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ELIZABETHAE II REGINAE

A.D. 1960

No. 39 of 1960

An Act to amend the Vermin Act, 1931-1959.

[Assented to 3rd November, 1960.]

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

Short titles.

1. (1) This Act may be cited as the "Vermin Act Amendment Act, 1960".

(2) The Vermin Act, 1931-1959, as amended by this Act, may be cited as the "Vermin Act, 1931-1960".

(3) The Vermin Act, 1931-1959, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Repeal of
s. 229 of
principal Act
and re-enact-
ment thereof
with amend-
ments—
Penalty for
damaging or
removing
fence.

3. Section 229 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

229. (1) A person who without lawful excuse, the onus of proving which lies on him, damages or removes, or does any act or makes any omission of such a nature as to be likely to cause damage to, any vermin fence dog-proof fence or wire-netting fence, or any part thereof, shall be guilty of an offence and liable on conviction to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

(2) Upon the conviction of a person of any offence involving the damaging or removing of any vermin fence dog-proof fence or wire-netting fence, or any part thereof, the court may if it thinks fit, in addition to or in lieu of any penalty imposable under this section, order the convicted person to pay to any person responsible for the repair or renewal of the fence or part thereof such sum as the court thinks proper by way of compensation for the damage or removal.

(3) Where any act or omission constituting an offence involving damage to or the removal of any fence or any part of a fence referred to in subsection (1) of this section is done or made by a person in the course and scope of his employment, the employer of that person shall be liable to pay to any person responsible for the repair or renewal of the fence or part thereof damaged or removed such expenses as are or may be necessarily incurred in repairing or renewing the fence or part thereof, as the case may be: But this subsection shall not be construed as limiting any other liability of the employer under this or any other Act or otherwise.

(4) The expenses payable under sub-section (3) of this section may be recovered in any court of competent jurisdiction.

(5) Where any act or omission referred to in subsection (3) of this section is done or made by the driver of a vehicle, the owner of that vehicle shall for the purposes of that subsection be deemed to be the employer of the driver unless the owner proves that at the time the act was done or omission was made the driver was not in the ordinary employment of the owner nor acting within the course and scope thereof.

(6) For the purposes of this section, any gate or ramp pertaining to any fence referred to in subsection (1) of this section shall be deemed to be part of that fence.

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

J. M. NAPIER, Lieutenant-Governor.