**VERMIN BILL 1905**

**House of Assembly, 10 October 1905, pages 445- 7**

Second reading

The COMMISSIONER of CROWN LANDS, in moving the second reading, said as the Bill was not of a contentious character he did not expect a lengthy debate. The principal reasons for introducing this Bill were.—1. There being at present 11 different Acts dealing with vermin destruction and vermin fencing, necessitated by the different policies on these matters from time to time introduced, it was deemed advisable to consolidate. 2. Owing to the difficulty experienced by district councils in being unable to obtain convictions against persons who had not carried out the law relating to vermin destruction, it was necessary to so simplify, that there could be no possibility of evasion, on technical points at least. The Attorney-General in August, 1904, gave as. his opinion that the Vermin Destruction and Vermin-proof Fencing Acts were a puzzle, and required revision and consolidation. His Honor the Chief Justice on January 18, 1905, when considering an appeal from a conviction at Quom for non-compliance with a notice to destroy rabbits, had stated that no man of ordinary intelligence could possibly understand the meaning of the Acts, and that it would require a very skilled lawyer, devoting much of his time, to put a rational meaning upon those statutes, and that when he had arrived at the end of his researches and exercised all his ingenuity it would be impossible for him to be sure that he, was right in the construction upon which he had determined. He had further stated that, with such complex legislation as that at present in existence, it was diffi­cult for the settlers and the officers to understand what was required. They wanted to make the law plain and decisive. In 1879 the rabbit nuisance had become so threatening to the pastoral and agricultural industries that it was found necessary to introduce more stringent laws than those at that time in force—the Rabbit Destruction Acts of 1875 and 1878, which were, however, repealed by the Rabbit Suppression Act of 1879. That provided that the Commissioner of Crown Lands should enforce the law for rabbit destruction. Under this Act if owners or occupiers neglected to destroy vermin the Commissioner had power to put on rabbit parties, and to recover the cost of such parties from the owners or occupiers. Rabbit parties were also put on to destroy vermin on Crown lands at Government expense. Many of the provisions of that Act were being embodied in the present Bill, with the exception that the responsibility of seeing that vermin were destroyed was vested in local bodies. In 1882- and 1881 Vermin Destruction Acts were introduced providing for the formation of vermin districts under boards, which bodies , had power to declare an annual rate or assessment, payable by lessees within the district to the Commissioner. The proceeds of such rates were used in paying for scalps for vermin destroyed. In 1885 the Acts of 1S82 and 1884 were repealed, and the Rab­bit Suppression Act of 1879 revived. The expenditure for vermin destruction prior to 1890 reached a total of £308,320, no less than £90,000 being expended in one

year; and. as the evil did not sensibly diminish—it was seen that the remedy was likely to prove worse than the disease—new methods were accordingly tried. Since 1890 very little expenditure had been made by the Government for the destruction of vermin, the policy of the State since that year being to advance money for vermin- proof fencing to district councils, trusts, Vermin Boards, and pastoral lessees to protect their holdings. The amount advanced, repaid, outstanding, and arrears on instalments up to dune 30, 1905, was:— District. councils, advanced £131,372 11/7, repaid £45,131 17/ outstanding balance £86,240 14/7, arrears £305 10/7; trusts £17,478 13/2, £5,027 4/3, £12,451 8/11,’ £982 13/1; Vermin Boards, £.108,486 2/6, £17,376 4/11, £91,109 17/7, £608 7/11; pastoral lessees, £8,879 6/9, £275 1/4, £8,604 5/5, nil; totals advanced £266,216 14/, re­paid £67,810 7/6, outstanding £198,406 6/6, arrears £1,896 11/7. Of the district councils’ arrears £250 had since been paid. Owing to the very high prices paid for wire netting at the latter end of 1898 the Government of the day (of which he was Commissioner) decided to import wire netting in large quantities to distribute to district councils and others at nominally cost price. The expectations of reducing the price by this means were fully realized, as the cost per mile was reduced by from £4 to £5. Between 1890 and 1899 loans were advanced to district councils, Vermin Boards, and trusts for the purchase of wire netting; but, with the exception of about 200 miles, the Government purchased no netting. Since 1899 the Government had imported and .disposed of 4,758 miles of wire netting. This had been distributed chiefly to district councils and trusts, as the Vermin Boards had generally, owing to the fact that they were buying in large quantities, been able to secure material at very reasonable prices. Part I., section 4, dealt with vermin fence. The fence shown and described in the schedule was a very much more substantial one than was shown and described in the schedule to Act 746 of 1900. Part II., section 8. was an entirely new section. It made provision for the destruction of vermin on Crown lands within district councils. As vermin destruction was to be strictly enforced by the council on all leased lands some provision was necessary to cope with the vermin on the Crown lands. If the Commissioner did not approve of the rate levied by the council it would be incumbent on him to take other steps to clear the Crown lands of vermin. Section 9 provided that the Crown should not be liable for destruction of vermin on any Crown lands outside district councils. Division 3 dealt with the powers and duties of councils and vermin boards. Under that division all boards, district councils, and Associated District Councils’ Vermin Boards were bound to enforce strictly the provisions for vermin destruction. Any district councils that wished to combine for the purpose of carrying out their law could form what was called an Associated District Councils’ Vermin Boards. The whole duties then, would rest on the board, formed by one Councillor from each district council. If any district council Vermin Board did not strictly enforce the law relating to vermin destruction, any adjoining council or board could complain to the Commissioner, who would then have an inspection made; and, if satisfied that the complaint was well founded, give a month’s notice to the district council or Vermin Board to strictly enforce such laws. If action was not then taken the district council or Vermin Board became liable to a penalty of not less than £10 nor more than £50 for a first offence, and not less than £50 nor more than £100 for a second or subsequent offence. District councils might also declare a rate of 3d. in the pound on their assessment for providing funds for carrying out the Act.. Division 4 was the most important of the Act, and dealt with the duties of owners and occupiers. The chief complaint of the councils was that under the present Act it was difficult to obtain convictions. The principle of the Commonwealth Customs Act had been adopted in the Bill, and section 20 gave the authorized person who laid an information two alternatives, either of which he could adopt as circumstances required. On the case coming on the need call no evidence at all, and then by subsection 1 the onus of proving that the defendant had taken all necessary and proper steps for the destruction of vermin was cast upon the defendant, and if he called no evidence he would be convicted. If he called evidence to prove he had taken proper steps, the informant could call evidence to contradict him. But the informant could take a shorter cut. By subsection 2 if he proved the existence of vermin on the land—(a) as to lands within district councils after two months from the expiration of notice to destroy; (b) as to other lands after five months from expiration of such notice—the existence of such vermin was made conclusive evidence against the defendant that he had not complied with the notice, and he could not give evidence to prove that he had, and must be convicted. Under the old Acts February rind March were months set apart for simul­taneous destruction; but it was proposed to give the Commissioner power to declare, on the recommendation of the local body interested, any two months of the year vermin destruction months, as it had been found that the best time for united action was not the. same in all parts of the State . Part III., division 1, dealt with the constitution of vermin-fenced districts and boards. Under the old law not less than four should constitute a Vermin Board. Under this Act it was proposed to limit the number to 4—three ratepayers if possible and one Government officer. If it was impossible to have three ratepayers, non-ratepayers could be, appointed, otherwise the- provisions were practically the same. In section 50, when a vermin-fenced district ceased to be a vermin-fenced district the lessees of the land on which the fence was erected could purchase the fence from the. Crown at its then value, less what they had already contributed towards its erection, the money so received, less expenses of recovering, to be distributed among the ratepayers of the district prorata according to the area held. Division 2 dealt with the members of the board and their qualifications. It was proposed, in order to have the same number of members on each board, that at the first annual election all the present members should retire, after which four members only should constitute the board, as mentioned in division 1. Under the old Act ratepayers had to be 21 years old before they could become members. Under the present provisions the age was 18 years, to agree with the minimum age of lessees. The remainder of that part of the Act was practically the same as now in force, excepting that loans granted were to be repaid by 20 equal annual instalments of principal, with simple interest at 4 per cent, on the balance remaining from time to time, instead of at £7 7/2 per £100 as now in force. Part IV. related to trusts. The provisions were the same as now in force, and allowed loans to be granted to settlers outside district councils for purchase of wire-netting to protect agricultural areas. The mode of repayment had also been, altered to 20 equal annual instalments of principal, with simple interest at 4 per cent, on the balance remaining from time to time. Part V. dealt with vermin-proof fencing by the Crown, and was a repeat of the provision of the present Pastoral Act. Section 164 also related to the powers of the Commissioner for erecting fences across roads. Part VI., division 1, referred to loans to district councils for the purchase of wire netting to supply ratepayers in the district. It was proposed to allow district councils or ratepayers to pay off the loans at any time, and in order to do so it was necessary to alter the mode of repayment. Under the Acts now in force loans were repaid in 20 equal annual instalments at the rate of £7 7/2 per £100, which rate included interest at 4 per cent, and the principal, but if any part of a loan was paid off at any time a fresh rate had to be calculated for the balance, besides which very few of the district councils were able to determine the balance that any petitioner owed at any time if he wished to pay off his loan. That was borne out by the fact that the department was invariably asked what the balance was owing by the petitioner to the council. That part provided that loans should be repaid in 20 equal annual payments of principal, with simple interest at 4 per cent, on the balance remaining from time to time. That was the method adopted in 1894, except, that the interest was 5 per cent, instead of 4 per cent. Division 2 dealt with granting loans to pastoralists who were unable to form vermin districts, to cover cost of barbwire and netting at the nearest port or railway station. The provisions were similar to those already in force under the Pastoral Act, excepting the mode of repayment, which had been altered from per cent, to 4 per cent, for future loans, which were repayable in 20 equal annual instalments of principal, with simple interest on the balance re­maining from time to time at 4 per cent There were only two debatable points in the Bill. One was the method of prosecution, and the other was that the Commissioner was liable to keep down vermin on Crown lands, and h(e hoped the Bill would become law that session.

On the motion of the Hon. V. L. SOLOMON the debate was adjourned until October 11.