**VERMIN DISTRICTS BILL 1894**

**Legislative Assembly, 21 August 1894, pages 997-1002**

Second reading

The CHIEF SECRETARY, in moving the second reading, said the Bill practically carried out the recommendation of the Vermin Commission. The report of that body would be regarded by members as the foundation for the legislation, and therefore if he made it the basis of his remarks he would be able to convey a more business-like idea of the measure than by simply reviewing the Bill itself. He would read from the report and explain how far the Bill carried out the recommendations. The first paragraph said—

"1. Your Commissioners, appointed 'to enquire into and consider the Morgan to Winnininnie Vermin Fencing Bill, 1892, and to enquire into and consider the whole question of vermin fencing' have made careful enquiries, through witnesses and by personal inspection, as to the extent of the damage done by vermin of different kinds, and as to the results of fencing against vermin wherever any experience hail been obtained as to its effectiveness. Tosecure information they examined 14 witnesses in Adelaide and also visited the southeast, the north-east, and the country west of Spencer's Gulf, examining 106 witnesses and taking evidence wherever offered. The Commission also visited the western district of Victoria to enquire into methods in use there."

That was explanatory of the labors of the Commission, and it might be taken as complete evidence that the necessity existed for the introduction of the Bill. He did not intend to waste time by elaborating the fact that a large portion of the colony was overrun by vermin, because the common knowledge of members would relieve him from making any detailed statement as to the ravages of the vermin. The report of the Commission continued—

"2. They have ascertained that in the farming districts, and generally speaking within district councils, the most serious trouble experienced is with the rabbits, which destroy the crops and feed, while the dogs are not much feared except where sheep are kept. On the other hand in the pastoral country it is the dogs which cause most loss, the rabbits, through improved methods of destruction and recent droughts, being no longer dreaded, though there is some risk of their breeding up again.

3. Within district councils the provisions of the Act of Parliament 478 of 1890, relating to loans for netting, have been and are largely availed of, and with the best results. Generally the present law is believed to be satisfactory and its maintenance is desired. Certain amendments will, however, be suggested in our recommendations.

4. Much of the trouble results from the inaction of the Government in respect of unoccupied Crown lands. In past years very large sums have been expended by the State on vermin destruction, but lately the opposite course has been followed, and Crown tenants and others have had to deal not merely with the vermin on their holdings, but they have been also subjected to heavy loss through being constantly restocked from neighbouring unoccupied leased or unleased lands of the Crown. Losses of stock, and consequent diminution of products and of rents to the Crown, have been enormous, and wide areas of country abandoned because of vermin testify to the extent of the evil." That embraced the first practical recommendation of the Commission, and the Bill made the Government liable to be rated in respect to unoccupied Crown lands to the same extent as private individuals were. Clause 5 of the report said—"We have found in dealing with pastoral lands that it was impossible to apply to all districts where vermin are troublesome any general remedy. We are satisfied that a properly-erected and well-maintained fence of netting and barbed wire will resist the inroads of both dogs and rabbits, and that the isolation of given areas alone offers any reasonable prospect of ultimate extinction of the pest. The enclosing of all waters, too, in the dry months would do much to assist in the work. In some districts, however, the country is rough and watercourses abound, and rockholes and other more or less certain supplies of water exist, and in these fencing is not the most effective method of protection. In such localities, according to the preponderance of the evidence, scalping alone will prove satisfactory." As it was introduced by the Government the Bill allowed the districts either to fence in country or destroy the vermin, but the Assembly altered the Bill in clause 77 by providing for fencing only. That was one of the principal points of the Bill. He was simply trying to point out the more debatable portions of the Bill, and it undoubtedly was one of them as to whether the optional system should be introduced or whether fencing should be insisted upon. In paragraph 6 the Commission said—"Your Commissioners approve of the immediate erection of the Morgan to Winnininnie fence as affording a base for lessees enclosing sub-areas and thereby further protecting the country both east and west of the line, but, with a view to a general settlement of the whole question, they make the following recommendations." With regard to the recommendation concerning the fence from Morgan to Winnininnie, it was unnecessary to lay that down as a distinct proposal of the Government. That part of the country would be embraced in a vermin district, so that it might safely be left to the district board to erect the fence. The Government would divide the colony into districts and say to the boards—"Do the work you think necessary." That line of fence would be necessary and it would be done by the local board. Subsection 1 said—"That the provisions of the Act providing for the loan of netting through district councils be amended so as to require the payment of interest at the rate of 5 per cent, on the amount of the loan unpaid. District councils should also be directed to grant the netting to enclose whole blocks of country instead of each small holding being dealt with alone. Provision should also be made that persons cultivating land outside district councils may apply to the Commissioner for and receive advances to protect their crops as if they were within district councils." There they had three distinct recommendations, the first of which was that the district councils should pay 5 per cent, on their loans. The Act of 1890 provided for no interest, but immediately the report of the Commission was received the Government took upon themselves the responsibility of charging the 5 per cent. It was clearly a mistake not to provide for the payment of interest in the 1800 Act. In clause 11 there was provision that persons cultivating land outside of district councils might apply to the Commissioner and be granted assistance in the protection of their crops. (Six persons might form a trust to procure such assistance, and the idea was that pioneers, like persons who went to portions of the colony outside of district councilsto engage in agricultural pursuits, might obtain sufficient wire-netting' to enclose their holdings. Except on the questions of scalping and fencing so far as he had got the Bill carried out the recommendations of the Commission. Subsection 2 of paragraph 6 said —"That the Government be empowered to proclaim vermin districts outside district councils from time to time, each district to be under the care of the vermin board appointed in the first place by the Government and afterwards by the occupiers of the land." That was carried out in clause 15. The paragraph went on to say—"The board to have power to levy rates not exceeding 2s. 6d. per square mile per annum." That was altered by the Bill, which raised the figure to 4s. The Commission further recommended that such rates should be payable on the unoccupied lands of the Grown as well as upon other lands (which had been adopted in the Bill), and that each board should have power to determine, subject to a poll of ratepayers—each ratepayer having one vote for each 50 miles or portion thereof of land—whether the proceeds of the rate should be expended on scalping or fencing; a recommendation which it would be seen was not embodied in the measure. The report also recommended that in every case where the district determined to erect fencing it might pledge its rates to the Government for a term of years, and thereupon the Government might advance on security of the rates such sums as should be represented with interest by the rates for the erection of the fence, the advances to be repaid in animal instalments extending over not more than 10 years. That was practically carried out, because advances were in the nature of a first charge on rates, in default and under section 108 of the Bill the rates might be seized and collected by the Government. Section 3 of paragraph 6 recommended "that occupiers of infested land should be requiredto enclose all artificial or permanent waters except running streams with vermin-proof fencing, and to keep them closed during the summer months between sunset and sunrise." Under clause l69 of the Bill power was given the board to require this to be done. A recommendation was also made that the Rabbit Destruction Act should be amendedin the direction of giving shorter notice to destroy vermin. He did not think that notice had been interfered with, and the concluding section that lessees of the Crown should be compelled to carry out any conditions of their leases as to the destruction of vermin or the erection of vermin-proof fencing was a mere recommendation. Therefore, with the exception of that by which the ratepayers should decide whether the rate should he expended in scalping or fencing, the recommendations of the Commission had been practically adopted. He had given a general idea of the policy of the Bill, and would now refer a little more in detail to the measure itself, which contained numerous clauses providing machinery which had been found applicable to district councils and had been imported into this measure. By the interpretation clause they would see that "Crown lands" meant all lands belonging to her Majesty within a vermin district, whether occupied or unoccupied, which were not subject to any lease or agreement for lease or sale; "owner" included the person for the time being receiving or entitled to receive the rents and profits of any lands or hereditaments within a vermin district, whether on his own account or as agent, trustee, or attorney for any other person ; “ratable property” meant and included all lands, tenements, and hereditaments , including Crown lands, whether occupied or unoccupied, within the limits of a vermin district; and "ratepayer" the owner or occupier of ratable property, or the owner of unoccupied ratable property, or the Surveyor-General, in respect of ratable property belonging to the Crown, whether occupied by the Crown or unoccupied, and whose name appeared in the ratepayers book in respect of such property. He would also direct members' attention to section 4, which gave the definition of vermin-proof fence as follows: — " 'Vermin-proof fence' shall mean a substantial fence not less than 4 ft. high, hung with galvanized wire-netting of a maximum mesh of 1½ in., minimum width of 36 in., with the wire of a minimum gauge of 17, also to have two barbed wires above wire-netting, or such other fence as the vermin board may sanction, provided always that any similar fence erected before the passing of this Act shall be taken to be a rabbit and dog proof fence within the meaning of this Act if, in the opinion of the board, it is reasonably sufficient for the purpose of excluding rabbits and dogs.” Clause 11 gave six persons the right to form themselves into a trust and procure loans from the Government for wire-netting, but in clause 12 it was stipulated that "no such sums shall be granted by the Governor until a Government inspector has reported to the Commissioner in favour of the grant, being made, and no sums so granted or any portion thereof shall be paid to the applicants until wire-netting to the value of the sums granted , shall have been actually erected by the applicant to the satisfaction of a Government inspector." Section 14 would, he thought, be found an improvement of the general law. It provided that if any occupier within a special area refused to accept vermin-proof fencing offered him the district council might, without any prejudice to the rights involved, hand it over to some other occupier, so that the man who rejected it would have to go through the same process of application over again. Part III dealt with the constitution of vermin districts, and clause 15 of that division provided for tho proclamation of vermin districts. Clauses 16 and 17 referred to the apportionment ofany property and the contribution for fences already erected. Clause 18 carried out the recommendation of the Vermin Commission for the appointment of boards and auditors. Part IV. related to the members of boards and was practically the same as the provisions of 1887 for the first district councils. Clause 25 Stated that all drawing of lots by members of a board to decide retirements should be had 11 days at least before notice was given of the day for the nomination of candidates for election, but in the succeeding clause a month was mentioned. He intended to ask the Council to make the period a month in each case. The provisions of Part V., with regard to auditors were practically imported from the District Councils Act; and the same might be said as to Part VI., dealing with elections. It was well-established machinery for the working of a public body, and would be found particularly appropriate and applicable in this case. Part VII. contained provisions as to the meetings of the boards, and the following division was confined to "contracts and works." In Part IX. were to be found the provisions relating to revenue and expenditure. The revenue of a board would consist of rates which it was authorised to levy, the times and penalties inflicted for offences under the Act, and all other money received by the board by virtue of the Act, In clause 87 it was set out how the money should be expended—in salaries, fees, travelling expenses, and generally performing the duties of the board. The boards would have to keep an account of all money. A ratepayers’ book was to be prepared, which should contain the names of the several owners and occupiers of the ratable property within the district so far as known, and the area, situation, and description of such ratable property. Particulars when approved by the board were to prove binding. In Part XI. were to be found provisions for making rates. Clause 101. stipulated—"The board from time to time, before proceedingto make any rate by this Act authorised, shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorised to expend or apply the district fund, showing the several sums (if any) already available for such purposes, and the several sums required, the number of square miles of ratable property within the district, and the rate or rates per square mile which will be necessary to raise the money required, which estimate, after the same has been approved of by the board, shall be entered in a book, to be called tho estimate-book, which shall be kept at the district office, and shall be accessibleto the ratepayers at all reasonable hours." After making such estimate the board, under clause 102, would declare a rate on the ratable property within the district, provided however "that the board may, wherever it shall deem it equitable so to do, declare a smaller rate or smaller rates in inspect of any ratable property, to be specified by the board, adjoining or in proximity to any existing or intended or proposed vermin-proof fence by reason that it is not or will not be benefited by any such fence to the same extent as the other ratable property within the district." By the definition of ratable property they would see that Crown lands, whether occupied or unoccupied, were included. As to whether the board should discriminate where a property would not be so much benefited as others was a matter for the Council. Loans wore referred to in part12*.* clause 105, providing that "if the proceeds of one year's rate shall be insufficient for the erection and maintenance of the fence or fences decided upon by the board it shall be lawful for the board to borrow money from the Government for the purpose of defraying the cost of such work, and repayment of the sum advanced by the Government, together with interest thereon at the rate of live pounds per centum per annum, shall be made to the Government in equal annual instalments extending over such a term not exceeding ten years, and payable at such time or times as may be agreed upon between the board and the Commissioner, and the payment of each annual instalment is hereby made a first charge upon the annual rates of the district" This was practically the recommendation of the Commission. Tho following clause empowered the granting of loans. Parts XIII., XIV., XV., and XVI., contained chiefly machinery used in local government. Part XVII. comprised provisions relating to miscellaneous matters, and clause 169 carried out recommendation of the Commission with reference to the fencing of water supplies. Any vermin board might by by-law require owners and occupiers of land within the district to erect and maintain vermin-proof fencing around all artificial and permanent supplies of water (except running streams) upon their holdings, subject to the directions of an inspector appointed by the board. He had given members a general idea of the scope of the measure, which, with the exception to which he had alluded, practically carried out the recommendations of the Vermin Commission.



He had much pleasure in moving the second reading of the Bill.

On the motion of the Hon. J. V. O'LOGHLIN the debate was adjourned till August 23.