**VERMIN BILL 1911**

**Legislative Council, 30 November 1911, pages 615-7**

Second reading

The CHIEF SECRETARY, in moving the second reading, said the object of the Bill was to make various promised amend­ments in the Vermin Act. There were two Acts referred to, the principal mea­sure, No. 905 of 1905. and No. 940 of 1907, copies of which he had secured for the convenience of members who might wish to compare the proposed amendments with those Acts. The first amendment was to extend the provisions as to supplying materials for vermin proof fencing. Part VI. of the Act enabled a district council to borrow money from the Government wherewith to pur­chase wire netting to be supplied by them to occupiers. The council repaid the loan by 20 annual installments, and the occu­piers paid for the material supplied to them in the same way. There had been a de­sire for some time to make the same pro­visions available where the land was not within a district council district, but was within the area under the jurisdiction of a Vermin Board; and clauses 4 to 14 were framed for that pur­pose. The advantage of this system was that it enabled land to be enclosed within smaller areas than the whole of the land comprised in the vermin district. He understood that members approved of that. The Surveyor-General, when reporting in November last on the present proposal stated that the working of the Act through district councils had been a great success, the arrears being only £28 18/, whilst the total amount granted was £268,240. At the present time, the Surveyor-General stated the arrears were less than £2. and those all from one wealthy district. The principal provisions of the Bill dealing with this matter were to be found in clauses 4 and 5. The succeeding clauses dealt simply with machinery for securing the payment to the board of the cost of materials supplied to the occupiers and the repayment to the Government of the loan made to the board. Clauses 6 to 10 gave powers of letting and selling for recovery of arrears similar to those in the Munici­pal Corporations and District Councils Acts. Clause 11 gave the usual power to distrain. The special remedies for recovery of the loan from the board were the appointment of a receiver, as in the principal Act (clause 12), and retention of arrears out of rates belonging to the board (clause 13). Other remedies were preserved (clause 14). Section 46 of the principal Act gave the Government power to suspend, the functions of a board or to abolish it altogether, in certain cases where it refused or neglected, to perform its duties or made default in re­paying a loan; but the section was capable of being construed as referring only to loans under division ix. of Part III. Clause 15 was therefore introduced to make it apply as an additional and very useful re­medy in case of loans under division 1 of Part VI. also. Sections 126 and 127 ex­empted from rates declared by a Vermin Board (1) certain land enclosed with an ef­fective vermin fence, and (2) a holding of less than a quarter of a square mile. This exemption was removed by clause 16 as regards lands for the fencing of which a council or board had supplied material. Cause 17 dealt with a different matter. Some councils refused to make use of the advantages which the Act provided for their constituents, and would not act on petitions to apply to the Government for loans for wire netting. Clause 17 required a council, if it did not apply for a loan when a petition was duly presented, to for­ward it to the Minister, with its reasons for not doing so. If then there appeared no efficient reason for not applying for the loan, the Minister might inform the council that he would recommend an advance unless the council itself did so within a speci­fied tune. If the council was still in de­fault the Governor might advance money to the petitioners direct (and not through the council), and the obligations of the council and of the persons to whom the advances were made would be the same respectively as if the coun­cil had obtained the loan and supplied fencing material therewith. Clause 18 amended section 42 of the principal Act. That section contained the provisions for proclaiming a vermin-fenced district on petition of landholders. The Act seemed to imply that there must be at least three persons holding rateable property within the area to be proclaimed but it was not expressly stated. Clause 18 remedied that. Section 116 required the occupier of land abutting on a vermin fence of a board, which but for such fence would be without a boundary fence to pay to the board 5 per cent, per annum on half the cost of the fence, so far as it abutted on his land. In some cases the fence did not belong to the board although it had contributed half the cost thereof. In these cases also section 116 should apply, but did not. Clause 19 provided for that. Section 196 provided that if an occupier of land erected a vermin fence upon his boundary the adjoining owners were to share the cost in certain circumstances, in which they reaped a benefit therefrom; but the section was not quite satisfactory. It clearly contem­plated two separate acts—(1) the erection of a fence on the boundary, which did not enclose the run within the definition of enclosure; and (2) a subsequent exten­sion of the fence, so as to create a statu­tory enclosure. On each of these events happening the adjoining occupier had to pay one-fourth, of the value of the fence three months after demand. An opinion had been expressed by an eminent counsel that if the fence were all erected at one time so as to complete the enclosure only one-fourth could be recovered. It was absurd that it should be so, but the Act so carefully treated the fence as being one to be done in installments and the payments of one-fourth to be made at different times, and after three months’ demand in each case, that it was difficult to put any other construction upon it. That anomaly would be cured by the new section in clause 20, which was drafted as suggested by the counsel referred to. Section 209 provided that for the pur­poses of the Act land should be deemed to be enclosed when “three-fourths of the boundaries” thereof were fenced. Did that mean at least three-fourths of the boun­daries or of the total length of the boun­daries? No doubt the latter was intended. Clause 21 settled the point. Section 121 re­ferred to a subsection of section 119 which had since been repealed by the Act of 1907, and it had no meaning apart from that sub­section. It was therefore inoperative, and should be expressly repealed. That was done by clause 22. Vermin Boards and councils and private persons upon whom the Act cast the duty of suppressing vermin found it impracticable to do so without laying poison for the purpose, but there was nothing in the Act legalizing the use of poison. Clause 23 expressly authorized it subject to certain safe­guards as to notices. Those were similar to those required by the Dog Act of 1884. The remaining clauses con­tained provisions which had been asked for by the Vermin Districts' Association. The idea was to create a fund for the destruction by the Vermin Districts’ Association. The fund was to consist of rates levied on out­lying lands and a Government subsidy of pound for pound for the first three years, but not exceeding £2,000 for any one year.

There was a similar provision in the Wild Dogs and Foxes Act, 1889 (since repealed), except that under that Act the tax was levied on all lands held under Crown lease, and there was no subsidy. Under the pre­sent scheme the rate was to be levied on all land which was not, either alone or with other land, completely surrounded by a sufficient dog and fox proof fence, pro­vided the land was not of any of the classes specified in (a), (b), and (c) of clause 25 (1). “Crown lands” mentioned in (b) meant un-leased lands of the Crown. The amount of the rate and the mode of re­covery were the same as in the repealed Act of 1889. The details as to amount and payment of rewards were left to regula­tion, as it was better to have a reasonable degree of elasticity in administration. He took it for granted that hon. members re­presenting country districts would take an interest in the Bill, as they knew parti­cularly the needs of the country. He sub­mitted the Bill to hon. members, trust­ing that it would receive their support, and also that they would not speak at an unnecessary length when dealing with it.

On the motion of the Hon. J. LEWIS the debate was adjourned until December 12.

**VERMIN BILL 1911**

**Legislative Council, December 12 1911,pages 730-2**

Adjourned debate on the second reading.

(Continued! from page 617.)

The Hon. J. LEWIS said the Bill seemed reasonable, and until they came to clause 24 there was nothing to object to. Provision was made whereby the Government was allowed to advance money to the Vermin Board for people who wished to subdivide their holdings. That was a useful provision, and no doubt would be the means of saving a great deal of trouble and annoyance. Men within a vermin district would be able to enclose their holdings, or, at least, he thought that was the intention of the Bill. Clause 23 was a good one indeed, as it gave the Government and the tenant legal rights to lay poison on their property for the destruction of wild dogs and eagle- hawks. It provided, by subclause 3, that no poison should be laid unless notice was conspicuously exhibited on the land, and no poison should be laid within 100 yards of any road or way. Hitherto .there had been no provision for a man to lay poison without liability to subsequent proceedings. Clause 24 and the following clauses were amended, according to the, statement of the Chief Secretary, by the Vermin District Association. The reason given was that dogs were coining through the fence. He presumed that the gentlemen who were interested in the Vermin District Association had not a great deal of land outside the vermin district. One would think that the ,vermin fences were not much good, or that they were only of limited value, unless dogs were destroyed outside, and it did not seem .quite fair to tax the outside land only when those inside had just as much to gain by the destruction of the dogs. If the proposed tax were put all round, he would not object, because all the country that was worth closing in vermin proof fences was already so enclosed, and there were thousands of miles outside that were too poor to fence. Settlers had been getting in at a low rental, and many of them had not been able to pay their rents lately. If their rents were going to be increased, he feared it will cause many of them to throw up their country. Sixpence a mile really did not seem much, but when they considered that some of this country could keep perhaps only 10 or 15 sheep to the mile, they could easily understand what the country was like. Sometimes in two years there was barely an inch of rain, spread over half a dozen falls. In a return furnished to members by the Chief .Secretary, he noticed that many of the settlers who would be subject to the tax of 6d. a mile, only had. permits, and he did not know that they should have to pay. They had no tenure, although they had asked for their leases time and again, and had been refused. He believed in was the intention of the Government now to give those people leases, but at what rental he was unaware.

Such men, did not care to make improvements, because they did not know whether leases would be allotted them or not. That was one of the reasons why they had asked repeatedly for the Government to give them fixed tenure. The reason for giving permits in South Australia, north of Oodnadatta in the Northern Territory, had been that the Government thought giving long leases would lock up the country, and it preferred to wait until after the transfer of the Northern Territory to the Commonwealth, when the leases would be worth more. Now the transfer to the Territory was a thing of the past, there was no reason why these men should not get their leases and know exactly what they were doing. It seemed liberal of the Government to offer to pay a subsidy of pound for pound in connection with the money that was contributed by the lessee, which made it much more generous than the Bill which was in existence in 1889. The Government should rightly subsidise this, considering it had somewhere about 340,000 square miles of country unoccupied. Besides that, there was the Northern Territory country, of which comparatively a small area was in occupation, and he did not think any of it was enclosed in vermin-proof fences. Clause 24 and the subsequent clauses were not in the Bill when it was first introduced in the House of Assembly this, session, but were added after the measure was introduced. One great objection to the Act that was in force some years ago was that they had no guarantee as to where the scalps were brought from. There was nothing to stop people from bringing scalps from New South Wales and Queensland, getting a certificate from a J.P. that they had destroyed so many scalps, and the owner of the certificate was entitled to scalp money, which was found to be not at all satisfactory. There was nothing in the Bill to show how the money was going to be expended, except that the rates would be paid to the Treasurer (clause 27). Clause 28 said that the Commissioner shall, out of the money provided by Parliament for the purpose, pay to the Treasurer to the credit of the fund a subsidy at the rate of pound for pound. Clause 29 dealt with the reward to be paid according to the regulations. Clause 30 gave power to make the regulations. He thought it would be well if the lessees who were contributing towards this fund had a say in the administration of the money, and how it was to be paid. Clause 25, subjection D, said that the lands which the Commissioner declared to be completely surrounded with a fence proof against the intrusion of wild dogs or foxes were to be exempt from the rate. He would like to know who ever saw a fence that was proof against- foxes, and, besides, foxes were doing a great deal more good than harm. On many of the stations on the Murray and. the Darling owners assured them that that was so. They were destroying the rabbits, which were a greater curse than the foxes, and that was borne out by the Surveyor-General in his yearly report for 1911. He quite agreed with what the Surveyor-General said, and he thought it would be a great mistake to put in a clause for the destruction of foxes, at least at present. The Surveyor-General said in his 1910-11 report: —“Foxes are very numerous over a considerable area of the State, but it is very doubtful whether the damage done by them is not more than compensated for by the enormous number of rabbits destroyed for food by these animals and no great efforts have, so far, been made to exterminate them. He had received a telegram from settlers at Oodnadatta stating that they were not in sympathy with the proposed taxation. The Chief Secretary had that day handed to him the returns he had asked for upon the subject. He had asked:—“2. The total amount of rates expected to be obtained for the first year. 3. The names of the lessees who will be liable to pay rates in respect of the land. 4. The amount for which each lessee will be liable. 5. How many lessees have secured their land by fences not in a vermin district. 6. How many of those have been approved of as vermin proof by the Commissioner of Crown Lands". The replies were:—“2. The total amount of rates expected to be obtained for the first year would be £2,563, but this may be reduced, as a considerable area of land has been enclosed with netting fences, of which the department has no knowledge. 3. The accompanying list shows the names of the lessees who would be liable to pay rates in respect of their holdings, but the same remark will apply to these as to No. 2, as should any of the lands be vermin proofed to the satisfaction of the Commissioner they would be exempt from the rate. 4. The amount is shown on the accompanying statement referred to in No. 3. 5. The de­partment has reported on 19 lessees’ holdings who have secured their land by fencing, and the inspector reported that such fences were vermin proof. 6. Eight have been approved as vermin proof by the Commissioner of Crown Lands in terms of the Vermin Act of 1905. Many of the others of the 19 were erected prior to the Act requiring the Commissioner’s approval being passed.” He had gone through the number of lessees who would have to pay rates, and the total was 860. Of that number 655 were under 5/ per annum—the bulk of them from 1/ to 2/; there were 20 over 5/ and under 10/, 23 over 10/ and under £1, and 160 over £1. That showed that there were about 650 lessees who would have to come under the Act, in which eases the cost of securing the fee would be almost as much, as the amounts paid. He would support the second reading, but hoped to amend the Bill in committee.

On the motion of the Hon. J. OOWAN

the debate was adjourned until December 13.

VERMIN BILL 1911

Legislative Council 14 December 1911, pages 796-7

Adjourned debate on second reading.

(Continued from page 732.)

The Hon. J. COWAN said the Bill was a very desirable one, and should have the support of members generally. It would be quite impossible to estimate what vermin had cost Australia. Something like a million sterling had been spent up to 1880 in paying for vermin scalps, and the vermin had not seemed to have grown appreciably less. That method had proved a hopeless failure. There was now to be, under this Bill, a reintroduction of it in a limited measure. The old system of scalping applied both to dogs and rabbits; now it was to apply to foxes and dogs. In 1905 a Vermin Bill was passed giving power to district councils to obtain loans from the Government to distribute wirenetting to applicants. That measure had been a great success, availed of by almost every district council. There were one or two exceptions of councils in vermin-infested areas that availed themselves of the Act, and they had been most unwise in not doing so. One of the objects of the Bill was to insist on those councils—all councils, in fact -availing themselves of the Act. Some of the councils had objected to do so, chiefly on account of the liability which they would have incurred, but they had had the effect of placing landholders at a great disadvantage through having to purchase their own wirenettiing from merchants in the ordinary way, while their neighbours, in another district council area, availed themselves of ft loan. The Bill would enable Vermin Boards to fence in smaller areas. When very large areas were fenced in it was difficult to deal with the vermin. He felt sure the Vermin Boards would avail themselves of the provisions of the measure. At present there were something like 4,153 miles of fencing erected by Vermin Boards and 850 miles by pastoral lessees, indepen­dent of the Government. He did not know the number of miles erected within district council areas, but the amount owing by district councils was very small, although half a million sterling had been advanced by the Government. It had been reported that 13,605 square miles was un-|occupied, owing to it being infested with wild dogs, and about 130,000 square miles of good pastoral country had never been taken up on account of the loss and expense which would be incurred in dealing with wild dogs. Mr. Lewis had objected with reference to payment for scalps, and said quite a number of lessees took exception to the amount it was intended to impose, namely 6d. a mile square. A report had shown that only 160 persons had. to pay more than £1, and the others less than that amount. He did not think that a lessee occupying 20 square miles of country would, find a levy of 10/ a very severe burden. If it were Parliament would be doing that man a kindness by relieving him of that country. (Hon. J. J. Duncan—“But it will be put on the man who has already fenced his property.”) He understood it was applied to the outside country. (Hon. J. J. Duncan—“To the inside, unless furnished with an authorized vermin-proof fence.”) He understood those inside the fences would derive great benefit front, the Bill, and did not know they would object to being included. Mr. Lewis had raised some objection on that point. It must be remembered that vermin were continually coining in from outside, and were a source of great lose and worry to those who had gone to the expense of fences. It was only fair that those who were allowing vermin to breed and making no effort to rid the country of them should contribute to some extent in paying for destruction. The Government had generously promised to help in that direction by contributing about, £2.000. Mr. Lewis said that those vermin fences which could not resist wild dogs should be made to do so. He (Mr. Cowan) had had personal experience in that matter. He had a vermin fence second to none in the State, erected at great expense, and yet he found dogs got through it from land outside occupied by men breeding cattle, who had no interest whatever in destroying wild dogs. It was most unfair that any person should go to an enormous expense and then have dogs constantly coming in from outside. The fence running from Bordertown to Tailem Bend along the railway line simply acted as a check, and men on the sou­thern side had constantly to go along and kill dogs on the outside of it. If that were not done the fence would be of no use to them. He thought people on the outside of the fence should contribute to that cost. They did not, however, but let the vermin go on increasing as Nature allowed. The Bill would have the good effect of compelling: men, if they had no interest at -present in killing vermin, to at least contribute toward a fund for the purpose. If the measure were passed it would lead to a lot of outside country being occupied, and would be a source of benefit to those who had gone to considerable expense in fencing their country. He hoped there would be no amendment to it.

On the motion of the Hon. J. J. DUN­CAN the debate was adjourned until December 15.

VERMIN BILL 1911

Legislative Council 15 December 1911, pages 806-7

Adjourned debate on the second reading (Continued from page 797.)

Hon. J. J DUNCAN said he preferred the Bill that was originally introduced in the House of Assembly, that was, the Bill which terminated at clause 23. He was not altogether enamoured of the original portion of the measure, because of all the Bills he had ever looked at he thought it took the cake in regard to legislation by reference. He directed attention so clause 16. which read:-—"The exemptions from rates provided by subsection (3) of section 126 and section 127 of the principal Act shall not apply in respect of any land which is. for the time being, subject to any charge under Division I. of Part VI. of the principal Act, whether under that division as passed or under that division read as provided by section 5 of this Act.” It would take a Philadelphian lawyer to interpret the meaning of that, and it was only a sample of other clauses in that respect. The time had possibly arrived to amend the vermin laws, but he would much prefer that such amendment should be in a consolidating measure. If there were a law which it was desirable to have in one Act, it should be that relating to people scattered through the thinly settled portions of the country. That they should be required to have a Parliamentary library to refer to this, that, and the other Act was greatly to be deprecated. He suggested that the Council should pass only so much of the Bill as was really desirable at present, and that the Government might gather up the threads early next session so that members could give the measure greater consideration than they could at present. He was at present not averse to passing the clauses providing for the subdivision of existing districts, enabling persons who desired to fence in their own properties in the outside country or in district councils. The divisions might be advantageous, and the Government did not stand to lose anything by the transaction, Another provision might be included with regard to laying poison. Another section, the desirableness of amending which he did not question, but to which he would like more consideration given, was 25, which set out the country which would be taxable and exempt with regard to the raising of a fund. The chief subclause to which he objected was (d), which read:— "Lands which the Commissioner declares to be completely surrounded, either alone or together with other land, with a fence proof against the intrusion of wild dogs and foxes". In the principal Act it was proved that certain fences only were considered to be vermin fences. There was , much country enclosed with fences which were equally vermin-proof, but still were not the authorized fences. While the Bill sought to exempt from taxation country enclosed within vermin-proof fencing, it referred practically to a very small portion, because much was fenced with vermin-proof fences which would not answer the requirements of the authorized fence. The result would be that all the country so fenced would not be considered to be fenced under the Act, and not only outside country would be liable to be taxed, but all except that enclosed with fences which had been approved by the Commissioner. (Chief Secretary - Is there only one authorized vermin fence?") The Act provided “(a) Vermin fence means a substantial fence such as is shown and prescribed in the fifth schedule, and (b) any other substantial vermin fence approved by the Commissioner in writing.”

(Chief Secretary—“There are some not approved by the Commissioner?”) He believed that the great bulk had not been so improved. He had been informed that the whole of such enclosed country would be taxable. He did not think that the instructions to the draftsman had intended that the country enclosed at the expense of private holders should be taxed just because it did not correspond exactly with the prescribed fence. He was not expressing an opinion whether the whole of the pastoral country should not be taxed. He directed attention to the extreme vagueness and want of method and information revealed by clause 29 which read:—"The mode of payment out of the fund o! rewards for the killing of wild dogs and foxes, the amounts or rules, and the natures of such rewards, or authorities by whom the circumstances in which and the

such rewards to be paid, shall be prescribed by the Governor.” The only provision was for funds to be collected and handed to the Treasurer. There was not provision made how or by whom money was to be disbursed. The whole Bill was not in a condition to warrant its passage at the present stage. He had written to the Pastoral Association for its opinion, and the reply confirmed his own views. It was as follows:—“Replying to your enquiry for an expression of opinion from this association, as to the provisions of this Bill, referring to wild dog and fox fund, I am desired by my committee to request that if possible the matter be postponed (or shelved) for the following rea­sons:—(1) That the matter has not been sufficiently considered; (2) that in the proposed measure country already privately "vermin-proofed will be unfairly taxed.” In clause 25 there was an apparent want of knowledge on the part of whoever gave instructions to the draftsman, to insert that the fence should be proof against not only the intrusion of wild dogs, but of foxes also. A fence that was going to be proof against foxes had yet to be devised To put in such a provision would be ridiculous. In committee he intended to move a new clause, to follow clause 18.

Carried