**ASSESSMENT ON STOCK ACT AMENDMENT BILL 1862**

**House of Assembly, 1 October 1862, page 945**

Second reading

The Hon. A. FORSTER rose to move the second reading of a Bill entitled “An Act to provide for an appeal against any excessive assessment of the waste lands of the Crown within the province of South Australia.” In so doing, he might state that this Act was introduced chiefly to remedy a deficiency in the existing Bill. As it had been introduced by persons in the interest of the stockholders, it would perhaps be looked upon with some degree of care. He thought, however, so simply was the object of the Bill kept in view, that everything seemed to have been introduced which could operate liberally in favor of the Government and against the squatters. The first clause provided that lessees might appeal against over assessment, and the next clause referred to the appointment of an assessment tribunal. It was granted to the Government to appoint at once their nominee as a member of the tribunal, and the Commissioner of Crown Lands was named. This might be thought too exclusive, but the introducers of the measure had no objection to this. It was agreeable to the other branch of the Legislature, and this was so far favourable to the Government. As conducting this measure, he had no objection to the Commissioner being a member. He only feared the arrangement of making him a member in this Bill, and this was his only reason for seeking to alter the provisions of the second clause. Under this Bill the tribunal could fix the amount of the assessment to be paid, and no past over assessment was to be returned. He thought, however, that this should be altered, and that past over-assessment should be returned. As another evidence of the favorable nature of the measure to the Government, it seemed the appellant was to pay all costs. He saw no reason why this should be so, but if the House agreed, there was no objection. He had no wish to jeopardise the measure, which was a good one, as providing relief where an oppression existed. He should not, however, ask the House now to alter the clause, unless they desired to do so themselves. If the House would assent to the second reading, then he should be prepared to make the alterations named in Committee. This Bill was, as an hon. member had said of another measure, inartistically drawn—(laughter)—and he should ask leave to make several alterations in the verbiage. He should also suggest an alteration in the title of the Bill, to insert the words—“held by Crown lessees for pastoral purposes.” He would now propose the second reading.

The Hon. C. DAVIES rose to second the motion, although there were several alterations which he should like to see effected in the measure. There were also several points which he should like to see thrown out. There should be, he thought, a republication of the assessment. He had been informed that the work would be merely office-work and would not cost more than £l00. He thought it was rather singular that in Clause 6 they should propose to have a third arbitrator. He thought they should endeavour to keep down the costs as much as possible, and the third arbitrator should be called in only when required. He did not think it was fair that the appellant should be mulct in all the costs, more especially in cases where it was proved that there was an over-assessment. As to clause 7 he had no objection to alter that. He believed no one would object to make up the amount where a mistake had been made, but it would be unfair to mulct the appellant in the whole sum of the deposit, where less would be sufficient. He thought the fees to the assessors per sitting were very high, and this would open a door to many adjournments. It would be better to make the fees a guinea or two more, and fix it per case. This would tend to reduce the number of cases and to diminish the costs.

The Hon. H. AYERS did not agree with the Hon. Dr. Davies as to the assessors. He thought it better that all three should sit at once than that the case should afterwards have to be heard all over again in consequence of a dispute between the arbitrators as to the costs. He thought if an appellant would refuse to pay all the costs, he could not be very badly treated. The seventh clause was not very clear in connection with the first clause. He did not think that if the costs did not come to £25 the appellant should have to pay that sum. When in Committee he would take exception to several points; meanwhile he should support the second reading.

The Hon. J. H. BARROW said the Bill was a very important one, and one which deserved support. The Hon. Mr. Forster in introducing it had said that the spirit of the Bill was liberal as against the squatters, and in favor of the Government. He thought that it would have been more a recommendation had the hon. member said that it was impartial as between the squatters and the Government. He thought, however, when they knew by whom the measure was introduced, they would rather be inclined to believe it was in liberality as against the Government and in favor of the squatters. (Laughter.) However, he had no objection to the measure. They had entered into a compact with the squatters by which they were to charge 2d. per head on sheep, and its equivalent on great cattle. The hon. member had made a compromise and had succeeded in making the charge as 2d. per head on the carrying capabilities instead of as counted, which was much better. This was agreed to, and he was sure no one wished to have more than what was right. He should like to see justice done so that the contract might be maintained, and the lessees in no way distressed. It would be folly to attempt to depress the pastoral interest. They complained that the Act had not been carried out in its spirit and intention, and this Bill was to provide relief. He should support it because it was good, but he should oppose those clauses which referred to the tribunal. He thought the parties should be balanced more equally and the matter would be well understood. He thought the Government should nominate one arbitrator and the appellant another, and then those two should elect the third. He should support the second reading, and also some of the alterations. He hoped the principle of the Bill would be carried in its integrity, so as not to deal unjustly with an important interest of the province.

The Hon. the CHIEF SECRETARY would support the motion. He thought the lessees should have an appeal because such was the right of every one. It was now possible, under this Act, to injure seriously very many squatters, because Government could now assess at the rate of 240 sheep to the mile, where a run would not, perhaps, carry more than from 15 to 20. This might be carried so far as to lead to absolute confiscation. He did not suppose any Government would exercise such power, but he thought they should not hold it, and therefore it would be right that they should pass this Act. He thought the constitution of the tribunal, as proposed, was bad. The Commissioner of Crown Lands might be a squatter himself, and this would be unfair. He believed, however, the House and the country only wanted to do right, and he was glad to hear that this was to be altered. He believed it would make the tribunal more effective, and it would have more the confidence of the public. (Hear.)

The Hon. S. DAVENPORT was glad to see this Bill, as it was an instalment of justice as effecting a long-oppressed people. The Hon. Mr. Barrow had referred to a compromise. He remembered that, but it had not been carried without objection. The Hons. Messrs. Scott and Hall and himself had opposed that proposition, and it had now broken down. The Government from that day to this had found that it was wrong in practice. In many points he disagreed with the Bill. He quite disagreed with the plan of making the Commissioner of Crown Lands one of the tribunal. That tribunal should be composed of men who were able to form an opinion. The Commissioner of Crown Lands might be a man who had constantly been engaged in a different kind of business, and he would not be able to form an opinion. On a former occasion he had referred to the tribunal of New South Wales. There the Government nominated an officer who was well acquainted with the work, who was in their service. They had not such an officer here, but the Inspector of Scab was a gentleman who would be suitable for this work. He thought where an individual was found to be injured by being over assessed that an allowance should in fairness be made to him. To refuse to give back the amount of that over assessment was at once unfair and unwarrantable. He could not see how it was thought necessary to introduce so violent a proviso as that contained in the fourth clause. There were districts which would scarcely bear assessment, and if this rigorous plan was carried those lands would be thrown on the Government. It surely was an object not to allow too stringent laws to remain in force to prevent them from turning land into account for the benefit; of the country. He knew some of the Far North country from his own knowledge where if persons were taxed, no one would go there. There was some 7,000 miles of country which had been thrown up on the mere rental, which was generally about 100 per cent, of the assessment. He knew from his own knowledge of runs that many would not carry anything like the amount for which they were assessed. The Chief Secretary informed him that there was a message gone down to the Parliament today on this subject. No doubt the hon. member knew this, and he was glad to hear it. To oppress people who were taking their capital where many of them would not live even for a good salary was the worst of policy. He knew one case where as much as £9,000 had been expended, and all that the lessees had to show for it was about 400 head of cattle and two wells, which, were, of course, the property of the country. This was, no doubt, an extreme case—he believed it was—but until they opened up some sort of communication so that provisions and necessaries could by a railway or otherwise be conveyed at moderate rates, many parties would be unable to hold country under the rules prescribed. He would support. the Bill.

The Hon. J. M. SOLOMON was surprised that the Bill had not been introduced long before that time, inasmuch as it was a well-known fact that a great number of squatters were suffering severely in a pecuniary point of view consequent on the over assessment of their stock and runs. (Hear, hear.) Some time back the country agreed through its representatives to levy a charge of so much per head on all stock upon runs according to their carrying capabilities, but practically at the present time some of the squatters were paying double the amount so levied whilst others did not pay one-half of such tax. (Hear, hear.) He thought the 4th clause of the Bill providing for the election of a tribunal to fix the amount of assessment required reconstruction. He quite agreed with hon. members with reference to the constitution of a tribunal to fix amounts of assessments. The parties who had introduced the Bill into the other branch of the Legislature, did so, he believed, in order to obtain justice for a class of persons who had done in years gone by, and were doing at the present time, much to benefit the colony. He perceived by one clause in the Bill that the Tribunal for the hearing of appeals should consist of the Commissioner of Crown Lands and Immigration, and some person to be appointed by the appellant, and these two arbitrators should appoint a third arbitrator; but he thought it would be more wise if the introducers of the measure had left out the name of the Commissioner of Crown Lands, and had selected the name of some other gentleman, who might be less biased, and who was not interested in sheep or cattle. (Hear, hear.) He did not mean to insinuate that the Commissioner of Crown Lands—whoever he might be—would act one-sided in the matter. But he thought it would be more advisable to leave such gentleman out of the Bill, especially when he came to consider that it would be that gentleman who would necessarily assess the runs and fixed their value from information he would receive from the valuator of runs, and perhaps the Commissioner might happen to be misinformed and thus be led to over assess stock and the capabilities of runs. Under these circumstances he hoped the Council would think it more advisable to appoint some other person. The Commissioner might also, when hearing a case of appeal, be biased towards the valuator. (Hear, hear.) At the same time, he thought the measure one calculated to do justice to the squatters; and believing it as such, he would support the second reading, hoping that when in Committee the mover of the Bill would amend some of the clauses. (Hear, hear.)

The Hon. W. SCOTT supported the second reading of the Bill. As to the gentlemen who should compose the tribunal, he was of opinion that the Government should have the power to appoint that body. He also thought, that the Commissioner of Crown Lands should not be a member of the tribunal, inasmuch as the business connected with his office might engross his attention; thus he could not be in a position to give such cases due consideration, nor have a practical knowledge of the quality of the country which the case might refer to. (Hear, hear.) He would suggest that three impartial persons should be appointed having a thorough knowledge of the carrying capabilities of the different runs throughout the colony. He perceived that the 4th clause provided that the tribunal should, after hearing evidence, &c., fix the amount of assessment at which the waste lands should be in future assessed, whether the amount so fixed was higher or lower than the amount fixed in the assessment appealed against, and that such decision should be final. Now he considered the Bill had been introduced with a view to grant appeals against over assessment, and not for the final fixing of them, which final assessment the appellant should be bound to pay to the Government. He also thought the clause a money clause and as such he thought that it should be referred to the other branch of the Legislature rather than jeopardise the legality of the Bill.

The Hon. G. TINLINE rose with pleasure to give the second reading of the Bill his most cordial support. As most hon. members were aware, the last Assessment of Stock Act was defective, and was loudly proclaimed against inasmuch as it contained no provision for the redress of grievances, or, in other words, for appealing against its provisions; but that Bill gave that power, and he hoped that whilst in Committee the Bill would be made as perfect as possible. It was a measure that treated with one of the most productive interests of South Australia—(hear, hear)— the pastoral interest. During the last 20 years he had sympathised with the squatters, believing them as he did to be the pioneers of the colony—(hear, hear)—and to the gentlemen connected with the pastoral interests he believed the colony owed no small debt of gratitude. He had never heard one squatter shrink from the legislative liabilities imposed upon him. The last Assessment of Stock Act gave rise to much complaints amongst many of the squatters, who proclaimed loudly against the arbitrary way and the injustice dealt out to them by those who should protect and cherish the interest they were connected with. He hoped the tribunal would be constituted in such a manner as to deal out equal-handed justice to all parties. (Hear., hear.)

The Hon. A. FORSTER was pleased with the very unanimous approval the Bill had met with at the hands of hon. members. With reference to the Court of Appeals, he had no objection to concur in the alterations in its construction as suggested by many hon. members, but he would call attention to the arguments used against the Commissioner of Crown Lands, as not being a proper person to sit upon such Court of Appeals. In the first place it was suggested by several hon. members that the Commissioner of Crown Lands should appoint a person as one of the members of the said Court of Appeals, but could not the same arguments used against the Commissioner be also used against his nominee—(hear, hear)—that of being prejudiced in the matter in favor of the Commissioner. The Hon. the Chief Secretary had said that the Commissioner might be a squatter; the same arguments might be used against every member of the Government. He would move the second reading of the Bill.

Carried.

On the motion of the Hon. A. FORSTER, the Council, resolved itself into a Committee of the whole for the purpose of considering the Bill.