**LOANS FOR FENCING BILL 1919**

#  [ASSEMBLY.] Fencing Bitt.

Loans for

**House of Assembly, 20 November 1919, pages 2005-8**

Second reading

**The COMMISSIONER of CROWN LANDS —**This Bill is introduced with the object of enabling loans to be made to farmers for the purpose of erecting post and wire fencing, in the same manner as advances are at present made for the purpose of erecting vermin-proof fencing, under the Vermin Act, 1914. The present Bill follows very closely the form of part VI. of the Vermin Act, 1914, the principle involved in that Act and the present Bill being for all practical purposes the same. Clause 3 contains the interpretation of several terms, of which the only one to be noticed particularly is the term ‘'occupier”. The term is defined to include holders of freehold land, and lessees from the Crown under pastoral lease, or agreement to purchase, or as scrub lessee, forest lessee, or miscellaneous Lessee. It also includes a lessee with a right of purchase or on perpetual lease, or a lessee holding a perpetual lease of lands granted or dedicated by way of endowment for education. Clause 4 empowers a district council to borrow money from the Government for the purpose of purchasing fencing material, with the object of supplying such material to occupiers of land within the district of the council. By subclause (3) the loans are to be made by the Government out of moneys provided by Parliament for the purpose. As a preliminary to the application by the council for a loan under the preceding clause, the council must have received a petition from the occupiers of land within its district. The petition, which is to be accompanied by declarations verifying the signatures of the petitioners, is required to describe the land occupied by each petitioner, to give an estimate of the probable cost of the whole of the fencing material required, and to request the council to apply to the Government for a loan of the amount of the estimate. The petition is also to state that each petitioner undertakes to pay to the council annually one-twentieth of the value of the fencing material supplied to him, with interest on the unpaid balance at the fixed rate, and also annually an additional sum for the purpose of defraying the expenses of administration, amounting to 10s. per cent, of the balance due by him, or the sum of Is., which ever amount is the smaller. The petition is also to contain an undertaking by each petitioner to erect on his land all fencing material furnished to him to the satisfaction of the council. The petition may be signed by one occupier only, in which case his signature may be verified by a justice, instead of by declaration. Clause 9 provides that the petition is to be left with the clerk of the council. By clause 10 the council must consider the petition, and if it decides to apply for a loan, it must transmit the petition together with an application for the loan to the Commissioner. The application must contain an un­dertaking to repay the loan in accordance with the provisions of the Bill. Clause 11 empowers the Governor, on the recommendation of the Commissioner, to grant the whole or any part of the loan applied for. Clause 12 provides for cases in which the council does not see fit to apply for the loan. In such a case, the council must transmit the petition to the Commissioner together with any necessary information, and a statement of the reasons why the loan is not applied for (subclause (1)). If the Commissioner is not satisfied that the reasons given for not applying for the loan are satisfactory, he may give the council notice that he will recommend the Governor to make advances to the petitioners on behalf of the council, unless the council itself applies for the loan within the time specified by the notice (subclause (2)). If the council does not apply for the loan within the specified time, the Governor, acting on the recommendation of the Commissioner, may make an order granting the advances (subclause (3). Subclause (4) provides that when advances have been thus made by the Governor, they are to be deemed to have been made on account of the council, and all the provisions of the Bill are to apply accordingly. Clause; 13 is a machinery provision, dealing with the keeping by a council of an account book for a loan. Clause 14 deals with expenditure of loan moneys by councils. The whole amount, or such part as is necessary, is to be spent in the purchase of fencing materials. The materials are then to be furnished to the petitioners proportionately to their requirements. Any money not expended is to be repaid to the Commissioner. If any petitioner refuses to accept any fencing material offered to be furnished to him by the council, the council may offer the material to some other occupier within its district, and if the material is accepted, the occupier is to be deemed to be a petitioner, and all the provisions of the Bill are to apply to him accordingly. In such a case, the refusing petitioner will be freed from his liability as a petitioner, but will be liable to a penalty of £20 for his refusal. Clause 10 empowers the council, in case a petitioner fails to use the material in fencing his land to the satisfaction of the council, itself to carry but the fencing at the expense of the petitioner. The cost of erecting the fence will be recoverable by the council from the defaulting petitioner. Clause 17 provides for the repayment by occupiers of the value of all fencing material supplied to them in 20 yearly instalments, together with interest at the fixed rate on the unpaid balance, and together with the additional sum mentioned in clause 6. In case any instalment is not. paid on the due date, the rate of interest from the due date to the date of payment is to be 1 per cent, in excess of the fixed rate. Clause 18 makes the yearly instalments a first charge on the land (subclause (1). Power is also given to a mortgagee or encumbrancee to pay any instalments in arrear, and the amount of instalments so paid is to be deemed to be added to the principal sum secured by the mort­gage (subclause (2). Clause 19 is a machinery clause. It gives to the undertaking referred to in clause 6 the effect of a deed. Clause 20 deals with repayment to the Government of the loan by the council. The loan is made repayable out of instalments received from occupiers or out of the revenue of the council, in 20 equal annual instalments, with interest on the balance at a fixed rate. If the council makes default in paying to the Commissioner all moneys received by it, or fails to pay the instalments at the proper time, clause 21 prescribes the procedure which is to be followed by the Commissioner. A certificate, setting out the nature of the council’s default is to be made and signed by the Commissioner. This certificate is then prima facie evidence that the sums therein mentioned are due and unpaid, and the amount of the moneys in arrear may be deducted from any subsidy granted to the council together with interest at a rate of 1 per cent, in excess of the fixed rate. When the certificate referred to is made and signed, the Commissioner may apply on summons to a Judge for the appointment of three persons, called “receivers,” whose duty it will be to collect all yearly instalments due to the council by occupiers who have been supplied with fencing material. The receivers may be paid such remuneration for their services as the Judge directs. Clause. 23 provides for the application of moneys collected by receivers. They are to be applied, first, in payment of the expenses of collection, including their own remuneration; and, secondly, in payment of the amounts in arrears under clause 20. The surplus (if any) is to be paid to the council concerned. Clauses 24 and 25 are machinery provisions. They enable receivers to inspect books and documents in the control of the council concerned, and for the purposes of collection of arrears, give to the receivers all the powers given to councils with regard to unpaid rates by any District Councils Act. Clause 26 confers on councils certain necessary by-law-making powers. Clause 27 is a machinery one. Clause 28 requires councils to expend loans granted to them to the satisfaction of the Commissioner. Clause 29 gives power to a council, to which any money is due and unpaid in respect of fencing material, to enter upon the land on which the fencing is erected, and remove the fencing, and again dispose of it as provided by the Bill. Clause 31 empowers the Commissioner to fix the annual rate of interest to be paid on loans and advances made under the Bill. Clauses 32 to 38 are purely machinery provisions.

Mr. BUTTERFIELD—I thank the Government for bringing this Bill down. I believe it will be of great advantage to the settlers of the State, and it is a very necessary measure. I hope it will be administered with care and generosity. There is to be an amendment moved to it in Committee.

Mr. O’CONNOR—-I also commend the Government for bringing down this Bill. It will certainly be of great assistance in developing new country in particular, and will enable farmers who desire to do so to go in for mixed farming. At present they cannot, because fencing is a great difficulty, and without fences they cannot carry stock. The Bill is limited to country inside district councils, but after conferring with Mr. Butterfield and Mr. Petherick, we approached the Minister, and he agreed to an amendment to the Bill to provide for loans being granted for fencing material to occupiers of land outside district councils. This will also include loans for wire netting. This provision will meet a longfelt want in these particular areas.

Mr. CHAPMAN—I support the Bill. The Government in bringing this down have done something by which the State will benefit eventually to a great extent. There is very little risk in connection with the matter. At present men who go on the land with little capital are being hampered because they cannot properly fence their blocks, and I am sure that the increased returns that we will receive in South Australia as the result of the fencing, both in regard to stock and crops, will be of great benefit to this State.

Bill read a second time.

In Committee.

Clauses 1 to 38 inclusive passed.

New clause.

Mr. O’CONNOR—I move to insert the following new clause:—

34a. (1) In addition to the other powers conferred upon him by this Act the Commissioner may, out of moneys provided by Parliament for the purpose, purchase fencing material and supply the same to any occupier of land not situated within a district council who makes application to the Commissioner for the supply to him of fencing material for the purpose of effectively fencing the land occupied by him, or any part thereof. (2) Every such application shall contain, as nearly as possible, the particulars required by section C to be contained in a petition to a council, and shall be accompanied by a statutory declaration by the applicants as to the correctness of such particulars, and shall contain an undertaking to repay to the Commissioner the value of the fencing material to be supplied to the applicant. (3) The provisions of sections 14 (2), 15, 17, 18, 25, 29, 31, and 34 of this Act shall apply for the purposes of this section as if herein reenacted: Provided that the word “Commissioner” shall be deemed to be substituted for the word “council” wherever the latter word occurs in the said sections, and that the said sections shall be read and construed, mutatis mutandis, accordingly. (4) Fencing material includes wire netting for purposes of this section.

I dealt fully with the amendment on the second reading. The amendment provides for loans for fencing material to occupiers of land outside district council districts.