**PASTORAL ACT AMENDMENT BILL 1929**

**House of Assembly, 28 August 1929, pages 862-7**

Second reading

**The COMMISSIONER of CROWN LANDS (Hon. G. F. Jenkins)—**I make no apology for the introduction of this important measure at this stage of the session. It will be remembered that a Bill practically the same as this was before the House about 12 months ago, when a number of members protested that they had not sufficient knowledge of the conditions obtaining in the pastoral industry to enable them to give a vote on the measure. At the request of the House at that time I decided to put the Bill on one side temporarily and in the interim to give members an opportunity whenever it should arise to travel through the pastoral areas, interview the owners and managers of the pastoral properties in different parts of South Australia, and so far as possible to become acquainted with the actual conditions. A large number of members availed themselves of the opportunities so accorded and other members of the House, including members of the Opposition, who were from time to time offered the opportunity of going into the pastoral districts, did not avail themselves of the offer.

The Hon. L. L. Hill—You did not offer it to me.

The COMMISSIONER of GROWN LANDS —I offered it to the Deputy Leader of the Opposition at the time when the honorable member was unfortunately absent from the House through illness. Mr. Richards, the Deputy Leader of the Opposition had two offers to go to the pastoral areas and investigate these matters for himself. Other members, however, accepted the opportunity extended to them.

Mr. Blackwell—Some of us did not know anything about it.

The COMMISSIONER of CROWN LANDS —The honorable member will agree that as a member of the Public Works Standing Committee he would have no spare time to go and make these investigations because he is tied up with the work of the Committee. The same reduction in two years of not less than £2,108,000 in the wool clip of South Australia. There may be a very much greater loss than that, but those figures have been very carefully worked out. Members will realise that when the value of our staple product, wool, has fallen to the extent of over two million pounds in two years, what a serious thing it is for a producing State like South Australia. Therefore, anything that this House can do to stabilise an industry of such great importance it is fully justified in doing. This Bill is very much the same Bill as the Government brought down last year. During the recess the Bill has been carefully revised, and one or two minor alterations of substance and some drafting amendments made.

The Pastoral Board.—The first matter dealt with in the Bill is the re-constitution of the Pastoral Board. At present the board is appointed from year to year, and comprises the Surveyor-General and two other members, one of whom, is not a civil servant. The members do not give the whole of their time to pastoral business. The proposal of the Bill is to constitute a new board of three members, who shall be appointed in the first instance for five years, and during that period shall give the whole of their time to the duties of their office. At least one member of the first, board must be a practical pastoralist. When the term of office of the first board expires the Bill leaves it open to the Government then in office to reconsider the whole matter, and to appoint a full-time board or a part-time board, whichever it thinks fit. The usual provision about the chairman, meetings, and a quorum are included.

The Hon. L. L. Hill—What remuneration will the whole-time members get?

The COMMISSIONER of CROWN LANDS— That is a matter the Government will have to consider after the Bill is passed. It is unnecessary to include it in the Bill, because the matter will have to be considered by the Public Service Commissioner and then by the Government.

Pastoral leases.—The next proposal under the Bill relates to pastoral leases. As the House is aware, most of the existing pastoral leases will expire in periods varying from 12 to 18 years from to-day, and under existing law the lessees of those leases have no preferential right to any renewal of their leases upon the expiration thereof. In order to give them some security of tenure, the Royal Commission on the Pastoral Industry, on whose report the Bill was founded, recommended that a new type of lease should be created, namely, a lease for 42 years with the right of renewal for successive periods of 21 years, and that it should be open to any holder of an existing lease to surrender his lease and-obtain a lease of the new type reco­mended by the Commission.

Mr. Moseley—That will be 63 years altogether.

The COMMISSIONER of CROWN LANDS— Not as to whole area held by him. At the end of 42 years he will be entitled by right to a renewal only of a living area, being not less than 100 miles. Under clause 4 there will be found a number of new sections giving effect to these recommendations. Section 49 sets out that every new lease of land other than land south or east of the River Murray is to be for a period of 42 years with the right of renewal for subsequent periods of 21 years. On the expiration of the first 21 years of the original period the rent of every lease must be revalued. On the re­valuation the rent may be increased or decreased by not more than 50 per cent. These provisions, however, will not apply to leases of unoccupied land nor of country south or east of the River Murray. Section 49a sets out the procedure to obtain a renewal of this new type of lease. It provides that the lessee has a right to a renewal of his lease either as to the whole of the land contained therein or some part of it being in no case less than 100 square miles and not less than a living area. It is left to the board to determine what is a living area. A lessee who requires his lease to be renewed must apply in the first six months of the seventh year before the expiration of his lease, i.e., within six months from the thirty-fifth year of a lease for 42 years and within six months from the fourteenth year of a lease for 21 years. The application will be made to the Commissioner of Crown Lands and by him referred to the board to be investigated. When the application is made the board will determine whether the lessee is to obtain renewal of the lease of the whole of his land or of part only in accordance with the Act, and at what rent and on what other conditions his lease will be renewed. The lessee will be notified of the board’s determination, which he may accept or reject. If he accepts it his lease will be renewed upon expiration in accordance with the terms accepted. If the lessee does not accept the terms offered he- will have the right to renewal of the lease, but, of course, when his lease expires and the land is reoffered for letting he may apply for the land and take his chance with any other applicants of obtaining a fresh lease. When a lease is renewed as to part only of the land comprised therein the lessee will be entitled to be paid for the improvements on the land which he gives up by the incoming lessee of that land in accordance with the provisions of the principal Act providing for such payment.

Surrender of existing leases for new leases.—Section 49b sets out the procedure to surrender a lease now in existence for a lease of the new kind provided for in the previous sections. It is provided that such applications must be made within 12 months after the Bill becomes law. The applications will be made to the Commissioner and by him referred to the board for recommendation. The section does not; confer on an applicant the right to a new lease of the whole of his land in all circumstances, but in some cases the Commissioner can offer him a new lease of part only. How much he will be entitled to retain and how much he can be compelled to give up depends upon the class of country included in the surrendered lease. Under section 49c the board is required to classify all pastoral lands into three classes, namely, A, B and C, according to their carrying capacity and their rail and market facilities. Class A will include lands which, in the opinion of the Board, can carry not less than 30 sheep per mile and have convenient rail and market facilities; Class B includes land which has a carrying capacity of 30 sheep per mile, but no rail or market facilities, and lands which, while having rail and market facilities, cannot carry 30 sheep per mile. Class C includes all other land. This classification will determine how much land can be retained by the Government on an application for a new lease. As regards class A land, an applicant for a new lease will, be entitled to at least, three-quarters of all the land of this kind which he previously held ; as regards class B, an applicant will be entitled to at least seven-eighths of all .the land of this kind which he previously held; and as regards class C, the lessee is entitled to a new lease of all of the land of this-kind -previously held by him,mthe. Government having no right to retain any. The improvements on any land retained by the Government on the surrender of an existing lease will be paid for by the Government. The price will be as agreed on between the Government and the lessee who surrendered the lease. If a lessee of an existing lease who applies, to surrender his lease for one of the new leases, does not accept the Board’s terms, he will continue in occupation of his land under, the existing lease in accordance with the present law. Section 49d enables the Commissioner, on the recommendation of the Board, to, grant to a lessee who has surrendered any of his land, and has not had it included in a new lease, an annual right to use and occupy that land, until it is allotted to some other, person. I mentioned earlier that these provisions which I have just explained will not apply to lessees of land south or east of the River Murray. Section 49e deals with these lands, and provides that future leases of these lands are to be for 42 years, except where the land is certified to be required for closer settlement, in which case leases shall be for the term of 21 years.

Water Reserves.—Section 49f deals with lands commonly known as water reserves on which Government water supplies are situated. At present these reserves are leased on miscellaneous lease to the pastoralists who own the surrounding country. It is proposed by section 49f to empower the Commissioner on the recommendation of the board to determine these miscellaneous leases and include the water reserves in the surrounding pastoral leases. The Commissioner is further empowered to insert in any lease a condition binding the lessee to supply water on such terms as ;the Commissioner fixes to stock travelling through his lease.

Use of pastoral land for agriculture - Section 49g provides that all future leases are to contain a condition that no land included in the lease is to be used for agricultur without the consent of the Commissioner, and that the Commissioner may revalue the rent of any land used for that purpose, but no land will be treated as being used for agriculture-if produce is grown on if for station purposes only.

Section- 40h is a limitation on all the rights granted under the other sections to which I have referred and provides that no one shall have any right to be granted a lease or the renewal of any lease of any land, which, in the board’s opinion is likely to be suitable for agricultural settlement.

Miscellaneous .amendments – Clause 5 of the Bill is a consequential amendment only. Clause 6 repeals section 91 of the principal Act. That section gave an outgoing lessee the right to remain in occupation of land formerly held by him under lease for one year after the new lease commenced. It is proposed to repeal this condition as being inconsistent with the rights of the new lessee. Clause 7 makes amendments consequential on the repeal of section 91. Clause 8 repeals section 93a of the principal Act. This section related to soldier settlement, and is no longer required.

Artesian water.—Clause 9 contains a number of provisions designed to give the Government power to control the use of the artesian waters of this State. The Government is advised that the flow of artesian water in this State is diminishing and that there is no doubt that if the waters are wasted the supply will be prematurely exhausted. In order that the Government should be in a position to control the use of artesian waters it must first of all know what bores are in existence, and have some power to prevent waste. Secondly, it must have power to control, and, if necessary, prohibit the sinking of new bores. The Bill, therefore, provides by new section 97b that no person is to construct a new artesian bore on pastoral land without a licence from the Commissioner. Further, all owners of existing bores must within six months from the commencement of the Bill obtain a licence for their existing bores. The licences will be granted without fee, and as a matter of right in the ease of an existing bore, but as regards new bores a licence will not be granted as of right. Further, any person proposing to deepen or enlarge any existing bore must first obtain the permission in writing of the Commissioner to do so, and the Commissioner may, as a condition of giving his permission, impose any requirements which the board recommends to be observed in deepening or enlarging the bore. The new sections 97i and 97j contain provisions to enable the Commissioner to prevent artesian water from being wasted, and to ensure that the maximum benefit will be obtained from this water. Section 97i proposes to enact that if the Commissioner is of opinion that any artesian water is being improperly used or wasted he may, on the recommendation of the board, order the bore to be partially closed, or may direct the lessee of the lease on which the bore is situated to take any other precautions necessary to prevent waste and ensure that the water will be used to the best advantage. Section 97j provides that where the water flowing from a bore is in excess of the reasonable requirements of the lessee on whose land the bore is situated, the lessee of adjoining land which can be conveniently supplied with water from the bore may apply t0 the Commissioner for an order directing that the lessee of the land on which the bore is situated shall supply him with water. The Commissioner is empowered, on the recommendation of the board, to make any order and give any directions necessary for ensuring that water will be supplied on the terms directed in the order, but the owner of the land on which the bore is situated cannot be required to provide at his own expense any additional apparatus for this purpose. The Commissioner is also empowered to direct that the lessee of any intervening land shall allow any person entitled to water under this section to convey water over his land.

Leases of Unoccupied Land.—Clause 10 contains new provisions relating to unoccupied land. These follow in the main the lines of the Royal Commission’s recommendation. Unoccupied lands are defined as lands outside the boundaries of any hundred, and which at the time when the Bill comes into force are not held under a lease. It is provided that the terms of all future leases of unoccupied land shall be for a period of 21 years, and that the lease shall be granted during that period at a peppercorn rental, and where practicable shall be of an area not less than 250 square miles. The lessee will be obliged to effect improvements to the value of £10 per square mile by the end of the fifth year, to the value of £15 per square mile by the end of the thirteenth year, and to the value of not less than £20 per square mile by the end of the twenty-first year. These amounts are greater than those provided in last year’s Bill. It may be remembered that under last year’s Bill the lessee was required to spend only £3 per mile during the first five years of his lease. Obviously that was a ridiculous proposition, as it would simply encourage speculators to take up these leases and sell out as opportunity offered. The altered amounts are for the express reason of ensuring that genuine pastoralists desirous of developing the country shall take up these new leases. Upon the expiration of the lease of 21 years the lessee will be entitled to receive a lease of the land under the other provisions of the Act relating to leases for 42 years, with the right of renewal for subsequent periods of 21 years. The rent under any lease for 42 years so granted will not exceed 2s. 6d. per square mile*,* but may be revalued after 21 years, and on such a revaluation may be increased or decreased by not more than 50 per cent. The rent may also be revalued on any renewal of the lease without restriction as to the amount of increase or decrease Clause 11 provides that in future no lease will be forfeited for breach\ of covenant or any other reason unless the Pastoral Board has first approved of the proposed forfeiture.

Alteration of boundaries by consent.—Clausa 12 is a machinery provision enabling the Commissioner, with the consent of all parties concerned, to alter the boundaries between two pastoral leases. It occasionally happens that the boundaries shown on the leases are inconvenient and that the land actually occupied by the respective lessees does not coincide with the land shown in their leases. In this case the easiest solution is to alter the boundaries in the lease.

Penalty for leaving gates open.—Clause 13 puts a penalty on any person who injures, destroys, or opens or fails to shut any gate on a road or on Crown lands or on any land comprised in a pastoral lease. At present the prohibition extends only to gates erected on roads vested in His Majesty, but the pastoralists have for some time felt the need to impose on people who open gates on pastoral land an obligation to close gates after them. This measure is one which is of very great interest to the people of South Australia generally, and it is of particular interest at present because of the very serious fall in the price of wool, due very largely to the manufacture of competitive products, such as artificial silk and synthetic wool. To-day wool growers have to realise that they must grow wool upon a competitive basis. At present unfortunately the price of wool is below the cost of production. Even with the liberal conditions in this Bill it is very doubtful whether new country can be profitably developed or occupied for growing wool, so that any liberalisation of the pastoral laws which tends to further development and occupation of unoccupied country and full development of those lands now occupied must be for the benefit of the State as a whole. However much we may desire to see large numbers of men occupying pastoral lands we must realise that the first essential is production on those lands. The greatest thing this Parliament can do is to pass such legislation as will ensure the maximum of production, not only for the time being, but for the years to come. If through a foolish policy of restriction, we were to cut up these leases into areas which were not living areas, and force those people who were unfortunate enough to have leases to stock them to the fullest capacity in order to enable them to make a living, we would do an irreparable injury to the Commonwealth’s greatest industry. I ask members to give that careful consideration to the measure its importance deserves. I move the second reading.

The Hon. L. L. HILL secured the adjournment of the debate until August 2