**VERMIN-PROOF FENCING BILL 1891**

**Legislative Council, 13 October 1891, pages 1515-1517**

Second reading

**The ATTORNEY-GENERAL (Hon. R. Homburg)** in moving the second reading said that the object of this Bill, which he had previously partly explained, was to construct a dog and other vermin proof fence from some place near to Morgan, on the River Murray, to a point on the Cockburn Railway line, in the Hundred of Nackara. The total length of the fence from Morgan to the Cockburn line would be 1083- miles, and so far as the Government were able to ascertain there would be no particular difficulties regarding the character of the country that would have to be traversed. Section 3 of the Bill showed that the Government had provided a graduated scale of contributions by the owners, owners and occupiers of land within twenty miles east and west of the line of fence. Those living immediately adjacent to the fence on the western side would have to pay towards the expense of the fence 1d. if within five miles, 3/4d. if within the next five miles, 1/2d. if within the next five miles, and 1/4d. if within the last five miles. Regarding the owners of land on the eastern side of the fence the Government had provided for two payments in progression, viz., three-twentieths of a penny for those within the first eight miles, and one-tenth of a penny for those within the last twelve miles of country. Subsequent sections of the Bill authorised the Commissioner of Crown Lands immediately after the passing of the Bill to prepare a list of the names of the owners and occupiers who would have to contribute towards the expense of the fence. The list of the names of the persons so liable to contribute would be published in the *Government Gazette*, and within thirty-one days after publication of such notice every person whose name appeared in the *Gazette* would become responsible to the Commissioner of Crown Lands for contributing to the cost according to the rates of progression referred to. A subsequent section dealt with the duty of District Councils to keep the fence in repair, and if Hon. members would refer to the plan which he had prepared, and upon which the area intended to be rated was more particularly shown, they would find the names of the various District Councils set out. The Government agreed to contribute an equal amount towards the construction of the fence, and also a fair proportion for the lands unlet. The total length of the fence would be 1082 miles. The subsequent provisions gave the District Councils power to declare rates to keep the fences in repair where the District Councils neglected to do therepairing the power was vested in the Commissioner of Crown Lands, who could charge the District Councils expenses. Sections 9,10, and 11 provide for the power of the Commissioner to ask for and for penalties to be inflicted on any one injuring the fences. The next section dealt with the current proceedings for the recovery of penalties, and, finally there were provisions for an appeal to the Local Court in Adelaide. (Hear, hear.)

Mr. ASH said the introduction of this Bill this year justified the remark he made when a similar proposal was introduced last year to the effect that it would not do away with the rabbit difficulty because it did not touch the source of the trouble and provided no machinery for compelling the destruction of rabbits. It gave no guarantee to the landowner, who obeyed a notice to kill rabbits, that other people would destroy the vermin. The Bill passed last year put the State to considerable expense to benefit the landowners (some of whom were wealthy) in supplying netting without demanding interest on the cost for ten years. (Hear, hear.) That was a considerable concession, but justification could be found for it in the fact that it applied impartially all over the colony, and because the State had been to a considerable extent responsible for the spread of the rabbits. The Bill could not be justified in the same way. It did not apply impartially all over the colony, and if it were not defeated they must look forward to the Government receiving requests from different parts of the colony for similar treatment. (Hear, hear) Every inch of this fence could be erected under the provisions of the Bill of last year, which went quite far enough. Ultimately the expense of this interest fell on the colony as a whole, including people who had no land at all. He admitted that landowners had reason for complaint against the negligence of the State in the past, but that had been compensated for by the provisions of last year’s Bill. (Hear, hear.) In the South-East some squatters were erecting fences at the expense of the State as far as the interest was concerned. The present machinery for the compulsion of owners to destroy rabbits should be perfected. Until that was done gifts such as that contemplated in the Bill would be of no use. As section 3 provided that payment for half of the cost should be made on both sides of the line he presumed there were rabbits on each side, and if that were the case a rabbit-proof fence alone would be of little use to land two or three miles away. He had seen selections three-quarters of a mile from the vermin-proof fence on the Victorian Border which had not benefited in the least by it. Something else was necessary besides the mere erection of a fence. The Bill gave no guarantee to a landowner who destroyed the rabbits on his own property that his neighbour would do the same. Possibly there were some landowners in this area of country who had already erected fences around their property—(No)—and it would be unfair to make them contribute towards the cost of this line of fences. (hear, hear.) Although only one mile of variation was allowed, the Commissioner had power in the erection of the fence over land twenty miles away from it. Surely nineteen miles of elbow-room was not required by those constructing it. What would prove a troublesome complication would be introduced by section 7, which provided that after the fence was erected if some of the land within a distance of twenty miles was not in the District Councils named in section 3 those District Councils could levy rates from the owners. That would work strangely with the Councils Act of 1887. If these people were to pay rates they were entitled to a voice in the representation on the District Councils, and if they had that privilege they would influence the election of members of a District Council, which would deal with numberless other matters besides the destruction of rabbits. These extra-territorial landowners might be numerous enough to outvote those residing in the district, which, of course, would be highly unfair. He feared that this was another case when the consideration of principles affecting a matter would be pushed aside for the sake of passing something which expediency dictated at the present. (Hear, hear.) On behalf of the taxpayers, who would have to pay at least £4,000 of the expenses, he protested against the Bill. (Hear, hear.)

Mr. WHITE said it was unfortunate that Mr. Ash was not acquainted with the country in the neighbourhood of the proposed fence. There was a vermin-proof fence erected on the New South Wales Border, which would be about seventy miles away from this fence. The rabbits were starving out there, and were going to the westward. At present those on the outside destroyed the vermin, and those on the inside were benefiting. The rabbits were in some cases eating the settlers out of house and home. If the Bill were passed that the line be erected the country would be divided. He hoped that the House would pass the Bill in time for it to be of service this season. If Hon. members had agreed to his proposal last year all this difficulty would be avoided. (Hear, hear.)

Mr. CALDWELL agreed with Mr. Ash. The passing of the Bill would commit the country to a policy which had been studiously avoided for years, and it would be the beginning of much trouble. The rabbit difficulty prevailed in almost all parts of the colony, and the Bill was only playing with it. Mr. Cock could tell them what had been the result of the Victorian Border fence. The rabbits were as numerous on one side of that fence as on the other. If the proposed fence were erected the Government would require to appoint caretakers to look after their unoccupied land and keep the rabbits in check, and as he did not believe the fence would have the results anticipated he intended to oppose the Bill.

Mr. HOLDER said it was unfortunate that Mr. Ash and Mr. Caldwell were not acquainted with the country (Mr. Caldwell -“I am”) - because there was no other part of South Australia where a fence would enclose such a vast area. On one side there would be the Murray and on the other the Cockburn railway fence, and the effect would be to greatly facilitate the destruction of the vermin, which could not be destroyed without the fence. The rabbits travelled in different directions at different periods of the year. When the summer was over and the rains began to fall in the eastern districts they worked eastward, and the fence would enable people to deal with the difficulty in the east and west at different seasons. Instead of being the beginning of trouble the fence would soon have the effect of ending it. He was with Mr. White last year in connection with the vermin-destruction provisions, and said that the Bill would not have the desired effect, and it had not accomplished what was expected of it. He was not only giving his own opinion with respect to the proposed fence, but also that of persons in a position to speak with authority. If the land were alienated he would say that the people who owned it ought to pay the whole of the cost, but there were two classes of land to be dealt with. There was land leased by the Crown, but which would not be held much longer if the fence was not put up, and there was unoccupied land, and for the sake of still getting rent for the leased land the fence ought to be erected. The Government had a good deal of land, especially on the eastern side, for which they could not find tenants, but if the Government paid half the cost of the fence that land would immediately become valuable. While the Government required private occupiers to deal with the vermin question they must admit their own obligation to destroy vermin on the unoccupied land. By paying half of the cost of the fence the Government would be making a fair contribution, which would be returned in increased rents and increased produce from the land. He would have preferred to see the fence erected twenty miles to the east, but was content with the proposed rate as being better than nothing. (Hear, hear.)

Mr. GILES endorsed the remarks of Mr. Holder. The erection of the fence would lead to the permanent and profitable occupation of the country. If the Government had not undertaken to fence the Cockburn line there might have been ground for opposition to this Bill, but as that work was nearly completed and as the new fence would enclose a large district the arguments that the new line would be of no use fell to the ground. The expenditure would not be large, but the benefits would be very great, as the fence would enable people to combat the difficulty. The fence would have to be put up, or else the country would be abandoned.

The Hon. A. CATT moved the adjournment of the debate. Negatived.

Mr. MCDONALD said that if rabbit-proof fencing had been a success in the past there would be some reason for passing the Bill, but experience showed that it was a failure. Years ago the Government spent £150,000 in vermin destruction, and the country protested against the outlay, but now the policy was to be reverted to. If the Bill passed members would naturally expect the Government to erect other fences, and there was no telling what the ultimate expenditure would be. If the land was so thickly infested the Government should let it for next to nothing and compel the lessees to destroy the vermin. He would vote against the measure.

Mr. O’LOUGIILIN said if members knew the country they would not oppose the Bill, the defeat of which meant that the area concerned would be abandoned. An expenditure of only £3,000 would be involved, and thousands of miles of country would be benefited. Unless the fence were erected the Cockburn Railway fence would be useless. The Bill passed last year was entirely inoperative as far as this particular country was concerned, and the people who knew the country and lived there said the erection of the fence was the only solution of the difficulty. Men from the South-East knew nothing about the troubles of these settlers.

Mr. COCK opposed the fencing off of a special bit of country. If he thought fencing was any good to keep out the rabbits he would not oppose the Bill. An enquiry should be held into the whole rabbit question, and he would move in that direction before the session closed.

Mr. MILLER said the fact that the residents were going to contribute one-half the cost was a sufficient guarantee that the fence would be useful. The settlement on the eastern side of the proposed fence was agricultural, while that on the western side was pastoral. On the west attempts were made to destroy the rabbits, but on the east the old leases did not contain a provision for their destruction. The lessees on both sides should have to destroy the rabbits on their land - accept the assurance of the members for the district that the residents were willing to be rated for the purpose.

The Hon. Dr. COCKBURN did not think the rabbits would be exterminated without the erection of fencing. Members had an undue responsibility thrust upon them because the Government would not take the responsibility of the Bill, and they should take extraordinary steps to see that the fence proposed would be the correct thing, especially as the ratepayers in the district were not unanimous. Knowing that and also that the Premier, who was an authority, was opposed to the fencing, members should be cautious. He would like to know the views of the District Councils affected. They might have been obtained. The principle of the Bill was doubtless sound. The Government must either destroy the rabbits on their land, or if they would breed vermin they must fence off their warrens. He would support the Bill, but they should be especially cautious in the matter.

The Hon. C. C. KINGSTON was astonished at Dr. Cockburn’s attitude. He complained that the Bill had not the authority and full weight of the Government behind it, although the other day he moved a motion which would allow members to bring forward measures on their own responsibility. (Hon. Dr. Cockburn - “There is a difference. Under my principle the Premier would not vote for the Bill as he is going to.”) He did not see that Dr. Cockburn was much assisted by that distinction. As to the Bill itself the cost of the fence was put down at about £6,600, of which the residents were to pay half. What was to be the result? There was an old saying, “Blessed is he who expecteth little, for he shall not be disappointed.” What was the principle? Rabbits were a nuisance. So were mosquitoes. (Laughter.) Where were they going to stop? He sympathized with the farmers who had got their land for nothing, and some of whom had never paid the purchase-money and rent which was fixed. If the proposed fence were made higher, and the meshes were made smaller, it would keep out the locusts. (Laughter.) Why should not netting also be provided to protect settlers from the mosquitoes which affected their comfort? Just as much as other settlers’ crops were proposed to be protected.The proposal was absolutely without rhyme or reason. He believed in the State undertaking necessary works that could not be done by private people. They should not, however, make fish of one district and fowl of another, but view all proposed work from a national standpoint. A Committee might be appointed to go into the whole question of the rabbit nuisance, but the House should not be put in the awkward position of extending to one district considerations which they would not give to another. He was not afraid to vote for a public expenditure for the public benefit, but a matter involving a principle of grave character like this should not be affirmed by legislative act without the fullest consideration. He was not prepared to vote in favour of the Bill at present, and whilst he was perfectly prepared to assist in further investigating the question, and for the adoption of a national policy on the question, he would not, however, deal piecemeal as was now proposed.

On the motion of Hon. Cattthe debate was adjourned till October 15

**VERMIN-PROOF FENCING BILL 1891**

**Legislative Council, 15 October 1891, pages 1560-2**

Adjourned debate on second reading.

The Hon. A. CATT said the Bill contemplated a new experiment which he did not much approve. Had a scheme been proposed for fencing off all the vermin-infested districts in the colony it would have been more satisfactory, but to make a fence in one particular locality and in such a way as to be of little use was inadvisable. He saw no reason why persons living twenty miles away from the proposed fence should be rated, and as in the past he anticipated there would be considerable difficulty in collecting these rates. He did not see how they would benefit much by the fence, which would rather keep the rabbits on their own ground and prevent them from going westward. (Mr. Holder—'\* They will be kept away at some portions of the year.” Hear, hear.) The evidence given by Mr. Cock with regard to Mr. Magarey’s run in the South-East was valuable as showing what reliance could be placed on the fencing, and he had the evidence of a person living near the Murray that he had to keep people employed for the purpose of killing the rabbits that got through the fencing he had erected. A fence that was left to take care of itself would be of very little practical good. Knowing what the experience had been in connection with the fences on the boundaries of Victoria and New South Wales with South Australia he could not help believing that the proposed fence would be of little service. If the proposal were to erect the fence in such a manner that the country could be divided into small areas some good might be done. True, the fence might be of use to some people on the western side, but still a staff would have to be employed to keep it in repair. He was fortified in his position by the opinion of the Treasurer, whose contrary action, however, he could not understand. One day the Treasurer said the whole thing would be a mistake, and that the erection of the fence meant a waste of money, but in the face of that opinion he asked the House to pass the Bill. The fact was that the Treasurer was advocating something which he did not believe in. To start with £6,000 would have to be spent on rabbit destruction; in a short time the amount would be increased to £60,000. The Treasurer had said that they might just as well have thrown the money into the sea as spent what was necessary for the erection of the Victorian Border line. (Mr Handyside —“ That’s not correct.”) He was astonished at the position taken by the Treasurer. The Attorney- General must feel the awkwardness of the position also, because last year he said it would be almost impossible to collect the rates. The people would not pay, and who would look after the fence? Experience in connection with the Bathurst burr would be repeated. Unless the fence were constantly attended to the rabbits would soon get through. In 1883 he visited New South Wales and Victoria, conferred with the Inspectors and Ministers there, and made a personal inspection of the country on the Murray. From what he saw there he was convinced that the fence would be a failure. Trees were barked by the rabbits to a height of 6 feet, and although it was said that the Murray would act as a fence it had been proved to him that rabbits crossed the river at times. If any real good was to be done the Government would have to make a complete investigation, and come down with a comprehensive scheme. He intended to vote against the Bill. (Hear, hear.)

Mr. LANDSEER supported the Bill, because no better proposal towards the abatement of the nuisance had been made. The fence would be very useful, because the settlers could erect branch lines to it, and when it was put up he believed they would be glad to do everything in their power to prove its utility. One thing certain was that unless the fence received proper attention after its erection it would be of little use. The Bill ought to be supported, so that the system might be given a fair trial in such open country.

Mr. HANDYSIDE had always advocated the erection of vermin-proof fencing, because experience had proved that it was an efficacious means of coping with the rabbit difficulty. People who owned land near the lakes on the Murray had got rid of the rabbits that used to be so numerous there by the erection of proof fencing, and the proper supervision of that fencing. Until the Government divided the colony into districts by the erection of proof-fencing the vermin difficulty would never be completely got rid of. With regard to the Victorian Border fence he could say positively that there was no better fence anywhere than that portion which was erected by South Australia. Vermin were prevented from coming into South Australia from Victoria, and had the fence been erected many years ago thousands of pounds would have been saved to the colony. The settlers had found it to their advantage to keep the line in repair, and it was a mistake to say that fence had been a failure in spite of Mr. Catt’s fears in that connection. So far as the proposed fence was concerned there might be rabbits on both sides at the time of its erection, but they would not breed so quickly if they could not move from the bad to the good country. The fence would prevent their migration, and they could be easily killed on the bad country at different periods of the year. The Government could not be blamed for bringing the Bill forward, as they only did so in accordance with the wish of the House. (Hear, hear.)

Mr. COCK said he wished to move a contingent motion.

The SPEAKER—The hon. member cannot do it, as he has already spoken.

Mr. HACK, on behalf of Mr. Cock, moved to amend the motion to make it read—“ That it is undesirable for the Government to provide money for any vermin-proof fences, except it is advanced through the District Councils, until the Government have submitted a scheme to this House fully dealing with the whole question of vermin destruction.” It was not at all apparent that fencing was certain to be a success. There was no doubt, if the fence was protected as a man would protect his own property, it would be a success. The difficulty was to keep the fence in repair. When they heard the experience of men like Mr. Catt, who had enquired into the matter, members would surely admit that more information was required. (Mr. Holder — “The people concerned are satisfied, because they have agreed to pay half the cost.”) As soon as the fence was up there would be applications for similar fences from all parts of the colony. They should have the best scheme. The Victorian boundary fence, which had been referred to, was not in good order. (Mr. Holder—“ There are essential differences—the people have not to keep it in repair as they would have to do with this fence.”)

Mr. Hack’s amendment was negatived on the following division:—

Ayes, 4—Messrs. Cohen, Hack, Hooper, and the Hon. A. Catt (teller.)

Noes, 25—Minister of Education, Treasurer, Commissioner of Public Works, Messrs. Brooker, Burgoyne, Dashwood, H. E. Downer, Giles, Gould, Grayson, Hancock, Handyside, Holder, R. Kelly, J. R. Kelly, Lake, Landseer, Miller, Moule, Osman, and Scherk, Sir E. T. Smith, Messrs. Solomon and Stocxc, and the Attorney-General (teller).

Majority of 21 for the Noes.

Pairs.—Ayes—Messrs. Ash, Caldwell, Cock, and Grainger. Noes—Dr. Cockburn, Messrs. Gillen, Lamshed. and O’Loughlirt.

The ATTORNEY-GENERAL (Hon. R. Homburg), in reply, said that the remarks of Mr. Catt required some explanation from the Government. Mr. Catt laid great stress on the fact that the Treasurer stated that it would be a great mistake to erect the fence, and that it would be an absolute waste of public money. Whatever the Treasurer said at the earlier period referred to was with the qualification that if the people who resided in the immediate vicinity of the fence were prepared to pay half the expense he would be prepared to ask Parliament to pay the other half, and immediately after the statement was made an advertisement to that effect was inserted in the *Government Gazette.* In passing the Bill they were not laying down a precedent that would have to be followed. (Hon. A. Catt — “There is no doubt about it.”) They were not passing a general Act such as that of 1890, by which annually money for fencing was placed on the Estimates and dealt with in bald resolution. Now they had a specific Bill, and if any similar fencing were required in future the identical course would have to be followed. (Hon. A. Catt— “ The Treasurer has not qualified his statement that this will be a waste of public money.”) Yes, he had. The position of the fence on the boundary of the colony was different from that in which this fence would be. The boundary fence went through deserted country, while that now proposed ran through country which from one end to the other on the western side was occupied by small graziers and farmers. (Hear, hear.) Within twenty miles of the fence on the eastern side there were 404,000 acres unoccupied, but of that 207,000 was now being dealt with by the Land Board, so that very soon out of the strip of land 109 by 20 miles only 200,000 acres would be undisposed of. It would not be to the interest of the persons who were going to pay one-half the cost to let the fence get into disrepair. The District Councils would be bound to rate the people served by the fence. Was not the statement that rabbits would get over a fence contrary to the experience of those able to speak with authority? (Hon. A. Catt—“ They get over a fence 3 or 4 ft. high. Hear, hear.) The amount of money spent by private enterprise in erecting fences showed that fencing had proved effective. (Hear, hear.) A great deal had been spent in the Hundred of Davenport and in the South-East. Apart from that a large number had availed themselves, with the assistance of the District Councils, of the provisions of the Vermin-proof Fencing Act of last year, and he believed that upwards of £25,000 had been guaranteed by various District Councils for the purpose of using vermin-proof fencing and wire- netting. (Hon. A. Catt—“ Why can’t those District Councils do the same?”) Because the fence was designed to serve not only country within District Councils but country outside. Under the circumstances he asked hon. members to agree to the second reading. (Hear, hear.)

The Bill was read a second time.