**WASTE LANDS AMENDMENT BILL.1872**

**House of Assembly, 13 June 1872, pages 1215-7**

Second reading

**The COMMISSIONER of CROWN LANDS (Hon. T. Reynolds),** in moving the second reading of this Bill, said it was in reference to the very matter upon which Mr. Hughes had just asked the Treasurer a question. The Government had for years past, almost immediately after the passing of the Waste Lands Act of 1S67, been in the practice of receiving returns and rents from waste lands lessees beyond the time in which the Act said they should be rendered. The non-receipt of the rent within a certain period subjected the lessee to a fine of 10 per cent, for the first month, 20 per cent, for the second, and absolute forfeiture if it were not paid before the end of the second month. It was open to grave doubt whether the leases on which rent had not been paid in proper time were valid, and one of the objects of the Bill was to settle that question. Another object was to extend the time for sending in returns from the 3rd to the 21st June, and from the 3rd to the 21st December, as the mails from some of the far out-lying districts did not enable the returns to come in in time now. And then, instead of providing that the returns should be posted, this Bill insisted on the lessees putting them in the Commissioner’s office without any reference to posting. Then with regard to the payment of rent, the Government had extended the time for another month so as to give ample time after the returns had been sent in. The clerks in the Crown Lands Office made up accounts according to the sheep-carrying powers of the runs, and the custom had been to give *Gazette* notices of the amounts to be paid by the lessees. This was a great convenience to the lessees themselves and to the Treasurer, as there had been considerable confusion between the Land Office and the Treasury; but after the returns had been certified by an officer in the Crown Lands Office there was not likely to be that confusion. The Government originally intended to deal with another question in the Bill; but as he said, in introducing it they thought it better to have the two subjects distinct, and only deal at present with this, which was a pressing matter, as the returns were due this month. He was desirous not to issue another notice for what he considered illegal payments, and he asked the House to enable him to carry the measure before the time for the receipt of the returns arrived.

Mr. GLYDE did not know that he saw any reason to object to the second reading of the Bill, although it was an amendment upon an Act which he had the honour of introducing, and of course one looked kindly upon one’s own measure; but this amendment was perhaps an improvement of it. Their pastoral friends seemed never to be satisfied with one concession, but, like Oliver Twist, wanted more. He would like to know whether the penalties under the 1st clause were actually paid. (The Commissioner of Crown Lands—“Some of them.”) There was no reason why the penalties should not be paid, and perhaps the Commissioner would say why he had not enforced them. Then with regard to the 2nd clause, if he remembered the Act of 1867, the lessee was obliged to post the returns; but he saw by this they were compelled to deliver; but as pastoral settlement was being extended—and the Overland Telegraph would have the effect of extending it— it would be impossible to get the returns from some of the far-distant stations within twenty-one days. By the 3rd clause the Government would not get the rent in the same year in which it was earned. That was not a very good provision. He supposed, however, that the Commissioner and the Treasurer had laid their heads together on this matter, and if they did not object he did not particularly do so. Altogether he saw no objection to these increased concessions, and he would not oppose the second reading.

Mr. WEST was glad to hear Mr. Glyde, who two or three days ago said he was no squatter's friend, say that he had no objection to this Bill to enable the squatters to get their returns down in the time specified. He had asked the Commissioner of Crown Lands a considerable time ago some questions on the subject, and he said he would provide for the difficulty and he thought the plan suggested would meet what had been a very serious matter to persons living at a great distance from a post, such as Streaky Bay, Port Lincoln, Gawler Ranges, Barrier Ranges, and other distant places, because although there were posts, there were no registry offices, and the mails had to be carried on horse back.

Mr. ANGAS believed the Bill had been introduced entirely at the suggestion of the members of the Executive. He did not think there had been any request by persons interested in squatting for the concessions, and it was hardly consistent with the liberality of Mr. Glyde to say that the squatters were asking for more. They were asking for nothing, and this Bill was simply to facilitate arrangements in the Government offices to obtain the returns and for the collection of the rents. He knew that difficulty had been felt for a considerable period, owing to the provision in the Act that stock returns should be registered. Some of the stations were 100 or 150 miles from a Post-Office, and it seemed hard that the squatters should have to send a messenger specially on horseback to register the returns. He should like to know whether the Bill applied to returns of stock travelling over runs, and not belonging to the occupiers. Under the existing Act he believed that returns of all travelling stock for two months had to be posted within two days of the first of the month, and if no stock had travelled upon the runs nil returns were to be forwarded under a penalty of £10. That was a hardship which had existed for some time, and many persons had complained of the operation of the Act in that respect. He should support the Bill.

Mr. KRICHAUFF wished to ask the Commissioner of Crown Lands whether there would not be a clear loss of revenue for one month by the 3rd clause. He believed the pastoral lessees had already some concessions, but he did not see why they should have concessions they did not ask for. If there would be a loss of revenue he certainly should object to the 3rd clause. Otherwise he had no objection to the Bill.

Mr. HUGHES approved of the Bill, and should vote for the second reading. It had been remarked that there was no call for the concession by the squatters. It was not called for by them, but it was brought forward in consequence of a challenge to a Treasurer about taking illegal payments on a Monday which ought to have been made on Saturday — (Oh) — and it had been said that it was the practice of the office to accept them at a later date than was justified by law, if the revenue did not suffer, and in this case the Act was distinct that if the rents were not paid on a certain day they should be forfeited. As an instance of straining at a gnat and swallowing a camel, one Treasurer was made responsible for a single case, and now they were told that 2,500 penalties had been received by the Ministry without the fines being imposed or forfeiture made. It would be remembered that the members for Yatala and the Burra distinctly contradicted

The SPEAKER—The hon. member cannot refer to a previous debate.

Mr. HUGHES said it seemed hardly fair that he could not refer to the statement of hon. members whose opinions were generally entitled to some weight. The action of the Commissioner of Crown Lands in introducing the Bill showed that he was right, and that these hon. members made statements without foundation. (Oh.) They found that about 2,500 such payments had been made, and Ministers had received them. The revenue had not suffered, and he did not blame the Ministers, and as long as the revenue did not suffer they were justified in considering to a certain extent the position of those persons who ought to pay the rent. He did not think the Government had done wrong, and he desired to assist them in making their Acts legal. No Ministry in a responsible position should ever hesitate to take the responsibility in cases like this when the revenue would not suffer.

Mr. BOUCAUT had no objection to the Bill, but approved its policy, and would not have spoken but for the remarks of the hon. member for the Port (Mr. Hughes). He should oppose, as a fatal and dangerous thing, the suggestion made by the hon. member that the Government should upon themselves the responsibility and override Acts of Parliament. The hon. member exhibited want of judgment in laying that down, and he felt assured his hon. friend would not, on reflection, recommend the adoption of such a principle. The point was this—that it was alleged that money was paid into the Treasury on a Monday which should have been paid on the Saturday, and that he had acted improperly. That was not the true state of the case—the money was paid in on the Saturday, and it was perfectly clear the Treasurer did right; and a great wrong had been done to his hon. friend both legally and politically. The hon. gentleman should not, however, draw from that case the con­clusion that Ministers should set aside the Act.

The COMMISSIONER of CROWN LANDS (Hon. T. Reynolds) said, in reply to the question raised by the hon. member Mr. Glyde as to whether penalties had been imposed, most cases had been taken on their merits—some penalties had been imposed and some not. In some of the cases left undecided by his predecessors in office he had been obliged to advise that penalties should be imposed and forfeiture waived. He concurred with the hon. member Mr. Glyde as to the spirit of the Act of 1867, which was held to meet all requirements, but it proved otherwise. Government must not violate the law, and they proposed the present measure in order to prevent any such violation. The hon. member for Barossa (Mr. Angas), had alluded to returns of travelling stock, which was a matter provided for in another Act. It might be hard for gentlemen in the interior, but they must remember that they got their runs at a little above a peppercorn rent, and they must not grumble if they were put to a little inconvenience about returns. This measure did not provide that the payments should be remitted, but that the time for payment should be extended for a month. It would not affect the amount to be received by the Treasurer, but would bring the payments in a month later. He hoped the Bill would be speedily agreed to.

The Bill was then read a second time„ and committed.

The several clauses and the preamble were passed. The House resumed, and the third reading was made an Order for the following day.