VERMIN ACT FURTHER AMENDMENT BILL 1919

Legislative Assembly, 12 November 1919, pages 1797-1800

Second reading

The COMMISSIONER of CROWN LANDS Hon. E. A Anstey)—This Bill is introduced for the purpose of making various amendments to the Vermin Act, 1914, the purposes of which will be apparent from the clauses of the Bill. Section 17 of the principal Act gives power to the Commissioner to oblige district councils and vemin boards to enforce strictly within their Districts the provisions of the principal Act. He cannot, however, act under the section except upon notice being given him of the default of the council or board by six ratepayers. The Government Inspector is then required to inspect the district and make a report, and, if the Commissioner is satisfied that the complaint is well founded, he may give a month’s notice to the board or council to enforce the provisions of the Act. In default of compliance with the notice the council or board is liable to a penalty. This procedure is somewhat unsatisfactory, from its involved nature, and from the fact that the Commissioner is not able to act on his own initiative. It often happens that in districts in which there are many defaulters it is very hard to find six ratepayers who are willing to give the necessary notice. Clause 3 of the Bill proposes to amend the section so as to simplify the procedure. Subclause (1) provides that if the Commissioner has reason to believe that a council or board is failing to strictly enforce the provisions of the Act within its district, he is immediately to have an inspection made by a, Government inspector. The inspector is to report to the Commissioner, who may, if satisfied of the default of the council or board, give a month’s notice to the council or board to strictly enforce the provisions of the Act. In case the board fails to comply with the notice, subclause (4) empowers the Commissioner himself to strictly enforce the provisions of the Act within the district in question. In addition to the ordinary penalty for failure to comply with the notice, the council or board is to be liable to pay the Commissioner the amount of any expenses incurred by him in acting under subclause (4). Section 20 of the principal Act declares that four months specified, i.e., January, February, March, and April, are to be set apart for the simultaneous destruction of vermin. The amendment proposed to be made by clause 4 was suggested by the District Council of Elliston, and will have the effect of making the clause more elastic. In 1917 all the councils and vermin boards were circularised, asking them what months they considered best for the purposes of the simultaneous destruction of vermin. The replies received showed that there was considerable diversity of opinion. Clause 4, therefore, proposes to add a new subsection to section 20 of the principal Act, giving power to the Commissioner, on the recommendation of a council or board, to fix months other than those mentioned in subsection (1) of section 20, for the simultaneous destruction of vermin within the district of the council or board concerned. Section 114 of the principal Act deals with payment by the occupier of land which is outside a vermin-fenced district of half the value of the fence dividing his land from the district. Subsection (2) of that section provides for payment of interest on the unpaid balance at the rate of four pounds per centum per annum. In cases where the board owning the fence has obtained a loan from the Government in respect of the erection or maintenance of the fence it pays interest at the “fixed rate." It is thus obvious that if there is any difference in amount between the rate paid by the board and that paid by the occupier the section must operate unfairly to the board or to the occupier. Clause 5 therefore proposes to amend subsection (2) of section 114 by making the rate of interest payable by the occupier a rate equal to the fixed rate (that is, the rate fixed by the Governor for the time being), or, if the board has obtained a loan from the Government in respect of the maintenance or erection of the fence, a rate equal to that paid by the board in respect of the loan. Clause 6 introduces a new provision. By section 125 of the principal Act the Commissioner is empowered to collect the rates on land outside a district council district, and each particular board collects the rates on land situated within a district council district. In some cases, and more particularly where individual members of the board are in arrears in payment of rates, considerable difficulties beset the path of the board in its efforts to collect rates. An amendment has for some time been asked for by the Bed Bluff Vermin Board for this very reason. Clause 6 proposes to insert after section 126 of the Act, a new section empowering the Commissioner, on the request in writing of a board, to undertake the collection of rates within the district of the board. Subclause (2) gives to the Commissioner all the powers for the purposes of the collection of rates within a district council district which he already has for the purpose of the collection of rates outside a district council district. The purpose of clause 7 is to enable the Commissioner to give some amount of relief to a board to which a loan has been made in a case Where, through no fault of the board, the repayments of the loan are in arrear. In some instances, and notably that of the Bed Bluff vermin district, the board has experienced great difficulty in keeping up its repayments. Many owners abandoned their holdings while their rates were still in arrear, and the boards have found it impossible to collect the rates from them. It follows, of course, from this depletion of their source of revenue, that the instalments which should be paid to the Government are not paid. Section 128 of the principal Act provides for the repayment of loans in 20 equal instalments . Clause 7 inserts a new section after section 128 which will empower the Commissioner, upon the application of a board, and if he is of opinion that it is necessary in order to avoid great hardship, to extend the time for the repayment of the loan to any period not exceeding 30 years from the date of the original granting of the loan . Subclause (2) provides that the balance of the loan remaining unpaid at the time when the extension is made is to be payable by equal annual instalments spread over the remainder of the term as extended. This will mean that from the time the extension is made the board will practically commence paying the balance of the loan by reduced instalments, Clause 8 deals with the power of district councils to which any money is due in respect of wire netting to enter upon land upon which they have erected the netting, and remove the netting.

Mr. Reidy—Why ?

The COMMISSIONER of CROWN LANDS —Because it has not been paid for. At present, by section 189 this power of entry and removal is exercisable by a council only in respect of Crown leaseholds upon the cancellation of the lease. Clause 8 extends the power to a council to enter upon any land, including Crown lands. The exercise of the power is made conditional upon the consent of the Commissioner being first obtained. Clause 9 introduces new matter. It proposes to make owners and occupiers of land adjoining drainage reserves liable for the destruction of vermin on the reserves. At pre- sent the drainage authority, who might be either the Crown or the Drainage Assessment Board is technically responsible for the destruction of vermin on the reserves. Substantially similar provisions to those in the present clause are contained in section 39 of the principal Act. That section compels owners adjoining breakwind reserves in the Pinnaroo railway district to destroy vermin on the breakwind reserves. The principle involved is the same in that case as in the present case.

Mr. Reidy—You create mounds and harbors for vermin. You erect warrens for rabbits, and now you want other people to keep them clean.

The COMMISSIONER of CROWN LANDS —Only on reserves. A man abutting on a re­serve should keep his portion clear of vermin.

Mr. Reidy—He is fenced off.

The COMMISSIONER of CROWN LANDS —In many cases he does not fence.

Mr. Gunn—Supposing he has a rabbitproof fence?

Mr. Reidy—Drains in the South-East are unprotected, and in a drainage area the rabbits could come up for miles and keep a man busy all the time.

The COMMISSIONER of CROWN LANDS —It is only in the reserves that they have to deal with the vermin. That is all.

Mr. Angus—When a man has a stockproof fence why should he have to deal with the rabbits?

The COMMISSIONER of CROWN LANDS —Why should he not?

Mr. Reidy—Because he receives no advantage.

The COMMISSIONER of CROWN LANDS —Clauses 10 and 11 are machinery clauses, and are adapted almost verbatim from sections 40 and 41 of the principal Act.

Mr. Reidy—You seem anxious to leave clause 9

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The COMMISSIONER of CROWN LANDS —We can deal with it further in Committee. I am making only a cursory explanation of Bill. I move the second reading.

Mr. REIDY—Several councils and boards in my district have asked for this Bill, and I am very pleased that the Bill has been introduced in this session because certain clauses in it will give relief to centre which are very much in need of relief. the Minister should make some provision for cases where it is necessary in peculiar circumstances to write of the loan or a portion of it.

The Commissioner of Crown Lands - We extend the time.

Mr REIDY - But there are instances, particularly in connection with the Red Bluff Vermin Board, where an extension of time will hardly meet the case. There is a large area of that country that was valued much higher at one time than it is to-day. The fence was

erected in the days of high values, when the people taking up the land thought the country suitable for closer settlement, and the expenditure was based on that assumption. At present there is great difficulty in letting it, even at about one-fourth of the former valuation. It has been ascertained that a large proportion of the land is practically useless. The settlers entered into the obligation for the payment of the fence on the assurance of the department that the land was of much higher value than that now placed on it by the department, which intends to further reduce the value.

The Commissoner of Crown Lands—Do you not think the better principle will be to further write off the value of the land?

Mr. REIDY—No; that does not remove the objection I am raising. It is impossible to reduce the valuation much more, because it is going to be reduced to less than £l per mile. I hope the Minister will be given discretionary power, where the reports of the officers show that hardship would be inflicted on the settlers by paying the full amount for the land, to write off a certain amount of the payment. It may be that the assessment for repayment has not been properly based. Only the people within the proclaimed area are required to pay for the fence, although it protects the whole of the Tatiara district. I would like the Minister to accept an amendment to provide that in certain prescribed areas any rent received should be earmarked for the purpose of keeping the fences in repair. The Government have certain power that the district councils and vermin boards have not, so I consider the portion of the measure giving power to the Government to collect the rates is a wise one. Clause 9 relates to the destruction of vermin on drainage lands, and I point out that it is absolutely unfair to call on a settler to kill the rabbits and other vermin on banks 2 chains wide and several miles in length. It is the duty of the Public Works officers, who are responsible for the upkeep of the drains, to check the spread of vermin there. This clause needs reconstruction. Destroying vermin on a public road is much simpler than on these drains, where the huge banks provide a perfect harbor for the rabbits. I support the second reading, and hope the Minister will accept amendments in the directions I have indicated.

Mr. BUTTERFIELD—I support the Bill. The Government will become aware in the near future of the fact that they must take into consideration the points raised by Mr. Reidy concerning the fence. Apparently the Government do not understand that during the last few years, there has been a great deal of very poor country taken up in various parts of the State. I do not approve of the method which the Minister proposes to adopt to get settlers out of their difficulty with respect to money which may have been advanced for wire netting. The time for repay­ment under this Bill may be extended to 30 years. At the end of 30 years wire netting will be useless, more particularly in the coastal districts, where the sea air has a bad effect upon it. This extension will be of no benefit because before it is up new fences will have to be erected, payments for which will have to be made before the liability with respect to the old ones have been settled. It is very necessary that poor and unproductive land shall be occupied in order to safeguard the better country adjacent to it. I have seen cases where wire netting has been removed from a holding because rates had not been paid. That should not be. I would advise the Government wherever they are asking for that power to hesitate to use it. No member knows the mallee lands better than I do. Some settlers have been on holdings for 12 or 15 years, and have given the best years of their life for very little reward. They now find that by keeping a few sheep they can carry on and make a fair living. It is to the interests of this State that the land should be occupied. I would not hesitate to support the Government if when they found that a man could not pay his debts they nationalised them in order to keep him on the land. Of course I do not believe in that as a general principle. Each case should be dealt with on its merits, have seen men forced off their farms because the Minister had not the discretionary power that I suggest he should have. If men stay on the land values are kept up. I would be prepared to see some of the mallee country allotted rent free if it could be occupied. The rent is a mere bagatelle compared with the benefit to the State, particularly where large amounts have been spent in building railway lines to open up the country. The more land that is occupied the greater is the revenue derived from freights. Hundreds of settlers have been misled because of misrepresentation.

Mr. Reidy—You mean because of wrong descriptions of land.

Mr. BUTTEBFIELD—I quite appreciate the honorable member’s point, but that is not quite what I meant. Fifteen years ago there was a strong influence in south Australia working for the compulsory repurchase of land for closer settlement. A handful of men, who apparently knew more than the rest of the community, were able to divert public attention to what they called a paradise on the West Coast, in order to break down the demands that existed for the legislation which is being dealt with to-day in connection with soldier settlement. I refer to the time when Mr. Peake was associated with the late Mr. Price in the early days of their administration. The present Leader of the House was then a strong advocate of closer settlement, and held very different views on many questions relating to land.

Mr. Angus—He is an older and wiser man now

Mr. BUTTEBFIELD—And there may be other reasons, too. Settlers have been induced by one reason or another to take up land which should never have been allotted. As a commercial proposition it is impossible. They may have been misled, or perhaps their own judgment may have failed them. These men thought that as the country was better worked it would grow better crops, but unfortunately that has not proved to be the case. I have known land where the first crop has been the best. Some farmers are in the debt of the district councils, and have incurred liabilities with the banks. It would be much better to wipe out their indebtedness altogether rather than that they should abandon their holdings. I think the Minister should have a discretionary power so that he could relieve the position of some of these men.

Mi\*. CHAPMAN—This Hill gives the Government very drastic powers. Under the old Act the Government could force any district council, associated board, or vermin board to see that its provisions were carried out. Under this Bill the Commissioner may—if satisfied that such district council, vermin board, or associated board has failed to strictly enforce such provisions—himself strictly enforce the provisions of the Act with regard to the destruction of vermin.

Mr, Reidy—Quite right too.

Mr. CHAPMAN—Yes, I would agree to give the Government these powers, but they should be used with discretion. Some of our northern districts are almost free from vermin. There is a crime for a man to allow rabbits to increase on his property and infest the land of his neighbors. Some other districts in the State are differently situated. Sometimes the land is practically clear from rabbits, but when the outback country is eaten out the rodents storm down, and it is absolutely impossible for the settlers to keep them in check. Under conditions such as these the Government will have to exercise great dis­cretion in the administration of this measure. I am pleased to see that clause 8 has been inserted, but there is one point I should like to place before the Minister. The Port Lincoln district council had a great deal of trouble with regard to this particular matter. Land was abandoned and the council was responsible for the payment for the wire netting. The property was thrown into the hands of the mortgagees and the council could not compel the payment of the instalments, although, they were liable and had to pay them to the Government. Under these conditions the Port Lincoln Council has been losing £100 a year, and it has placed them in an unenviable position. Under this clause there is no protection for the mortgagee. In case of a man who has advanced money, the wire netting might be worth £100, and the debt to the Government only £50, and I think the mortgagee, before the wire netting is removed, should be given the chance of paying the debt to the Government. I regard the wire netting as part of the mortgagee’s asset.

Bill read a second time.

In Committee.