**PASTORAL BILL 1896**

**Legislative Council, 10 November 1896, pages 331-1**

Second reading

**The CHIEF SECRETARY**, in moving the second reading, said members were pretty familiar with the provisions of the Bill, because some of them had previously been made in the form of amendments to former Bills. The main object was to provide that the lessees of Class 1 country should have the right to surrender and come under the Act of 1893. This had been contended for in the Council for the past three or four years, and the proposal had met with the approval of the Government on two or three previous occasions, but owing to strong objections to such a radical proposal it had never become law. These 1888 leases comprised some of the best pastoral land in the colony, but they were not all classified according to quality. They comprised the lands which owing to drought twenty-one years’ renewals had to be given in 1867. Some of these lands were in the outside districts, which, if classified according to quality, would be in Class B or C. In 1888 27,000 square miles of this country was leased at a rental of £55,000, whereas formerly it had only yielded a rent of £8,000 per annum. So a considerable advance was made on the rental the State was to receive. Unfortunately since then the pastoralist’s prospects, owing to a fall in the price of wool and other causes, had not improved, and, no doubt, more was being paid for the leases than they could produce. Concessions had, however, been granted, Parliament in 1893 allowing certain lessees to surrender and secure longer tenure, and so on. Holders of Class 1 country were excluded from the benefits of that Act. Attempts had been made to enable them to come under it, but the most that they had been allowed to do was to apply to the Pastoral Board for a reduction of rent. In 1894 the Government proposed that the right of surrender should be given to them, but safeguarding amendments were passed in another place, and they were so objectionable to the lessees that the Bill was lost. Last year the Government made the same proposal, but it was not carried. Now they proposed it again. The effect would be that those lessees who started leases from 1888 for twenty-one years, and of which eight years had already expired, would be able to get a twenty-one years’ fresh lease from the time of coming under the Act. This country comprised pastoral land lying near railway lines, and some of the best of the pastoral country, so it was thought wise to provide in the interests of the community for having every safeguard, so that they should not lock up for long periods land that might be required for closer settlement. They had had some object lessons in the evil effects of locking up land in that way, in the fact that within the last two or three years they had had difficulty to supply the demand for land, to keep population from going to the other colonies, and to give farmers the opportunity of getting the land they required. They had had to buy back at a very large expense the pastoral country let on lease in 1888, and which if a little foresight had been exercised might have been preserved and made available for settlement without that large expenditure. The Wilpena and Warcowie lands, the country north of Hawker, were instances. Three thousand pounds was given for one lot and £4,000 for another, besides payment for improvements on resumption, to enable them to be divided into small holdings. There were five safeguards in the Bill. In the first place there was a time limit, applications having to be in before June next; the matter was then referred to the Surveyor-General, who was a member of the Land Board, and from his knowledge of pastoral lessees and the outside country was well fitted to deal with the country. He was to exercise his uncontrolled judgment as to whether or not the surrender ought to be permitted, and whether or not the land was likely to be required for agricultural or closer settlement during the term of any new lease. After that the Pastoral Board "had to report on the matter “unless the Surveyor-General should first have reported to the Commissioner that the surrender ought to be permitted and that the land was not likely to be required for agricultural or closer settlement during the term of any new lease, and the Commissioner, in his absolute discretion, should also have decided that the surrender should be further proceeded with.” Precaution 4 was that “no new pastoral lease should be granted, nor should any notice of acceptance be binding upon the Commissioner, until two months should have elapsed after particulars of the old and new leases, and the reasons for the proposed surrender, together with the certificate of the Surveyor-General and the recommendation of the Pastoral Board, should have been laid before both Houses of Parliament without either House passing a resolution disapproving of the proposed surrender.” The last part of this was modified, but Parliament had to have laid before them all particulars, &c., within fourteen days after the execution of the new lease if Parliament was then in session; or within fourteen days after the beginning of the next session if it was not then in session. These precautions seemed very stringent, but they were dealing with the public estate. The whole thing was really a concession. They were dealing with people who years ago went into the auction room and deliberately entered into engagements from which they were now asking to be relieved. He wished to touch on a small matter referred to first in clause 2 in the words—“No express covenant for payment of rates and taxes shall hereafter be inserted in any Crown lease.” This was a matter which pastoralists had been pressing for some time. It was referred to again in section 5. There was now in every lease a condition provided in Schedule A of the Pastoral Act of 1893. Subsection B of these conditions provided for a covenant by the lessee “to pay all rates and taxes which may be payable in respect of the demised premises during the term of the lease or any renewal thereof.” The provision was in every Crown lease issued, and the striking of it out was an entirely new departure. The pastoralists had been pressing for the matter for some time, the reason being that while the provision existed the fixing of the rent and the tenure was of little use. It might be possible at some time for a Government which was violently opposed to the pastoralists, and who could not increase the rent in any way, to put on taxes which would have the practical effect of increasing the rent. He believed that financial institutions to whom pastoralists had sometimes to apply raised that objection, and while the provision was left in it was difficult to secure advances to carry on the property. In the Bill it was provided that the covenant should not be expressly inserted in any leases issued, but of course it would not be proper for the Parliament to bind the freedom and rights of any succeeding Parliament. Clause 6 provided that leases unsold might be offered at reduced rent and a lower price for improvements. During the last two years when they had had Pastoral Bills before the House that question had been discussed, and it had been one of the amendments which the Council had made again and again, but which the Assembly had rejected. There were two parties in the matter. There was the rent, in which the Government was interested; and there was the question of improvements, which belonged to the lessee. If the lease had been valued by the Pastoral Board and offered, and there had been no applicant for it, it was evident that either the rent must be too high or the value of the improvements too great, or both, or at any rate the value of the lease was so great that people would not apply for it. It used to be provided that in that case the rent and the value of the improvements should be reduced proportionately. The pastoralists urged that that was unfair to them, and a compromise was agreed to. The advocates thought that the value of the improvements should not be reduced until the rent was reduced to a minimum, and it was decided that no reduction should be made in the value of the improvements until the rent had come down 50 per cent. That provision was now done away with, and the matter was to be referred to the Tenants’ Relief Board. That Board was established to deal with the question of forfeiture—that was if the Government wished to forfeit any lease for non-fulfilment of conditions the question had to be referred to the Board, which consisted of a Judge of the Supreme Court and two others, for them to say whether it should be forfeited. The powers of that Board were to be extended. He believed the new provisions would commend themselves to the pastoralists more than the old provisions. In clause 7 section 73 of the Act of 1893 was amended and the following proviso was added : —“ Provided also that whenever any pastoral lands demised after the passing of this Act shall be partly resumed, as provided in subsection 2 of section 74 of the Act of 1893, it shall be lawful for the lessee to require the Governor to resume the whole of the lands comprised in the lease in respect to which notice of such partial resumption has been given.” This was provided for in Act 73 of 1893. One case provided for resumption for works of public utility such as roads, tramways, rail­ways, &c., and the other referred to the resumption of land for other purposes, and this amendment provided that where it was resumed for anything else than public works the lessee could demand that the whole of the lease should be resumed, but that did not apply where land was taken for any special object such as a railway or road. This was a special concession to pastoralists: it was not provided with regard to freeholds. Clause 8 was not a very important one. It was provided in Section 25, which it amended, that in case where the land was resumed the lessee holding contiguous leases could surrender them also. There was a little difficulty in reading the two clauses . But practically the effect of it was that what was undertaken in the old Act in the case of resumption should also apply in case of expiry of lease. He was pleased to see that the provision to allow the ’88 lessees to surrender had passed in another place, and he thought there would be no difficulty in passing it here, because the majority of members had alwaysbeen in favour of something of the sort. While hon. members opposite who took a great interest in pastoral matters might make valuable suggestions, which he would be only too glad to accept to make the Bill as fair as possible, he hoped that they would not attempt to overload the measure with amendments which might endanger its passage altogether. He hoped that the pastoralists would enjoy the benefits provided under the Bill at an early date.

The Hon. J. L. STIRLING secured the adjournment of the debate until Tuesday, November 17.