Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 14 JULY 1869

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LEGISLATIVE COUNCIL.

Wednesday, 14 *July*, 1869.

Immigration Bill.—Pastoral Leases Bill.

IMMIGRATION BILL.

The POSTMASTER-GENERAL, in moving—

That this House be now put into committee, for the consideration of this Bill,

said that several amendments had been placed in his hands since honorable members had had an opportunity of maturing the Bill, and putting it in a shape in which it might receive the final authority of the House. He was indebted to his honorable and learned friend, Mr. Bramston, for having put the clause to which considerable exception had been taken, on the second reading of the Bill, in a shape that would render it much clearer in every respect, without materially altering the design of the original clause, but rather giving it a more business-like aspect. As these amendments would be really desirable, he should undertake, on the part of the Government, to accept them, and move them in committee. As to the other amendment proposed by the honorable Mr. Prior, he could not exactly, at the present moment, and without further explanation from the honorable gentleman, see his way to accept it on the part of the Government. That amendment would infringe upon a leading principle of the Bill, namely, that the inducements to emigrants held out should be direct grants of land, and that there should be nothing of the indirect kind which would lead to the adoption of the land-order scheme—a thing which would be dangerous to the financial condition of the colony. He should not, therefore, hold out any encouragement to the amendment, if that were to be the object in view. He had understood from the Acting Chairman of Committees that he had proposed to omit the eleventh clause; but he was not aware that the honorable gentleman had provided any amendment on that clause. He hoped, therefore, the honorable gentleman had reconsidered his determination, and would allow that clause to pass without any serious alteration that would interfere with the Bill very considerably. He would be in a position to show that there was serious danger from the amendment which had been contemplated, lest they should not be able to administer that clause satisfactorily. It was in consequence, no doubt, of the reply made to a question put by that honorable gentleman, that he had been induced to make some remarks upon this clause. He trusted that he should be able to give good reasons for not interfering with the clause, when the House was in committee. He moved that the Acting President leave the chair, and the House be now put into committee for the consideration of this Bill.

The Hon. J. BRAMSTON said that he could only say, concerning the amendments accepted

on the part of the Government by the honorable the Postmaster-General, that they were merely the eighth clause in other language, more correctly expressing the intention of the framer of the Bill than the clause thus displaced. He required that the intending selector, in exchange for his land order, should receive a license to occupy his land. This would be a document which would justify his possession of the land. The only omission he proposed was the proviso at the end of the eighth clause, which provided that, after two years, persons could pay the upset price for the land, and obtain a grant, on giving proof of residence and cultivation during three years. How could a man give proof of residence during three years, when he had only been two years resident? He had thought it advisable, therefore, to leave out this proviso. As to requiring assisted passengers to give undertakings to pay for their passage, he thought it was a mistake to require any such undertaking from persons who could derive no benefit from the completion of their undertakings. It was a contradiction in terms, to say you give a free passage, when you require payment for the whole passage. It should have been optional with the immigrant to sign the undertaking, and then claim the land on payment completed for the passage. They should do away with this contradiction, and not force people to sign undertakings, which passed experience showed, in many cases, they were unable to perform. However, he had not framed an amendment on the eleventh clause, because the amendments proposed by the honorable Mr. Prior, would raise consideration upon them, and the opinion of the House could be ascertained on that point. The honorable gentleman might move to report progress, that it might be determined from whom these undertakings should be exacted. He was inclined to think that the honorable Mr. Prior's amendments should be taken first.

Question put and passed.

PASTORAL LEASES BILL.

The POSTMASTER-GENERAL said he had no intention of taking up the time of honorable members by making any lengthened remarks upon the subject of the Pastoral Leases Bill. Honorable gentlemen were so familiar with the question in all its details that no good object could be effected by referring to it at any great length. Last year the session had been almost wholly employed in the consideration of the Crown Lands Alienation Bill, and it was found impossible to deal with the other great branch of the subject—the leasing of the Crown Lands. The Government have, this session, undertaken to meet this question in a manner which honorable gentlemen could consider deserving of support. The leading object of the Government had been to give the best possible title which they felt the circumstances of the colony justified them in giving to the pastoral leaseholders of the Crown. It had been found since the alteration of the varied Acts referring to the pastoral tenure, that the expectations of the leaseholders, which were at one time of a high character, had not met with their anticipated fulfilment, but rather the reverse. It was with a desire to meet the necessities of the case that the Government had introduced this Bill. It was not only a consolidation of the varied Crown Lands Acts at present in force, but contained amendments upon them to the advantage of the pastoral leaseholders. It was believed by the Government that the best terms should be given to those who had developed the country so well and with such difficulty as the graziers. That was done in the Bill. At the same time, ample rights were reserved by the Government for the future occupation or sale of the Crown lands. The two main features of the Bill were, first, to give the pastoral tenant the best possible title, consistent with the interests of the public, and secondly, to do that without sacrificing the heritage of the future inhabitants of this country and the advantages supposed to derive from the sale of the Crown lands. The prospects of the Crown tenants, in the present state of affairs, were not very good; wool was at a very low rate; and, indeed, he could not remember any time in the history of the colony when the prospects of those occupying country for grazing purposes could be said to be less encouraging, so far as actual prices to be gained were concerned. Much of this depression was attributable to the large amount of speculation which had arisen and been fostered by the feeling in favor of this country for grazing, prevalent for so long a time amongst capitalists. The great producing interests of the colony, however, were not at all in a flourishing condition; but still there was reason to suppose that these difficulties would be overcome, and though a large number of properties would be transferred to meet existing indebtedness, still squatting in Queensland would yet prove a very lucrative pursuit when all the appliances and improvements of the day were brought to bear upon it. One thing to restore confidence could be found in the Bill, namely, the increased tenure, and the more advantageous terms introduced with regard to payment of rental. Under this Bill, with respect to all lands now held under the Queensland Act in force, the lessees could surrender their leases and obtain fresh leases for twenty-one years; and subsequently, on other terms, for a further period of fourteen years—making in the whole a period of thirty-five years. Then as to the conditions, the leading feature is to accept the present payments of rental, but not to reduce them; for the Government felt that they would not be justified in reducing them in any other way except by extending the present payments over seven years, at the expiry of which time the rates of payment were to be increased at the fixed ratio of ten per cent.

Of course, exception might be taken to this, and it might be argued that the only way to obtain the value of runs would be to appraise them. But that would be accompanied with difficulties, and increase the expenses. On the whole, rough justice would be done by this advance of ten per cent.: some would pay too little, others perhaps too much. After all, the question of rental to leaseholders was really not a serious one; the really serious part was the expense incurred to carry out the speculation. The rent charge might therefore fairly be asserted to be comparatively nominal, and the Government did not think that they got the fair value of these leaseholds; but the amount under the Bill was what could be afforded, and such as the country would be justified in accepting. Clauses from seven to twenty-two referred to the mode of obtaining leases, and these, to a great extent, were a transcription of the Crown Lands Act. Referring to clause twenty, it would be seen that the rent to be paid by the lessee, for the first period of seven years, was to be a sum of five shillings a square mile. With respect to new country taken up under the Bill, less could scarcely be required. It was proposed that the second period of seven years, the yearly rental should be at ten shillings a square mile, and the third period at fifteen shillings. The twenty-sixth clause was the old clause referring to squatting on Crown lands, and the stock to be maintained. It was at one time thought desirable that runs should be stocked to at least one-fourth of their grazing capability. But the same weight did not attach to the clause now as then; because the country was to a great extent occupied. The time, therefore, had perhaps come to consider whether it was necessary that these conditions of occupation should be enforced at all. Another new feature in the Bill was that a less price was required for unwatered country, and was contained in clause 31—

"If any person be desirous of obtaining a run no part of which shall be at the date of application within five miles in a straight line from any permanent water he shall make a special application for a license to occupy the same for one year as an unwatered run without any condition of compulsorily stocking the same."

It was believed that there was a large amount of unwatered country which would be eventually occupied under this clause. The most important clause of the Bill, in which new features appeared, was the fifty-fourth. It was considered an advantage that, under certain circumstances leaseholders might become freeholders. The clause provided—

"For the purpose of securing permanent improvements it shall be lawful for the Governor to sell to the lessee of a run without competition at the price of ten shillings per acre any portion of such run in one block not being more nor less than two thousand five hundred and sixty acres and the boundaries of any such block shall as nearly as the natural features of the country and adjacent boundaries will admit be equilateral and rectangular."

It was believed that this concession should be made. In clause fifty-five it was provided that—

"The Governor in Council may by notification in the *Government Gazette* resume from lease any portion of a run not exceeding in the whole two thousand five hundred and sixty acres."

This absolute power was not likely to be acted upon for the resumption of any part of the run for some time to come. But the Government conceived that they ought to possess this power, to secure the settlement of the country. The latter portion of the clause provided that it should be necessary before any further reservation of land that a schedule should be laid before both Houses of Parliament, but that it was not to take effect for a period of sixty days; thus affording an opportunity to both Houses to dissent from the reservations. It was in accordance with precedent of the Imperial Parliament, that no contract should be taken by the Government unless laid before the Parliament a certain number of days. It was proposed, also, that certain compensation should be given for improvements. That policy was dictated by the principle that it was undesirable to interfere with a grazing right, unless a freehold right could be substituted in its place. The Government reserved power for the purpose of absolute alienation, so that the interests of all should be met under this clause. It was provided that the grazier could occupy the land reserved until it was selected, so that the occupier was not damaged as far as grazing was concerned. At the same time, the country was not shut out from the selectors desirous to become freeholders. The Bill dealt with one of those subjects which had so often received the attention of the House, that he would not now detain them further. No doubt there might be some divergency of opinion expressed in committee by honorable members, and to this the Government would give their best attention. They believe it would be wise that the Bill should be accepted, as nearly as possible, in the shape it presented. It might be considered a compromise between the leaseholders and those at present in the colony, or who would come to the country for the purpose of acquiring property. The interests of both were conserved in the Bill. So much had been conceded to the pastoral lessees as to make their properties valuable. Many of these were in the position of holders of encumbered estates, and it was certainly desirable that these properties should be made as valuable as the legislation of the country could make them, without making a sacrifice of the interests of the country. A fair attempt to do this was made in the Bill. The advantages given under the Bill were such as had never before

been given to the leaseholders. On the other hand, the Government could reserve land on a scale such as they had never possessed before. Any exercise of that power would be merely commensurate with the necessities of the cases as they successively arose. He begged to move the second reading of the Bill.

The Hon. F. E. BIGGE said he could not congratulate the honorable gentleman who brought forward this measure, for his attempt to prove that it was a liberal measure. It was not the liberal measure he supposed it be. Lately there had been petitions presented to that House and the Legislative Assembly, to reduce the rental of the runs. But the Bill, in lieu of reducing, was increasing the rents, binding them to pay the rent for twenty-one years, and there would be no escape from it immediately the Bill was passed. If the Government had put in a clause whereby the rental might have become a subject matter of arbitration, that would have been some set-off. But he could not see any arbitration clause in the Bill. The rent payable for the third period of seven years would be high for many of those in the outside districts, and by the operation of this Bill, that rental would be forced upon them for twenty-one years. In taking up land under the Act of 1863, to be able to take up a run, persons were forced to take up country in blocks of five square miles, and all the land within this was paid for—every acre. Yet, very often, one-half of a block might be bad while the other half was good. Would the Government charge rental at the same amount over the whole block? If the honorable gentleman would consent to introduce a clause to the effect that payment should be required only for the available land, that would be but a fair concession. It would nominally reduce the rent, while it gave the owner of the run some chance of redeeming his prosperity. Under the present rental he could not see that it was possible any good could be done with it. He had heard that almost all the squatters in the outside districts would throw up their leases. In that case, what action would the Government take? There was no power to compel them to pay their rents—no power in the colony, or on earth, enabling the Government to make them pay. In this way there would be a large sum at once disposed of, which the honorable gentleman, representing the Government, would never get back again. He would find this to be the case; and the leaseholds would be thrown up just to show the Government that the squatters in the outside districts would not be forced to pay what they cannot afford. There was another point which he desired to remark upon—about improvements at the end of the term. By the present Bill, the improvements were not to be valued, but they were to be left unvalued at the end of the lease. He was not aware of the fact, but he had been told so. He had not had time to ascertain it by running over the Bill. He certainly thought that the improvements should be valued, and that the leaseholders should have value in land for them. With these three or four amendments he would consent to the Bill. He should hold himself at liberty to propose amendments to reduce the rent, and to provide that compensation in land should be given to the leaseholders for improvements on the run.

The Hon. J. BRAMSTON said there were one or two oversights in the drafting of this Bill which required attention, and which might lead to considerable inconvenience. One was in the fifty-sixth clause, in the marginal note —"Grazing right over resumed portions, and compensation for improvements," whereas the purport of the clause was, that when any portion of a run is resumed, the tenant shall receive value, for his improvements, from the Crown. With respect to the compensation mentioned in the Bill, it should appear by whom such compensation should be paid: otherwise, a needy Government might say it was the duty of the tenant's successor to pay the compensation. The regulation clause at the end of the Act also required some attention. This provided, that regulations should be made for certain purposes. Hitherto, the form had always been that, when such regulations had been published in the *Government Gazette*, they should have the force of law; but, in the present clause, it simply said that the regulation is to be "proclaimed." "Proclaimed" was a word of wide meaning; and it was not defined whether the regulation should be proclaimed by the Government, in the *Gazette*, or by the town crier. That was a point upon which the Bill should be made more precise. He did not intend to offer any obstruction to the passing of this Bill. When the honorable gentleman representing the Government said that they proposed as long a tenure as the circumstances of the colony justified, the honorable gentleman had scarcely gone as far as he might have done into the reasons for proposing to do so. The chief reason for doing so was that the lengthened tenure would hold forth great inducements for the improvements of fencing, steam apparatus, and other costly appliances, which, without this increased tenure, capitalists would not incur expense upon. That reason might have been adverted to with great propriety by the honorable gentleman when introducing the Bill. The honorable gentleman had given no reasons for the difference of form adopted in the present Bill from that which had been made last year for the settled districts. Here it was provided that a schedule of the lands to be resumed should not be dissented from by both Houses of Parliament, by resolution, within sixty days. But, in the other case, it was provided that the resumption must be approved by both Houses. He could see no reason for this marked distinction.

The Hon. J. F. MCDOUGALL said he would not allow the second reading of the Bill to

pass without making a few remarks. It had long been held that it was necessary to bring some measure forward to alter the tenure by which the lands were held in the unsettled districts. This Bill had been brought forward with that object, and he believed he could safely say he considered it to be a very fair and liberal measure. No doubt one of the great requirements necessary to the prosperity of the squatting interest, was a fixity of some certainty of tenure to the leaseholder. The present Bill gave this security. If anything, he would say that some larger concessions might have been made, but taking the Bill upon the whole, he should give it his most cordial support. When the House went into committee, he should feel inclined, cordially, to support the amendments which the honorable Mr. Bigge had proposed to introduce, namely, to make a reduction in the annual payments for lands required from the outside squatters. He believed it was impossible for those who were occupied in pastoral pursuits to continue in possession, and pay the present rates exacted from them. He knew something himself of the difficulties and hardships to be encountered and endured in forming and carrying out these stations in the outlying districts. They had to deal with the blacks, a high labor market, long carriage, droughts, and many other difficulties. He did not know that it was necessary for him to say anything further, as the subject had been so often brought under the notice of honorable gentlemen, that it was pretty well understood by them all. He had no doubt that the Bill would meet with general support, and be passed through after those few amendments which had been referred to had been made. Then it would be advantageous, and yield the benefit which it was intended to convey. He should cordially support the second reading of this Bill.

Question put and passed.