any lessee or occupier of any land of the Crown held or occupied under lease or licence has under the supervision of an inspector expended in any one year a sum of more than One hundred pounds in the destruction of noxious weeds on such land the Treasurer of Victoria may out of any moneys legally available for the purpose pay to such lessee or occupier any sum so expended over and above the sum of One hundred pounds.

Power to Treasurer to recoup Crown lessees for certain expenditure.
ib. s. 22.

*Vermin and
Noxious Weeds
Act 1922 s. 23.
Power to
authorize
experiments for
destroying
noxious weeds
and appoint
committees.*

23. The Governor in Council may authorize the Department of Agriculture to make experiments chemical or otherwise with the object of permanently destroying any noxious weeds and may appoint a committee consisting of such persons (whether or not members of the public service) as the Governor in Council thinks fit to investigate any new method for the destruction or suppression of noxious weeds and to carry out any experiments necessary or expedient for the purposes of any such investigation.

*Duty of council
to destroy
noxious weeds
on
embankments
&c. on roads.
Ib. s. 24.*

24. Notwithstanding anything in this Act it shall be the duty of the council of every municipality to keep clear and free from noxious weeds all embankments and a space of nine feet around all culverts and bridges in or on any street or road within the municipal district.

*Duty to clean
reaping &c.
machines from
seeds of
noxious weeds.
Ib. s. 25.*

25. (1) Every person who after any plant or machine has been used on a farm for reaping stripping winnowing or threshing or for chaff-cutting removes such plant or machine from the farm without having used sufficient reasonable means to insure that such plant or machine and every part thereof is free from seeds of any noxious weeds shall (without affecting any other liability to which he may be subject) be liable to a penalty of not more than Ten pounds.

"Farm."

(2) In this section "farm" means any land used wholly or in part for the purpose of growing any crop or of depasturing stock.

General.

*Power of
inspector to
enter and search
for vermin or
noxious weeds.
Ib. s. 26.*

26. Any inspector may enter upon any land (whether enclosed or not) in order to ascertain whether any vermin are on such land and may search for vermin thereon; or in order to ascertain whether any noxious weeds are growing or are on such land.

*Provision as to
inspectors &c.
entering on
land.
Ib. s. 27.*

27. (1) Where under this Act any inspector is authorized to enter upon any land—

(a) he may with or without assistants enter thereon and remain thereon for such period as is reasonable for carrying out the purposes for which he has entered thereon; and

(b) he shall have for himself and his assistants with all requisite vehicles horses instruments appliances and materials free right of ingress regress and egress into over and across the land for the period aforesaid.

(2) Where any inspector enters upon any land in order to ascertain whether any vermin are on such land he may take one dog with him and shall be liable for any damage done by such dog.

*Notices how
served.
Ib. s. 28.*

28. Any notice under this Act to the owner or occupier of any land shall be in writing and in the prescribed form and may be served upon such owner or occupier—

(a) by delivering the same to him personally or to his agent;

(b) by leaving the same at his usual or last-known place of abode;

- (c) by posting the same in a registered letter addressed to him at his usual or last-known place of abode ; or Vermin and Noxious Weeds Act 1922.
- (d) in the case of any local authority or any board (not being a local authority) by delivering the same addressed to the chairman clerk or secretary thereof at the offices of the authority or board.

29. (1) Where the owner or occupier of any land or his place of abode is unknown to any inspector who desires to serve any notice upon such owner or occupier or where such owner or occupier is believed by such inspector to be absent from his land and such owner or occupier has no agent known to such inspector and resident in Victoria such notice may— Where no known occupier notice to be affixed on land and advertised. *Ib. s. 29.*

- (a) be affixed on the dwelling-house or in some conspicuous place upon such land ; and
- (b) be published once in some newspaper circulating in the neighbourhood thereof.

(2) Every notice so affixed and published shall be deemed and taken to be sufficient notice to the owner or occupier of such land from the time of its being so affixed and published.

(3) It shall not be necessary for any such notice to specify the name of any person as owner or occupier of the land in such notice referred to.

30. (1) The Superintendent and any chief inspector or inspector in order to ascertain for the purposes of this Act the name and address of the owner or occupier of any land may without payment of any fee inspect any rate book¹ of any municipality in the municipal district of which the land is situate and take copies of or extracts from such rate book. Power to Superintendent or inspector to inspect rate books. *Ib. s. 30.*

(2) Every person having the custody of any such rate book who wilfully neglects or refuses to permit the Superintendent or any inspector to inspect the same or to take any such copies or extracts for the purposes aforesaid at all reasonable times shall be liable to a penalty of not more than Ten pounds.

31. (1) Every notice under this Act to the owner or occupier of any land shall if due service thereof has once been made be binding on him for a period of six months from the date of the service. Notice to bind for six months. *Ib. s. 31.*

(2) Proceedings for any penalty for non-compliance with the requirements of such notice may be taken at any time or times during such period of six months.

32. (1) The amount of all costs charges and expenses reasonably incurred or caused to be incurred by any inspector in doing upon or in respect of any land and the adjacent half-width of all roads bounding or adjoining the same or any part thereof any of the things which such inspector is by or under this Act authorized to do or cause to be done and which it is the duty of the owner or occupier of such land to do shall be payable by any person who is the owner or occupier of such land at the time when proceedings Expenses incurred by inspector & charge &c. on land. *Ib. s. 32.*

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are taken to recover such amount notwithstanding any change of ownership or occupation of such land or of any part thereof.

(2) Such amount together with interest thereon (if any) shall be recoverable from the owner or occupier for the time being by the Superintendent or any person authorized by him in writing in that behalf whether generally or in any particular case in any court of petty sessions as a civil debt recoverable summarily or in any court of competent jurisdiction and until paid or recovered shall be and remain a charge on the land, and if not paid within six months after demand shall bear interest at the rate of six per centum per annum from the date of demand.

*Registration of
charge.*

(3) Where any land is so charged the Secretary for Lands shall deposit with the Registrar-General or the Registrar of Titles (as the case may be) a certificate under his hand describing the land charged and stating that there are arrears of costs charges and expenses payable under this Act in respect thereof and the Registrar-General or Registrar of Titles (as the case may be) shall register such certificate accordingly; and when the arrears are paid the Registrar-General or Registrar of Titles (as the case may be) shall cancel the registration of the charge if so required by the Secretary for Lands.

*Power of one or
several joint
owners or
occupiers to
recover
contributions
from others.
Ib. s. 33.*

33. Where any person being one of several joint owners or one of several joint occupiers of any land has been compelled to pay any sums in respect of any acts or things done or caused to be done by any inspector upon such land such person may in any court of competent jurisdiction sue for and recover from any one or more of such other joint owners or joint occupiers of such land such portion of such sum so paid by him as in the opinion of the court is fairly proportionate to the interest or interests in such land of such one or more of such joint owners or joint occupiers.

*Power of
occupier to
recover from
landlord.
Ib. s. 34.*

34. Where any occupier of land under any agreement with any landlord or lessor—

(a) has incurred any expense in doing any acts or things upon such land which he is by this Act under any duty to do; or

(b) has been compelled to pay any sum in respect of any acts or things done or caused to be done by any inspector upon such land,

such occupier may (unless otherwise expressly provided by such agreement) sue for and recover from such landlord or lessor in any court of competent jurisdiction one-half the amount of such expense or sum if such agreement is terminable (otherwise than by default of such occupier) within twelve but not within six months, or two-thirds of such amount if such agreement is so terminable within six months from the incurring of such expense or paying of such sum.

*Distress not to
be levied or
judgment re-
covered by
landlord
indebted under
this Act to
occupier, except
as to excess.
Ib. s. 35.*

35. (1) No judgment shall be recovered or distress levied by the landlord or lessor of any occupier for any rent due to him by such occupier whilst any sum remains payable by such landlord or lessor by virtue of this Act unless the rent so due by such occupier

exceeds the sum so payable by such landlord or lessor and then only for the amount by which such rent so due exceeds the sum so payable to him by such landlord or lessor as aforesaid.

Vermin and Noxious Weeds Act 1922.

(2) No assignment by any landlord or lessor whilst any such sum remains payable by him to such occupier shall defeat the right of such occupier to the payment of such sum out of such rent.

Assignment by landlord.

36. Where in any proceedings it is desired to prove the amount of any costs charges or expenses reasonably incurred or caused to be incurred by any inspector a certificate as to such amount signed by such inspector and by the Superintendent shall be *prima facie* evidence as to such amount.

Certificate signed by inspector and Superintendent prima facie evidence of expenses.
Ib. s. 36.

37. (1) In any case where the Superintendent is satisfied that no costs charges or expenses are recoverable under this Act for or in consideration of anything done or caused to be done by any inspector upon or in respect of any land he shall if so requested by the owner or occupier of such land sign and give a certificate in the prescribed form.

Superintendent's certificate to be a discharge.
Ib. s. 37.

(2) The production of such certificate so signed shall for all purposes whatsoever be deemed conclusive proof that at the date thereof no costs charges or expenses were recoverable under this Act for or in consideration of anything done or caused to be done by any inspector upon or in respect of such land.

38. (1) Any owner or occupier of any land within twenty-five miles of any inspector's usual place of abode may by writing posted to or served at such place of abode require such inspector to visit such land for the purpose of ascertaining whether any vermin or noxious weeds are on such land.

Inspector on request of owner or occupier to inspect land.
Ib. s. 38.

(2) Such inspector shall within fourteen days after receipt of such notice visit such land accordingly and inspect and report to such owner or occupier whether in the opinion of such inspector there are any and (if any) what vermin or noxious weeds on such land.

39. Save as otherwise expressly provided in this Act no inspector or assistant of any inspector and no person acting under the authority of the Superintendent or any inspector shall be deemed a trespasser or be liable for any damage reasonably caused or occasioned in the performance or exercise of any of the duties authorities powers or discretions imposed upon or vested in him by or under this Act.

Inspectors not to be liable in exercising their powers.
Ib. s. 39.

40. (1) A certificate of his appointment under this Act signed by the Minister shall be furnished to every person appointed as an inspector under this Act and shall be *prima facie* evidence in all cases of the appointment of any such person as such inspector.

Certificate of appointment of inspector.
Ib. s. 40.

(2) Upon the cancellation of the appointment or the removal of any inspector he shall immediately deliver the certificate of his appointment to such person as the Minister or the Superintendent requires.

Delivery up of certificate on cancellation of appointment &c.

*Vermin and
Noxious Weeds
Act 1928.*
Production of
certificate &c.
on entering land
&c.

(3) Every inspector if required to do so shall produce the certificate of his appointment or his written authority from the Superintendent (as the case may be) to the owner or occupier of any land which he has entered; and if without reasonable cause or excuse he fails or refuses so to do he and any assistants with him shall be liable to be deemed trespassers and to be dealt with accordingly.

Penalty for
personating
inspector.
ib. s. 41.

41. Every person who personates or falsely represents himself to be the Superintendent or an inspector under this Act shall be liable to a penalty of not less than Five nor more than Fifty pounds and to imprisonment for a term of not more than three months.

Penalties.
ib. s. 42.

42. Every person who—

- (a) wilfully obstructs hinders or interrupts any inspector or person engaged or employed under this Act in the performance or exercise of any of the duties authorities powers or discretions imposed upon or vested in any such inspector or person by or under this Act;
- (b) threatens assaults or uses improper language to any inspector or person so engaged or employed while so performing or exercising such duties authorities powers or discretions;
- (c) destroys alters or removes any notice signed by any inspector;
- (d) destroys injures removes or interferes with any trap snare poison matter or thing placed or used or required on or any furrow made on any land by any inspector or person so engaged or employed; or
- (e) is guilty of any contravention of or failure to observe any provision of this Act or of the regulations for which no penalty is expressly provided,

shall be liable to a penalty of not more than Twenty pounds.

Recovery of
penalties.
ib. s. 43.

43. (1) All penalties imposed by or under this Act shall be recoverable upon the information of the Superintendent if authorized in that behalf by the Minister in writing either generally or in any particular case or upon the information of any other person so authorized.

(2) No proceeding for the recovery of any penalty or the payment thereof shall be a bar to any other proceeding for or in respect of the same matter.

Proof.

(3) In any proceedings against the occupier or owner of any land for the recovery of any penalty for failure or neglect to comply with the requirements of any notice under this Act upon the production of a certificate in the prescribed form signed by the Superintendent certifying that in the opinion of the Superintendent such occupier or owner has failed to take sufficient reasonable means to comply with such requirements the burden of proof that

such occupier or owner has complied with such requirements shall be on the defendant; and any certificate purporting to be so signed shall be received in evidence and shall be deemed to be signed by the Superintendent without proof unless the contrary is shown.

*Vermin and
Noxious Weeds
Act 1928.*

44. (1) Every person who—

- (a) keeps in his possession any live vermin (except as provided in this section);
- (b) wilfully sets loose or permits to be set loose any live vermin except for coursing purposes in enclosures approved in writing by the Superintendent; or
- (c) brings or causes to be brought into Victoria any skin or scalp or portion of the skin or scalp of any vermin and obtains or attempts to obtain therewith or thereby any bonus or reward provided for under this Act,

*Penalty for
keeping or
setting loose any
vermin or
bringing scalps
into Victoria
&c.
Id. s. 44.*

shall be liable to a penalty of not less than Five nor more than Fifty pounds or to imprisonment for a term of not more than six months.

(2) Nothing in this Act shall be so construed as to prohibit any person in any city or town from keeping any live animal or bird within any cage or similar enclosure with the permission of the Governor in Council.

*Animals &c.
kept in cages.*

45. Every person—

- (a) who wounds kills captures sells or disposes of any animal bird or reptile declared under this Act to be a natural enemy of vermin without a permit so to do signed as provided by this Act; or
- (b) in whose possession or on whose premises any such animal bird or reptile is found to be confined or wounded or killed unless such person proves that such animal bird or reptile was so confined wounded or killed without his knowledge or consent,

*Penalty for
destroying
certain natural
enemies of
vermin.
Id. s. 45.*

shall be liable to a penalty of not less than One pound nor more than Ten pounds.

46. (1) The Governor in Council may as to the whole or any part of Victoria make regulations for or with respect to—

- (a) the payment of bonuses for the destruction of vermin or of noxious weeds and the amounts of such bonuses;
- (b) any forms to be used under this Act; and
- (c) any matters required or permitted by this Act to be prescribed or any matters necessary or convenient to be prescribed for carrying this Act into effect.

*Power to
Governor
in Council
to make
regulations.
Id. s. 46.*

(2) All forms so prescribed or forms to the like effect may be used for the purposes of this Act and shall be sufficient in law.

Forms.

(3) In any such regulations penalties of not more than Ten pounds may be prescribed for any contravention of or failure to comply with any of the provisions thereof.

Penalties.

*Vermin and
Noxious Weeds
Act 1922.*
Publication No.
of regulations.

(4) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Section 2.

SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
3195	<i>Vermin and Noxious Weeds Act 1922</i> ..	The whole.

VERMIN DESTRUCTION.

[See *Vermin and Noxious Weeds Act 1928*; *Wire Netting Act 1928*.]