**RABBIT DESTRUCTION BILL 1875**

**House of Assembly, 14 December 1875, pages 1025-32**

Second reading

**THE ATTORNEY-GENERAL (Hon. S. J. Way),** in moving the second reading of the Bill, said the measure contained a principle which had been affirmed by the House, and the facts and figures brought forward by Mr. Nock had shown the necessity there was for the introduction of such a Bill. In framing the Bill the Government had adopted very much the machinery contained in the Tasmanian Act; but for the purpose of saving expense they proposed to avail themselves of the machinery adopted by District Councils. The Act was divided into three parts—the first part relating to rabbit districts within the limits of District Councils; the second part relating to rabbit districts outside the limits of District Councils; and the third part to offences, penalties, and general matters connected with the Act. The Bill provided that rabbit districts might be proclaimed within the limits of districts by the Governor upon a petition being addressed to him from a District Council, and when any such district was duly declared provision was made authorizing the District Council to do all that was to be done to ensure the destruction of rabbits within a proclaimed rabbit district; and if the rabbits were not destroyed after due notice had been given to the owner or occupier of the land on which the rabbits were the Council was authorized to enter upon the land and use such means as were necessary for exterminating them That was the general gist of the measure. Provision was made that the District Council might levy a special rate of not more than one shilling in any one year if any additional expense had to be incurred in carrying out the provisions of the Bill. Those were the provisions relating to District Councils. As to rabbit districts outside the limits of districts, it was provided that a Board might be appointed having the same powers under the Bill as District Councils, and a rabbit district having been proclaimed the Commissioner of Crown Lands, or those whom he had appointed, might put into force the provisions he had drawn attention to. Provision was made for protecting officers authorized under the Bill from interference. The Government claimed to have made the measure simple in its provisions, and although in some respects it was different from the Tasmanian measure, yet in the main it was similar, and that measure had been found to be of great public benefit.

Mr. NOCK was pleased that the Bill had been introduced, but he regretted that the Tasmanian Bill had not been more closely followed instead of the Government introducing so many new clauses, under which the power of dealing with the rabbit nuisance was given to two or three bodies. It would have been better that the matter should have been taken in hand by trustees appointed by the ratepayers, or that power should have been given to landholders to petition for the declaration of rabbit districts. That would have been preferable to leaving the Bill to be worked by districts, or in cases of land beyond their limits by the Commissioner of Crown Lands or a Board. One serious objection, too, he noticed, was that the Crown lands were exempted from being included as rabbit districts. (The Attorney-General—“ No.”) The interpretation clause defined property as being all lands except land belonging to the Crown not sold or contracted to be sold. The Bill would certainly be worse than useless if Crown lands were to be exempted. He read a letter from a constituent residing north of Kapunda pointing out the fearful ravages of the rabbits on his property, and stated that taking his average loss upon his wheat at 5s. per bushel his loss would amount to £1,500 through the rabbit pest, and that was owing in a great measure to numbers of rabbi's existing on Crown lands adjoining and a neighboring run.

Mr. COLES supported the second reading of the Bill, but he did not think the District Councils were likely to carry out its provisions any better than if the whole question were left entirely to the Government. In confirmation of the necessity for introducing such a measure, he mentioned that on many of the farms between Kapunda and the Burra the farmers had lost from two to three bushels of wheat to the acre through the rabbits, and he believed if legislative steps were not taken for their extermination, very little wheat would be grown on the lands north of the Julia Creek. He had letters from Captain Killicoat, of Kooringa, Mr. G. Warland, Mr. W. Marchant, Mr. Jas. Love, of Gum Creek, and Mr. McCulloch, of Gottlieb’s Wells, informing him that the country in that neighbourhood was swarming with rabbits, and that they were causing fearful destruction to the crops. He agreed that the Bill would be valueless if the Crown lands were exempted from being proclaimed as rabbit districts where the nuisance existed. He thought that too much power was vested in the District Councils. One Council might carry out the Act while an adjoining one did not, so that the work would be useless. He would support the second reading, hoping to see the Bill amended in Committee.

Mr. WHITE would support the second reading with the view of amending the Bill in the way suggested by Mr. Nock. The greater portion of the land in Julia Creek was held by one man. The rabbits went from the Anlaby Run across the travelling reserve to the farms on the other side, so that unless the rabbits were destroyed on that run and on the reserve the Bill would be useless.

The Hon. A, BLYTH thought something might be said in favour of giving a grant for the destruction of rabbits, but very little in favour of rating public lands that yielded nothing. He thought the work should be done by the District Councils. He would support the second reading of the Bill.

Mr. HAWKER said if the rabbits could be instructed not to burrow upon Government lands it would not be necessary to rate the Government, but under existing circumstances it was necessary that the Government should contribute. One of the definitions of landholder was a person occupying not less than 80 acres of land; but rabbits would breed very rapidly upon a very small piece of land. The nuisance had arrived at such a pitch that the destruction of property was enormous, and unless they took the bull by the horns it would be utterly impossible for the farmers to crop their land.

Mr. KRICHAUFF would support the second reading, but he had several faults to find with the Bill. He did not see why a distinction should be made between an owner of 40 acres of land and an occupier of 80 acres. If the Government wished to constitute districts where there were so few persons, petitioning it was doubtful whether the Bill would be of any use. What could be got from 10 persons who owned or occupied 80 acres each? He considered that the Government should spend a great deal themselves in rabbit destruction, or they would not be able to sell or let the Crown lands. No provision was made for clearing the rabbits burrowing upon roads, without which the Bill would be useless.

Mr. HANNAFORD would support the second reading; but he did not entirely agree with the Bill. He thought the District Councils would be the best to administer the Bill—(Hear, hear)—as they had all the necessary machinery at their command. Rabbits were becoming a great nuisance, and unless something was done it would be impossible to cultivate the land. The Government should do something for their destruction upon waste lands.

Mr. LINDSAY agreed with what had been said as to the imperfections of the Bill. If Crown lands were excepted, the rabbits would increase upon them as the thistles had done. The rabbits, whether alive or dead, should be carried free upon the railways, and that would tend to make the rabbits valuable as food here as they were in England.

Mr. DUNCAN said he understood that power would be given to District Councils to levy a special rate. It seemed rather unreasonable that if one landholder went to the expense of clearing rabbits that he should be taxed for the purpose of destroying them upon adjoining properties. The time given for clearing rabbits was too small. The rabbits were said to be very bad in the District of Light, and if so perhaps it was well to grapple with the difficulty, but while doing that perhaps there were other difficulties as great to be grappled with elsewhere. There were some districts where wallabies were a great nuisance, and farmers who were so troubled would object if persons were protected from rabbits while the wallabies were allowed to destroy their crops. He believed that the rabbits could be easily got rid of by cats, which might not clear out the old ones, but prevented increase. He thought that the Bill was a piece of over-legislation, and that it would be a par with the Thistle Bill, under which private landholders were compelled to cut thistles while the Government grew them upon the adjoining land. It was true that the Government employed men to cut them down in some places, but there was good reason to believe that the men so employed spent their time in playing cards, and that they took good care that the country was seeded, so as to give them work for the next year. If the Government meant to carry the Bill they should make provision for taxing themselves.

Mr. COGLIN would support the second reading, and thought that after the petitions which had been received from landholders the question ought not be treated as some hon. members seemed disposed to treat it. This was a very proper subject for legislation. He regretted the Government had not thought it proper to legislate for themselves, but he should vote for the second reading.

Mr. SMITH expressed the same opinion he did when leave was asked to introduce this Bill. He thought it was a piece of over-legislation, and the very farmers in the District of Light who now moved to get this Bill were the very persons who introduced the rabbits to the colony. As, however, the members for the District of Light wished the Bill to go into Committee he should not be so strong in his opposition as he had intended, but there were several things which would require attention in Committee. He thought Crown lands within District Councils should be as much under the operation of this Act as private lands, and if this were so what would be the cost to the Government? He felt sure that the rates on Government lands would be high, and the Government would have to pay the piper. Then again the Bill gave a majority of a District Council or the Committee the power to bring the Act into operation in any district. He thought this was giving altogether too much power to two or three persons who might combine at election times. He held that in a matter of that kind it would be well to take a poll of the ratepayers. He believed the whole difficulty might be met if the Government would give a few concessions. If they would allow rabbits to be carried on the railways free great numbers would be brought to market, and thus the nuisance would be kept down.

Mr. INGLEBY thought the intention of this Bill was something similar to the Thistle Bill.

Mr. SMITH objected that persons might combine at election times to return three men, in order to get a majority of the District Council, so as to have a rabbit district declared. He thought it was as much in the interests of large landholders to kill rabbits as in those of the small man, and it would be a very great benefit to the large landholder that the Bill should be brought into operation before the nuisance had become so great that it would cost a large amount of money to suppress. If the Thistle Act had been put in force at first it could have been worked, but in some parts of the colony, he had no hesitation in saying, it was quite impracticable to attempt to work it.

Mr. CARR intended to support the second reading, and with regard to the suggestion that rabbits should be carried free on the railway he altogether objected to it. When they did business as carriers let them do business, and when they gave charitable contributions let them do it as charity. If rabbits were carried free they would be asked to carry mutton and wheat free when the prices for that produce fell low. He hoped hon. members would abandon that idea altogether.

The ATTORNEY-GENERAL (Hon. S. J. Way) said Mr. Nock’s arguments about the inexpediency of giving the working of this Act to District Councils had been met by the hon. member Mr. Coles. If they did not give jurisdiction to District Councils, to whom should they give it? Were they to have another Board with a Clerk and other officials whose salaries would have to be paid by some one? Mr. Nock said it should be done here as it was in Tasmania. That was precisely what was done; but in Tasmania the Boards referred to were analogous to the District Councils here. Another fallacy had been pointed out by Mr. Blyth—that Government lands were excluded from the operation of this Act. Government lands were exempted from rates under this Act, and it was very right and proper that they should be; but he was sure if any rabbit district could make out a fair claim they might come to the House for a vote for destroying rabbits on Government lands. There was another side also to the District Council question. It should be borne in mind that the District Council rates were subsidized pound for pound by the Government, and also that District Councils were allowed to receive the revenues from Crown lands within their limits; and it would be rather unjust to say that District Councils should receive all this revenue, and still further rate the Crown lands for the destruction of rabbits. Mr. Hawker had raised an objection with reference to the term landholder, but that hon. member had not read the Bill with that care which usually characterized him. He understood the hon. member to say that a person holding four acres was as subject to ravages by rabbits as the holder of 40 or 400 acres; but he pointed out to the hon. member that it would hardly do to give four or ten persons having a quarter of an acre each the power to bring the Bill into, operation. Before a rabbit district were declared he thought landholders representing a respectable area should intimate their willingness to have their land included. Then there was the question of short notice-the 10 days’ notice. He thought hon. members would see that it was necessary to fix a limit; and the notice should be the same for the man with 8,000 acres as with 800 acres or 80 acres. If ten days were not sufficient it would be easy to get a longer time. Hon. members should bear in mind that no penalty was involved. The only consequence of not destroying the rabbits within the time notified was that the land could be entered upon and the rabbits be destroyed at the general expense of the district. It would be seen that promptness of action was essential if the Bill was to be useful. Hon. members seemed to be at one on the general principle of the Bill. The hon. member Mr. Duncan seemed to be in a merry mood when he suggested an analogy between the kangaroos and wallabies, against which fences could be raised, and rabbits, which burrowed under the fences, and whose ravages could not be prevented. He should not deal with the question of free railway carriage for rabbits, as that had been so ably demolished by Mr. Carr.

The motion was carried, the Bill was read a second time, and the House went into Committee.

The preamble was postponed.

Clause 1. Interpretation.

Mr. DUNCAN asked if the Attorney-General intended to proceed with this important Bill that afternoon.

The ATTORNEY-GENERAL (Hon. S. J. Way) did propose to go on with it. There were more important Bills on the Paper, but this matter must be dealt with.

Mr. KRICHAUFF suggested the word “landholder” should be struck out in the definition clause. It only occurred once in the Bill, and the definition could be given there.

The ATTORNEY-GENERAL (Hon. S. J. Way) said this was taken from the Tasmanian Bill, and he saw no use in making alterations simply for alteration sake.

Mr. H AWKER asked the Attorney-General how Crown lands would be dealt with from which no rent was obtained, such as railway lands, where rabbits would be very likely to burrow and in crease.

The ATTORNEY-GENERAL (Hon. S. J. Way) said Crown lands would be dealt with the same as any other lands with the exception of being rated. Crown lands could be entered upon and the rabbits destroyed.

Mr. HAWKER-At the expense of private people ?

The ATTORNEY-GENERAL (Hon. S. J. Way) —At the expense of the rates.

Mr. HAWKER—At the expense of the rates to which the Government do not contribute.

The ATTORNEY-GENERAL (Hon. S. J. Way) again pointed out that any indirect way of making the Crown pay was unsound, but if any cases occurred where the Government ought to contribute towards the destruction of rabbits in any particular district, that matter should be dealt with in the Estimates.

Mr. NOCK moved to strike out the definition of “District Councils.”

Mr. BRAY suggested the hon. member should take the decision of the House on that question at another point in the Bill, and not here.

Mr. JOHNSON thought District Councils were the proper persons to be charged with the carrying out of this Bill, as increasing Boards simply meant increased expenses. He also asked whether in cases where a run adjoined the rabbit district the tenant or the Crown would pay the expense of destroying the rabbits.

The ATTORNEY-GENERAL (Hon. S. J. Way) said the occupier would. With regard to Mr. Nock’s amendment, he did not care much at which stage it was brought on, but he simply wished to say that he feared the amendment would, if carried, be fatal to the Bill. The Government would not have felt justified in bringing in a measure had they thought it would have created an independent and additional Board, and in all probability if the amendment were carried it would be fatal to the Bill altogether.

Mr. LINDSAY asked at whose expense rabbits would be destroyed on Crown lands within District Councils and Crown lands immediately beyond District Councils.

The ATTORNEY-GENERAL (Hon. S. J. Way) said the Bill gave power to the District Councils to destroy rabbits in the immediate neighbourhood. It was thought undesirable to give hard-and-fast limits to the districts in which rabbits were to be destroyed.

Mr. NOCK had no objection to take the decision of the House on the question of District Councils wherever it was most convenient. He felt that the machinery he should propose would be more simple than that proposed in the Bill.

Mr. KRICHAUFF thought it beat to take the sense of the House now on the point, as it might prevent the necessity of proceeding with the Bill.

The ATTORNEY-GENERAL (Hon. S. J. Way) thought also the amendment should be tested now.

Mr. JOHNSON asked if there was a piece of land which was no man’s -and, at whose expense would the rabbits be cleared from that.

Mr. COLES asked his colleague to withdraw his amendment.

Mr. HANNAFORD said the Bill would be very little use if the District Councils were struck out, as no other body could so easily levy and collect a rate. Had the clause not been introduced, he should have opposed the Bill.

Mr. NOCK consented to withdraw his amendment, not because he was convinced that such a course would be best, but because he could not hope to carry it.

The clause was passed as printed.

Mr. DUNCAN moved to strike out in the second definition the words “ of not less than 40 acres of land.” his object being to take the power out of the hands of the suburban holders.

Mr. WIGLEY asked if Corporations came under the Act.

The ATTORNEY-GENERAL (Hon. S. J. Way) thought landowners within the limits of Corporations had generally less than 40 acres of land, much less 80 acres; and he had heard of no loud complaints from such places as Adelaide, from Glenelg, of which the hon. member was Chief Magistrate, or from any corporate town. He saw no objection to the amendment of the hon. member for Wallaroo.

The words were struck out.

Mr. NOCK moved to strikeout the exceptions in the third definition, remarking that he thought that was the only way in which Crown lands could be included.

Mr. COLES supported the amendment of his colleague, and pointed out to the Government that if Crown lands were not brought under the Act it might as well not come into operation. He thought the rate should be levied on the Crown lands exactly in the same way as upon other land in the districts.

Mr. BRAY thought churches and schools ought to be exempt, whether the Crown lands were or not.

The ATTORNEY-GENERAL (Hon. S. J. Way) said the amendment involved an important prin­ciple, namely, that where money was to be obtained from the Crown it must be voted. If any district or series of districts could make out a strong case for the expenditure of public money it ought to be obtained by the vote of that House, and not by the irregular and unconstitutional course of rating the property of the Crown.

Mr. DUNCAN said the proposer of the amendment only desired to deal with Crown lands in settled districts, and he should therefore support him. He agreed with the Attorney-General as to the levying of rates on Crown property, but to meet cases where the Government reserves were infested with rabbits the hon. and learned member might devise some means to provide for the payment of a share of the expenses incurred in clearing the land.

The ATTORNEY-GENERAL (Hon. S. J. Way) said District Councils received rent for the land from which they were asking the Government to remove the rabbits. That in itself was an injustice, but such a proposal, as he had already said, was perfectly unconstitutional, and could not be entertained by the Government. All the arguments used would apply to every other matter made the subject of rating.

Mr. COLES said it would take all the rates of the District of Light to pay for the extermination of rabbits on the travelling stock reserves there. He would be glad to know where the money was to come from.

Mr. HANNAFORD thought that if the DistrictCouncils got the revenue from these reserves, they ought to pay all expenses.

Mr. DUNCAN said travelling stock reserves were never intended as a source of revenue, and he hoped that before long the Government would see them devoted to their original purpose. Though the District Councils received commonage money from these reserves all they could say was that that source of revenue existed, but might not to-morrow.

Mr. COLES said these reserves often swarmed with rabbits, and the Councils would be glad to give up all they got from them rather than pay the proposed rates.

Mr. WIGLEY said that if the Government land were to be excluded and the rabbits there not destroyed, the Bill would be valueless.

Mr. NOCK entirely agreed with Mr. Wigley. Considering the difficulty in rating Crown Lands, he hoped the Attorney-General would devise some means of giving the farmers justice by destroying the rabbits on such lands.

Mr. BOSWORTH said the Government might place at the disposal of District Councils a certain sum of money proportioned to the number of acres in the district. Such a course would meet the requirements of the farmers, without being unconstitutional.

The TREASURER (Hon. J. Colton) said in the event of great damage being done by rabbits on Crown lands it would be fair for the district to represent the matter to the Government, as he felt sure no Government would have any objection to paying a small amount of compensation in this manner.

Mr. DUNCAN asked the hon. member to stick to his amendment notwithstanding the remarks of the Treasurer. It would be manifestly unfair to tax private persons for reserves which were kept for the benefit of the community generally. Unless the Government would make provision in the Bill with a view to keeping down the rabbits on the Crown lands he should vote, against the measure at every opportunity, and he hoped the hon. member for Light would not accept anything of the kind proposed, which would be practically worthless.

Mr. KRICHAUFF agreed that something should be done by the Crown, and said it would be better for a supplemental grant to be set out in one of the clauses. He did not think the hon. member should press his amendment.

Mr. J. DUNN would vote against the amendment, as he felt sure the matter could be safely left in the hands of the District Councils. What was required was to put down the nuisance on occupied portions of the land, and as land was taken up the occupiers should be required to keep down the rabbits.

Mr. NOCK again asked the Attorney-General to insert something in the Bill with a view to relieving farmers.

The ATTORNEY-GENERAL (Hon. S. J. Way) could not give the assurance sought. If the rabbit nuisance became such as to necessitate the expenditure of public money the matter would have to be dealt with not in that Bill but when the Estimates were under consideration. He hoped hon. members would not insist on the amendment, as they would thus frustrate the objects of the Bill, which would undoubtedly be a benefit, as similar enactments had been in the neighbouring colonies.

The amendment was negatived.

Mr. NOOK called for a division

Ayes, 14—The Commissioner of Crown Lands, the Treasurer, the Commissioner of Public Works, the Minister of Agriculture, Messrs. Bower, Bray, Cowan, J. Dunn, Hannaford, Ingleby, Kay, Krichauff, Quin, and the Attorney-General (teller).

Noes, 8—Messrs. Bosworth, Coglin, Coles, Duncan, Hawker, Smith, Wigley, and Nock (teller).

Majority of 6 for the Ayes.

The clause was agreed to.

Clause 2 was passed.

Clause 3. Rabbit districts may be proclaimed within the limits of District Councils.

Mr. DUNCAN asked why a district might not at once be proclaimed, instead of 30 days’ notice being required to be given.

The ATTORNEY-GENERAL (Hon. S. J. Way) said it might happen that there were persons who objected to the declaration of a district and the levying of a rate. The 30 days’ notice was given to allow time for hearing objections, for there was often much to be said on the other side.

Mr. COLES moved to insert after the word “Council” in the fourth line the words “or by twenty ratepayers holding not less in the aggregate than 2,000 acres.” That would give an opportunity to landholders to petition for the proclamation of a district if the Council did not take action.

Mr. HANNAFORD preferred the clause as it was. The District Councilors were appointed as delegates of the people and were elected annually, and if they did not see the necessity for petitioning for the proclamation of a rabbit district, and the ratepayers thought it was desirable that such a district should be proclaimed, they would have the power at an election of returning men who would carry out their wish for or against the proclamation as the case might be.

Mr. COLES pointed out that the power of petitioning for the declaration of a district would lie with the Council. He thought power should also be given to the ratepayers to petition where the Councilors refused to take action.

Mr. DUNCAN thought Mr. Coles’s amendment would be inoperative, as the Council alone had the power to levy a rate, and they might object to impose a rate for purposes under the Bill. He agreed with Mr. Hannaford that the power came back annually to the ratepayers of returning men who would agree to ask that a district should be proclaimed, and who would consent to a levy rate.

Mr. KRICHAUFF pointed out that only three out of every five District Councilors were elected annually. (Mr. Duncan—“That is a majority.”) In some districts the nuisance might exist in some parts and not in others, and the Council might object to petition for the proclamation of one portion of the district and levy a rate when another portion was not affected. He saw no objection to the amendment.

Mr. KAY thought it would be hard if through the refusal of the Council to take action one portion of the district was allowed to suffer from the rabbit nuisance. He thought it was desirable therefore that means should be provided to compel the Council to take the initiative.

Mr. COGLIN thought provision should be made by which the Crown lands should not be exempted from being declared a rabbit district where the nuisance was found to exist.

Mr. HANNAFORD did not think it would be found that the rabbit nuisance would exist in one part of a district and not in another, so that the argument as to one part of the district paying a rate for the benefit of another portion would hardly hold good.

The amendment was negatived.

Mr. COLES called for a division, but withdrew the call.

The House resumed, the Bill was reported, and the Committee obtained leave to sit again on Thursday.