**RABBIT SUPPRESSION BILL 1879**

**Legislative Council, 15 July 1879, pages 383-8**

Second reading

The CHIEF SECRETARY (Hon. W. Morgan), in moving the second reading of this Bill, had no doubt that Hon. members would recollect that the matter had been often before them for consideration, and had received a great deal of consideration at their hands . More than one Bill had been rejected by the Council; but the subject was a very difficult one to deal with, and that was equally an excuse for the House for rejecting the measures and for the Government so soon seeking to amend the Act which had been passed. The present law provided that certain districts should be proclaimed rabbit districts at the request of a certain number of landowners holding not less than eighty acres each. This was found inoperative in some parts, of which the Burra was an example, for there was no power to declare the lands of the Corporation in a rabbit district . It had therefore been thought well to have the colony declared a rabbit district, which the Commissioner of Crown Lands would have a right to do. It was provided in the present Act that lessees of the Crown should pay the expense incurred by the Commissioner in exterminating the rabbits on their land, except their leases were resumed within three years. As this operated very unequally between the person whose land was resumed before the three years were up and the person who might have his land resumed a month or so after that time, it was therefore provided that a third of the payment should be made each year, so that the longer a person enjoyed the lease the more he had to pay, which was a fair arrangement. Legislation on this matter was new, and they had had no experience on the subject; and this was the reason they had to come now for fresh legislation on the subject If the payment of the rate was not made there were means provided for making the person liable pay or recovering the money. It was in clause 20 of the Bill, which was a copy of the I48th section of the District Councils Act of l876. He begged to move that the Bill be now read a second time.

The Hon. H. SCOTT would be glad to support the second reading of this Bill, and saw that some relief was to be given to the holders of leases of freehold lands for the short time only. In the 15th clause he thought there was some injustice done to the pastoral tenants in the provision that long and short leases should pay in proportion to the length so much per year, for those who held freehold pastoral land on fee-simple or on a long lease were surely benefited, but he failed to see that in the case of holders of leases for a short period only. Putting pastoral lessees on the same footing as tenants of agricultural land was, he thought, a mistake.

The Hon. J. FISHER would not oppose the second reading of the Bill, but in Committee might have to move to amend it. He objected strongly to clause 20 of the Bill for reasons which he would state, and he was surprised that it should be in the Bill, with the present Attorney-General in the Government. This clause had been copied from the District Councils Act of 1876, and a more disgraceful piece of legislation never had passed a Legislature in the world. It provided that in case of rates remaining unpaid for a certain time after a notice had been inserted three times in the Government Gazette, which was not generally read, on application to the Supreme Court the land could be sold. A case had come under his notice which showed the unjust character of this provision. He was agent for Mr. John Ridley, who was in England. Mr. Ridley held a section of very sandy land near Port Elliot, and between that place and Goolwa. The deeds for the land had been in the bottom of his deed-box for years. Some time since he had met a gentleman in the street who surprised him by informing him that his brother had purchased the land, which had been sold for non-payment of rates. He had no idea that rates were due upon the land, and the owner was well known, and had a notice to him been put in the Post here without any address but "John Ridley" it would have been delivered to him as his agent. But no notice had ever been given to him. He was not in the habit of reading such notices in the Gazette, and the application had been made to the Court and the land sold, and thus he considered he had been swindled out of £150, for he did not know yet whether or not he would pay the amount himself, though it was an accident that might happen to any person. He had gone to the Attorney-General himself, who had transacted his legal business for years, and after looking into the question he had advised him that there was no remedy, the clause being a very defective one, which had been hastily passed. was going to ask the Chief Secretary to call the attention of the Government to the need of an amendment in the District Councils Act, but he was really surprised that the Attorney-General should have used the provision again here.

The Hon. R. C. BAKER thought Mr. Fisher must have misunderstand the Attorney-General, or the Attorney-General must have a very indifferent recollection on this point, as the provision had been in operation since 1858. The last District Council Act was somewhat of a copy of the District Councils Act of 1858, or at least this clause was. In 1868 or 1869 the present Attorney-General himself obtained some sixteen or seventeen orders for the sale of land down at Glanvillee for the non-payment of rates. Mr. Justice Gwynne had commented strongly upon the state of the law at the time, but said that of course he was not there to amend it, but to administer it. In the case of the late Captain Hart be had discovered quite by accident, and just in time, that he had the receipts for all the rates reference to which the land would have been sold, and the Clerk of the District Council had excused himself by saying he was a new official and that the former Clerk had received the moneys and neglected to make the necessary entry in his books. Another point which he wished to call attention to was the enormous expense that would be entailed carrying out the provisions of the Bill. There was a clause in it to the effect that the Government shall forthwith destroy all rabbits on Crown lands. He did not know whether the Government intended introducing a loan for the purpose, but he was sure it would be necessary if they were to observe this provision; and if they did not observe it, how could they expect other people to do so? A large amount of time was frittered away in serving notices under the present Act. He knew of an instance where three men had taken a month to serve notices under the Act, whereas one man employed by the District Council to serve a similar number of notices had done his work in three days. (Mr. Morgan—"Will the hon. member oblige me with the name of the district?") He would do so privately. As to the cost of eradicating the rabbits, he thought it only fair that the holders of land in fee-simple should pay the larger proportion of it. Tenants would undoubtedly derive a benefit varying in accordance with the length of their leases, but he believed the freeholder would receive the greatest benefit.

The CHIEF SECRETARY (Hon. W. Morgan) would admit at once that cases of hardship might arise under the District Councils Act, but the provision which had been referred to had been in operation for something like twenty years, and certainly few cases of grievance had been made out. He maintained that unless there was some such provision there would be no means of getting at many holders of land.

The Hon. J. FISHER—All that is necessary is to serve proper notices on such persons, but it is a monstrous injustice to sell their lands without their knowing anything about it.

The CHIEF SECRETARY (Hon. W. Morgan) pointed out that it would be a very difficult task indeed if it were made incumbent on the Government to find out who were the owners of land so as to serve direct notice on them. If the hon. member would propose any practical or workable amendment on the point he would have no objection to adopting it. He did not want to pass legislation that would be a grievance to anyone. Persons owning land must look after their own interests. It was their duty or that of their agents to see that their rents were paid. With regard to Mr. Baker's remark about the way in which certain men were doing their work, all he could say was that the hon. member being a guardian of the public funds, should have informed the Government if he thought money was being wasted. If his attention or that of the Commissioner of Crown Lands had been called to the matter it would have been remedied. The destruction of rabbits had already cost the Government a large amount of money, and a great deal of expense would have to be incurred in the future, but he believed the money would be well spent. The Surveyor-General had reported that a number of parties were at work, and that they had been successful in their efforts to exterminate the pest.

The motion for the second reading of the Bill was then put and carried.

In Committee.

Clauses 1 to 6 were passed.

Clause 7. Commissioner may destroy rabbits on Crown Lands.

The Hon. J. FISHER said that a letter had been received by a member of the Council, which showed that it was no use compelling private owners to destroy rabbits unless the Government destroyed them on lands adjacent. The letter, which was written by Mr. J. D. Sandland, of Koonoona, and addressed to Mr. Duffield, was as follows: — "The Rabbit Inspector at the World's-End has given me notice that he intends placing a Government party on the scrub sections. I believe he has already sent some, as he considers that I have not sufficient hands there. I will take down more help on Monday. I think it most unfair of the Government to compel us to destroy the rabbits when they have themselves thousands of acres of land as yet untouched. The stock roads from Gums to Black Springs and all Crown lands in Apoinga have thousands of rabbits on them, and these places have not been touched."

The Hon. J. PEARCE said he could confirm the statement made in the letter. He happened to hold some land in the same neighbourhood, and had been employing a number of men, who had cleared the rabbits off about 1,000 acres of land. There was some scrub land belonging to him, another portion of the scrub adjoining being Crown lands. He had instructed his overseer to communicate with the manager of the rabbit-destruction party in the district, pointing out that it would be useless commencing work in the scrub until the Government commenced, because as fast as they were destroyed in one place others from the adjoining lands would take their place. He did not know whether his overseer had communicated with the Government overseer, but he knew that no men had been set to work on the Government land. He believed that the owners of land were cheerfully complying with the provisions of the Act now in force; but the Government had a heavy task before them to clear the rabbits off Crown lands. He had been informed that the Government Inspector had instructed his overseer to put on additional hands to exterminate the rabbits, and he should like to know why the Government should be so stringent when they were making no effort to clear them off adjoining Crown lands.

The Hon. H. SCOTT called attention to the provision in the clause to the effect that the burrows of the rabbits should be filled in. He had been told that the filling in of the burrows was a suicidal policy, and he thought it better to leave the words out. The burrows could be filled in if it were thought necessary to do so.

The Hon. J. CROZIER understood that the burrows were the best places to destroy the rabbits in. He felt sure that the expense of filling them up would be greater than that of destroying the rabbits. The Government had undertaken a very heavy task, and he was afraid they would perform it as they did other tasks—very badly.

The CHIEF SECRETARY (Hon. W. Morgan) said that the experience of the Government parties was that the best means of destroying the rabbits was by filling up the burrows. He believed it was essential to the success of the Bill that the burrows should be filled up. Some hon. members had complained that the Government were not doing enough. (Mr. Pearce—"They are doing too much; they are forcing other people to do a great deal when they are doing nothing themselves.") He should be very glad if the hon. member would complain on the subject to the Commissioner of Crown Lands.

The Hon. T. HOGARTH thought that the rabbits should be cleared off Crown lands by contract, as he believed the work would be done at one-fifth of the present cost. There was no need to fear that owners of property would not destroy the rabbits, and if the Government did the same the pest would soon be got rid of.

The Hon. R. C. BAKER said that the clause had not the effect which it appeared to have on a superficial reading. Through the definition given in the interpretation clauses "Crown lands" meant nothing at all. It might apply to roads, stock reserves, and public reserves, which were limited in extent.

The CHIEF SECRETARY (Hon. W. Morgan) said that there was a large extent of forest reserves, travelling-stock reserves, scrub lands, and lands open for selection, which the Government would have to clear of rabbits, and they would have quite as much as they could do.

The Hon. J. PEARCE moved that the words "and fill up their burrows" be struck out.

The Hon. R. A. TARLTON hoped that the amendment would not be adopted, as it appeared to him that it was essential that the burrows should be filled up.

The Hon. A. HAY agreed that it would be better to strike out the words, as his belief was that if the burrows were filled up it would simply result in the rabbits being driven on to adjoining lands for shelter.

The Hon. W. SANDOVER thought the striking out of the words left it open to the Government or settlers to adopt the best course for the destruction of the rabbits. He thought the Bill would he more perfect from the omission of these words.

The Hon. Dr. CAMPBELL was of the same opinion, and thought it might depend on circumstances whether the burrows should be filled up or left open. He would move, as an amendment, that the words "take steps to effectually" be inserted before the word "destroy." and leave out the words "and fill up their burrows."

The CHIEF SECRETARY (Hon. W. Morgan) hoped the amendment would not be agreed to, as it was necessary that they should have some defined action provided for.

The Hon. H. SCOTT had had a good deal of experience in this matter, and found that leaving the burrows open allowed cats to lodge on the lands, and he had never seen more rabbits destroyed than had been destroyed at Ryland Estates by letting loose tame cats and by schoolboys with a number of little dogs, (Laughter.)

The CHIEF SECRETARY (Hon. W. Morgan) said the words Dr. Campbell had moved to strike out were inserted at the instance of Mr. Moody, member for Light, who must be taken to have had a good deal of experience of the rabbit nuisance.

The Hon. H. KENT HUGHES had, he thought, had more experience than any other member of the Council as to the rabbits, and found that men with traps had cleared one of his stations, so that he could only see one rabbit when last there.

The Hon. J. CROZIER thought it waste of money employing men who knew nothing of the business to destroy the rabbits. He would know by the look of a burrow whether there was a rabbit it in from foot-tracks and other indications.

Dr. Campbell withdrew his amendment, and that of Mr. Pearce was carried.

The clause as amended was passed.

Clause 8 was verbally amended and passed.

Clause 9. Power to enter upon land and search for rabbits.

The Hon. J. PEARCE wished to know who was considered a duly authorized person. He was proprietor of some land divided from Government land by a wire fence, and had been noticed to destroy the rabbits. He told those who noticed him that he would do so when the Government went about the same work on their lands, but though that had not been done the same persons sought to enter his land and charge him for doing the work. It was no use if all persons having land in a district did not act at the same time.

The CHIEF SECRETARY (Hon. W. Morgan) agreed with Mr. Pearce, and when speaking of the hon. member informing the Government had only desired that he should inform the Commissioner of Crown Lands of the matter of which he complained, as the Government could not be aware how the Act was being carried out at a distance.

The clause was then passed.

Clause 10.

The CHIEF SECRETARY (Hon. W. Morgan) moved to strike out the words "and fill up their burrows."

The Hon. J. PEARCE objected to the provision that the owner of land should destroy the rabbits upon half the road, as it came very hard where it was a travelling-stock road.

The CHIEF SECRETARY (Hon. W. Morgan) pointed out that the principle adopted was the same as in the Thistle Bill.

The Hon. J. FISHER did not think that a good argument, as the District Councils had not done their duty, while private individuals did theirs.

The Hon. J. CROZIER said the Government were the first to abandon compliance with the Thistle Act, and would probably do the same here.

The CHIEF SECRETARY (Hon. W. Morgan) said the reference in the clause was to ordinary roads.

The Hon. J. PEARCE did not read the Act in that way. Owners of land should be asked to destroy the rabbits on the roads, but they should be recouped their outlay.

The Hon. H. SCOTT agreed in that as to ordinary roads, but in the case of travelling stock roads the owners of adjoining land ought not to be compelled to do the work.

The Hon. J. PEARCE—If the Chief Secretary would consent to strike out the words "or main" before "roads" that would meet his view.

The CHIEF SECRETARY (Hon. W. Morgan) could not consent to that, and was sure the travelling-stock reserves were not main roads within the meaning of the Act.

The Hon. A. HAY thought before long most of these would be resumed.

The CHIEF SECRETARY (Hon. W. Morgan) promised that he would give an opportunity for reconsidering the clause if he found that the reserves were main roads.

The clause was then passed.

Clauses 11, 12, 13, and 14 were passed, with consequent amendments.

Clause 15. Pastoral lessees to pay within three years.

The Hon. H. SCOTT thought the new provision here was unfair, and that they should re-enact the provision of the last Act which exempted a lessee from payment for rabbit destruction where his lease was resumed within three years.

The CHIEF SECRETARY (Hon. W. Morgan) wished the hon. member to point out how an injustice would not be done to the man whose lease was resumed within a month after the three years were up.

The Hon. J. PEARCE suggested that the term be extended to four or five years. The Government seemed to have made it three years designedly for the purpose of catching some lessees who had leases that would be resumed after three years. He would like to know what benefit lessees would derive from the destruction of rabbits if their leases expired in two years' time. The land would revert to the Government, and they would get the benefit of the expenditure, inasmuch as the land would be increased in value by at least 10s, per acre through the destruction of the rabbits. The Act passed last session was an oppressive one, and if the provision under discussion were agreed to it would be inflicting an oppression of a heavy character which was quite uncalled for.

The CHIBF SECRETARY (Hon. W. Morgan), in reply to Mr. Pearce's remark that the Government had designedly inserted the provision so as to get at people whose leases expired in a short time, said he was sorry the hon. member had such a bad opinion of the Government. The provision could not have been inserted with such an intention, inasmuch as no leases expired within four years. There might be exceptional cases where the land would be resumed, but he believed the clause would meet the equities of all cases.

The Hon. A. HAY thought that three years was too short a time, as the person occupying the land for that time would derive little benefit from the operation of the Act. He moved as an amendment that the word "three" be struck out, and the word "five" inserted.

The Hon. H. SCOTT pointed out that all pastoral leases were subject to resumption at one or three years' notice, and ordinary leases were subject to resumption on a year's notice. He thought the difficulty might be met by saying that pastoral tenants should bear the whole cost of exterminating rabbits. If that were adopted as a principle the payments to the Government in return might be extended over a longer term, say seven years.

The Hon. J. PEARCE was confident that some leases expired within the time stated, and on such leases the Act would inflict very great hardships.

The CHIEF SECRETARY (Hon. W. Morgan) did not think that there would be any cases of hardship. He believed that pastoral tenants would derive such benefits from the destruction of the rabbits that they would be able to pay year by year. He read of a case the other day when a squatter in New Zealand was asked why he shipped so little wool off the large quantity of land he held, and his reply was that he had shipped as many bales of rabbit skins as he had of wool. There was no doubt but that rabbits paid very well in this way. (Laughter.)

The Hon. T. HOGARTH did not think that rabbits did any harm on scrub lands. It had not been proved that they did any harm. The only people who were injured by them were wheat growers. Under the present system of employing men he did not think the rabbits would ever be exterminated.

The Hon. A. HAY said he did not propose his amendment for the benefit of pastoral lessees in particular, but for all lessees.

The question, "that the words proposed to be struck out stand part of the clause," was then put and declared negatived.

The CHIEF SECRETARY (Hon. W, Morgan) called for a division: —

AYES, 4 – Hons. W. Duffield, W. Sandover, R. A. Tarlton, and the Chief Secretary (teller).

NOES, 8 – Hons. R. C. Baker, J. Crozier, J. Fisher, Thos. Hogarth, H. Kent Hughes, J. Pearce, H. Scott, and A. Hay (teller).

Majority of 4 for the Noes.

Further corresponding amendments were made in the clause.

The Hon. H. SCOTT thought that as the clause stood a man whose land had been resumed within the five years would have to pay the whole cost of exterminating the rabbits: and to make it sure that he would have to pay whilst he was in actual occupation, he would move the addition of the following words: - "Provided that the lessee shall be liable to pay such annual proportion of the cost and expense only so long as he remains in occupation of the land."

The amendment was carried.

On clause 16—Other lessees or tenants under three years to recover proportionate part from lessor or landlord.

The Hon. A. HAY moved that the words "three years" be struck out and "five years" inserted.

The CHIEF SECRETARY (Hon. W. Morgan) would like to know how the tenant was to be got at, supposing the land were taken from him in the meantime and he had only to pay a fifth of the cost every year.

The Hon. R. C. BAKER thought if a tenant's lease had only two or three years to run it would be unfair to saddle him with the whole cost.

The Hon. J. FISHIER thought that the clause would have the effect of causing many fancy claims for the destruction of rabbits to be presented to owners.

The Hon. A. HAY said no fancy claims could be sent in, because the tenant could be compelled to show receipts from the Commissioner for moneys he had paid on account of the destruction of rabbits.

The amendment was carried.

On the motion for a consequent amendment,

The Hon. H. SCOTT thought that provision should be made as liberal for the agricultural as for the pastoral tenant, for the sake at least of having the Bill passed, though he did not know that the former deserved quite so good terms.

The amendment was agreed to, and the clause passed as amended.

Clause 17. Distress not to be levied by lessor whilst indebted under this Act to the lessee.

The Hon. J. FISHER said this provision was unworkable.

The clause was declared negatived.

The CHIEF SECRETARY called for a division: —

Ayes, 9-Hons. R. C. Baker, J. Crozier, A. Hay, H. Kent Hughes, W. Duffield, J. Pearce, H. Scott, R. A. Tarlton, and the Chief Secretary (teller).

Noes, 3-Hons. T. Hogarth, W. Handover, and J. Fisher (teller).

Majority of 6 for the Ayes.

Clause 18 was passed.

Clause 19. Commissioner may let land for payment of cost of destruction,

The Hon. J. FISHER said he would vote for this clause, but would oppose the next if provision were not made for due and proper notice to be served on the owners.

The CHIEF SECRETARY (Hon. W. Morgan promised to see that such a provision was inserted.

The clause was then passed.

The remaining clauses and the schedules were passed, and the Council resumed, leave being given to sit again on the next day of meeting.