

Vermin Control Act 2000

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| Vermin Control Act 2000

An Act to provide for the control of vermin and to repeal the Vermin Destruction Act 1950

[Royal Assent 13 December 2000]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

| PART 1 - Preliminary

1. Short title

| This Act may be cited as the Vermin Control Act 2000 .

2. Commencement

| This Act commences on the day on which this Act receives the Royal Assent.

3. Interpretation

In this Act –

| *approved* means approved by the Secretary;

| *cover* includes burrows and other shelter for vermin;

| *Crown land* means Crown land as defined in the Crown Lands Act 1976 ;

| *inspector* means an inspector as defined in the Animal Health Act 1995 ;

| *land* includes –

| | (a) Crown land; and

| | (b) any road or railway;

| *occupier*, in relation to land, means –

| | (a) a person occupying the land; or

| | (b) if the land is not occupied –

| | | (i) the owner of the land; or

| | | (ii) the person apparently in charge of the land;

| *vermin* means –

| | (a) fox; and

| | (b) rabbit; and

| | (c) any other animal or bird declared under section 5 ;

| *vermin-proof fence* means a fence or gate constructed in a manner and with materials sufficient to keep out vermin.

4. Act binds Crown

| This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

| PART 2 - Destruction of vermin

| Division 1 - Orders and notices

5. Declaration of vermin

[Section 5 Amended by No. 64 of 2002, Sched. 1, Applied:31 Dec 2002] The Minister, after consultation with the Secretary of the responsible Department in relation to the Nature Conservation Act 2002 , by order, may declare any animal or bird to be vermin.

6. Order relating to certain land

(1) The Minister, by order, may specify any land in respect of which an occupier must take all reasonable action on and from a certain date to destroy all –

(a) vermin on that land; and

(b) cover on that land.

(2) The occupier of land specified in an order under subsection (1) must comply with that order.

Penalty: Fine not exceeding 20 penalty units.

7. Notice to destroy vermin

(1) The Secretary, by notice served on an occupier of land, may require the occupier to suppress and destroy all –

(a) vermin on that land; and

(b) cover on that land.

(2) A notice may specify details of any –

(a) poison required to be used; or

(b) traps or snares to be laid; or

(c) vermin-proof fence to be erected; or

(d) other action or measures to be taken.

(3) An occupier served with a notice must comply with that notice until all vermin and cover on that land are destroyed.

Penalty: Fine not exceeding 20 penalty units.

(4) A notice takes effect –

(a) if an appeal is made and not abandoned under [section 13](#) , one day after an order is made under [section 14\(a\)](#) ; or

(b) if an appeal is not made, 14 days after the notice is served.

(5) Any land specified in the notice may be referred to by name, boundaries or by other means sufficient to identify the land.

(6) A notice amended pursuant to an order under [section 14\(c\)](#) takes effect 7 days after the notice is served.

Division 2 - Inspectors

8. Powers of inspectors

(1) For the purpose of this Act, an inspector, at any reasonable time, may –

- (a) alone, or with any other persons, enter, remain in and inspect any land, vehicle, vessel or aircraft; and
- (b) inspect any apparatus or equipment in any land, vehicle, vessel or aircraft; and
- (c) take photographs, films, audio, video and other recordings the inspector considers appropriate; and
- (d) require records or documents to be produced for inspection; and
- (e) inspect and copy those records or documents and, for that purpose, take away and retain for a reasonable period those records or documents; and
- (f) seize, destroy or dispose of vermin in a manner the inspector considers appropriate; and
- (g) examine the occupier of land or a person employed on that land; and
- (h) examine the occupant of any vehicle, vessel or aircraft; and
- (i) require an occupant of any vehicle, vessel or aircraft to stop that vehicle, vessel or aircraft; and
- (j) require an occupant of any land to answer any questions the inspector considers appropriate.

(2) Before an inspector destroys or disposes of vermin under subsection (1)(f), the inspector is to serve the occupier of land in which the vermin was found notice of that intention.

(3) A notice takes effect –

- (a) if an appeal is made and not abandoned under section 13 , 7 days after an order is made under section 14(a) ; or
- (b) if an appeal is not made, 14 days after the notice is served.

(4) An inspector who enters any land, vehicle, vessel or aircraft under subsection (1) is not entitled to remain if, on request by the occupier, the inspector does not produce evidence of his or her appointment as an inspector.

9. Name and address

(1) An inspector may require a person the inspector reasonably believes is contravening a provision of this Act to state his or her name and address.

(2) A person must not refuse to comply with subsection (1).

Penalty: Fine not exceeding 20 penalty units.

10. Entry to land to destroy vermin

(1) If an occupier does not comply with an order under section 6 or a notice under section 7, an inspector may –

(a) enter and remain on the land of the occupier; and

(b) take any reasonable action to comply with any requirement in the notice or order.

(2) The occupier is to pay all reasonable costs incurred by an inspector under subsection (1).

(3) This section does not affect any proceeding against, or liability of, the occupier under this Act.

11. Laying poison

(1) Before laying poison on any land pursuant to any action under section 10(1)(b), an inspector is to give the occupier of that land 7 days' notice in writing.

(2) The notice is to state the following:

(a) the land on which the poison is to be laid;

(b) the type of poison that is to be laid.

12. Offences relating to inspectors

(1) A person, without reasonable excuse, must not –

(a) resist, delay or threaten an inspector in the exercise of the inspector's powers or the performance of the inspector's functions; or

(b) fail to comply with a reasonable request of an inspector; or

(c) conceal a person from an inspector or prevent a person from appearing before or being examined by an inspector.

Penalty: Fine not exceeding 20 penalty units.

(2) A person must not impersonate an inspector.

Penalty: Fine not exceeding 20 penalty units.

PART 3 - Miscellaneous

Division 1 - Appeals

13. Appeals against notices

(1) A person may appeal to a magistrate against –

(a) a notice under section 7 ; or

(b) a notice under section 8(2) .

(2) An appeal is to be made within 14 days after the day on which a notice is served.

14. Determination of appeal

On hearing an appeal in respect of a notice, a magistrate may make any of the following orders:

(a) an order confirming the notice;

(b) an order revoking the notice;

(c) an order directing the Secretary or inspector to amend the notice.

Division 2 - Prohibitions

15. Keeping vermin

(1) Subject to subsection (2), a person must not keep vermin.

Penalty: Fine not exceeding 20 penalty units.

(2) A person may keep European rabbits (*Oryctolagus cuniculus*) if they are kept in accordance with the *Model Code of Practice for the Welfare of Animals: Intensive Husbandry of Rabbits 1991* (SCA Technical Report Series No. 33).

16. Destroying traps

A person must not destroy, injure, remove or interfere with any trap, snare, poison or thing that is laid or used on any land to capture or destroy vermin without the approval of the Secretary.

Penalty: Fine not exceeding 20 penalty units.

17. Setting vermin at large

(1) A person must not set at large any vermin.

Penalty: Fine not exceeding 20 penalty units.

(2) Subsection (1) does not apply to a person authorised to set vermin at large for an approved purpose.

18. Damaging fences

A person must not –

(a) damage any vermin-proof fence; or

(b) leave open any vermin-proof fence.

Penalty: Fine not exceeding 20 penalty units.

19. Carrying vermin

(1) [*Section 19 Subsection (1) amended by No. 64 of 2002, Sched. 1, Applied:31 Dec 2002*] A person must not carry any vermin unless permitted to do so under section 32 of the Nature Conservation Act 2002 .

Penalty: Fine not exceeding 20 penalty units.

(2) Subsection (1) does not apply to a person –

(a) carrying European rabbits in accordance with the *Model Code of Practice for the Welfare of Animals: Intensive Husbandry of Rabbits 1991 (SCA Technical Report Series No. 33)*; or

(b) authorised to carry vermin for an approved purpose.

20. Prohibition on introduction of rabbits

(1) A person, by any act or omission, must not introduce, or cause the introduction of, any live rabbits into any island in Tasmanian waters, except the Tasmanian mainland and Bruny Island.

Penalty: Fine of not less than 20 penalty units and not more than 50 penalty units or imprisonment for a term of not less than one year and not more than 2 years, or both.

(2) Subsection (1) does not apply to live rabbits authorised for release by the Chief Veterinary Officer.

Division 3 - General

21. Contract for taking vermin

The Secretary may enter into a contract with any person relating to the taking of vermin.

22. Property in vermin

The property in any vermin destroyed or disposed of under this Act vests in the Crown.

23. Proof of occupancy

A statement in a complaint alleging that a person is, or was, at any particular time, an occupier of land is evidence of that fact.

24. Proof of existence of rabbits

(1) The existence on any land of a burrow that shows evidence of recent use by rabbits or any other evidence on that land of the existence of rabbits is proof of the existence of rabbits on that land.

(2) If any evidence of the existence of rabbits under subsection (1) is not diminished it is evidence that an occupier of that land is not taking all reasonable actions to destroy all rabbits and cover on that land.

25. False and misleading statements

A person, in giving any information under this Act, must not –

(a) make a statement knowing it to be false or misleading; or

(b) omit any matter from a statement knowing that without that matter that statement is misleading.

Penalty: Fine not exceeding 20 penalty units.

26. Regulations

(1) The Governor may make regulations for the purpose of this Act.

(2) Regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference, any of the standards, procedures, rules, codes or specifications of any authority, whether the standards, procedures, rules, codes or specifications are published or issued before or after the commencement of this Act.

(3) Regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(4) A provision referred to in subsection (3) may take effect on or from the day on which this Act commences or a later day.

27. Repeal

The Vermin Destruction Act 1950 is repealed.

28. Rescission

The Vermin Destruction Regulations 1986 (*S.R. 1986, No. 229*) are rescinded.

29. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Primary Industries, Water and Environment; and

(b) the department responsible to the Minister for Primary Industries, Water and Environment in relation to the administration of this Act is the Department of Primary Industries, Water and Environment.