

powers of a council under section 9 of the principal Act to land which is outside a local governing area, but which abuts on a road within or partly within the council's district in any case where sand is likely to drift on to the road in question. The penalty provided by section 9 of the principal Act for any breach of the provisions of the section is a penalty not exceeding £1 for every day on which the offence continues. This penalty is inadequate in such a case as where the offence consists of non-compliance with a requisition to refrain from burning over a piece of land. Obviously, in such a case the object of the requisition could be defeated in one day. Therefore, paragraph (d) of clause 2 provides that the daily penalty in section 9 be deleted, and a general maximum penalty of £50 be substituted. Paragraph (e) of clause 2 provides that if, after notice is given under section 9 to an owner or occupier to refrain from clearing, fallowing, burning over, cultivating, or grazing, the land nevertheless is cleared, fallowed, burnt over, cultivated, or grazed, contrary to any requirement of the notice, and, as a consequence thereof, sand drifts on to any public road, then the council may remove the sand and recover the cost of so doing from the owner or occupier of the land. In addition to the provisions in the Bill one or two new clauses have since been drafted. At present they are not on members' files, but will be there to-morrow. The Draftsman's report on them is:—

New clause 5.—Section 47 provides that all complaints for certain offences under the Act are to be laid by an inspector or some other person authorised by a council or the Minister to lay informations. As the section stands it is not clear that an inspector does not need to be so authorised. The new clause 5 therefore makes it clear that an inspector does not need to be so authorised.

New clause 6.—In any proceedings under the Act against the owner or occupier of land it is necessary to give strict legal proof of the ownership or occupancy of the land. This is often a very difficult matter to prove, although it is an easy matter for a defendant to disprove in a case where a defendant is wrongly alleged to be the owner or occupier of land. New clause 6 therefore provides an evidentiary provision whereby the allegation of ownership or occupancy in the complaint shall be prima facie evidence of the fact alleged.

I move the second reading.

The Hon. L. L. HILL secured the adjournment of the debate until August 31.

SAND DRIFT ACT AMENDMENT BILL.

Second reading.

The COMMISSIONER of CROWN LANDS (Hon. G. F. Jenkins)—This Bill is introduced for the purpose of making various administrative amendments to the Sand Drift Act, 1923, which experience has shown to be necessary. The amendments have been, in the main, suggested by the Murray Lands District Councils Association. Section 9 of the principal Act provides that whenever it appears to any council that there exists on any land in its district (not being Crown lands) any sand, which, if such land is cleared, fallowed, cultivated, or grazed, is likely to drift on to or to drift in greater quantities on to any public road, whether within or without the district, the council may give notice to the owner or occupier of the land requiring him to cease or refrain from clearing, fallowing, cultivating or grazing such land. Paragraph (a) of clause 2 of the Bill extends these provisions to the burning over of land which obviously should come in the same category as clearing. Clauses 3 and 4 make amendments to the principal Act consequential upon the amendment made by paragraph (a) of clause 2. Paragraph (b) of clause 2 extends the