**VERMIN ACT AMENDMENT BILL 1911**

**Legislative Assembly, 24 October 1911, pages 757-8**

Second reading

The TREASURER, in moving the second reading of the Vermin Act Amendment Bill, said the provisions of the measure had been promised for some time, and certain amendments asked for by Mr. Moseley were included in the Bill. The Bill would amend the present Act so as to require district councils to take a fuller share of their responsibilities. Not long ago Mr. Campbell pointed out that some of his constituents had complained that they were unable to get advances from district councils on account of wire netting. The district councils had to realise that they had obligations as well as the Government. The first 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 where with to purchase wire netting to be supplied by them to occupiers. The council would repay the loan by twenty annual instalments, and the occupiers would pay 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. The Surveyor-General, reporting on November 7 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. The principal provisions of the Bill dealing with this matter were clauses 4 and 5. The following 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 the 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 and retention of arrears out of rates belonging to the board. Other remedies were preserved in 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 I. of part VI. also. Sections 126 and 127 of the principal Act 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 has supplied material. Clause 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 sufficient 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 time. 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 materials 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 ratable property within the area to be proclaimed, but it was not expressly stated. Clause 18 remedied this. 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 eases 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 this. 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 instalments, 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. This anomaly would be cured by the new section in clause 20. Section 209 provided that for the purposes of the Act land shall be deemed to be enclosed when “three-fourths of the boundaries” thereof are fenced. Did this 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 is therefore inoperative and should be expressly repealed. This was done by clause 22. Vermin boards and councils, and private persons upon whom the Act east the duty of suppressing vermin, found it. impracticable to do so without laying poison for the purpose, but there was nothing in the Act legalising the use of poison. Clause 23 expressly authorised it subject to certain safeguards as to notices. These were similar to those required by the Dog Act of 1884. This was mainly a machinery Bill, and no doubt the principal work would be done in committee.

On the motion of Mr. JAMIESON the debate was adjourned until next day.