BLAME AND MARTYRS:
THE COMMONWEALTH GOVERNMENT’S
ADMINISTRATION OF THE NORTHERN TERRITORY’S PASTORAL INDUSTRY,
1911–1978

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DECLARATION

I hereby declare that the work herein, now submitted as a thesis for the degree of Doctor of Philosophy by research at Charles Darwin University, is the result of my own investigations, and all references to ideas and work of other researchers have been specifically acknowledged.

I hereby certify that the work embodied in this thesis has not already been accepted in substance for any degree, and is not being currently submitted in candidature for any other degree.

Edward James Ling
22 February 2010
This dissertation is a study of the Commonwealth Government’s administration of the Northern Territory’s pastoral industry from 1911 to 1978. From the beginning the Commonwealth adopted the objective of closer settlement, looking to the pastoral industry as the genesis of the Territory’s development. Pastoralists, particularly larger corporate ones, would develop the Territory’s rural lands and the Commonwealth would then resume some of those lands for closer settlement, usually by agriculturalists, mixed farmers, or for smaller grazing properties. This in turn would be followed by the development of population centres, and further expansion. To achieve its goals, the Commonwealth relied on leasehold land usage and refused to allow freehold. Leasehold enabled the Commonwealth to reacquire pastoral lands at certain intervals.

The Commonwealth’s policies brought it into conflict with pastoralists and their representative associations. Many pastoralists were opposed to closer settlement and actively sought to exploit Territory lands for short–term gain. The title of this dissertation – ‘Blame and Martyrs’ – has been chosen, firstly to reflect the culture of negativity and blame levelled against the Commonwealth for the pastoral industry’s supposed lack of development and support. Secondly, pastoralists frequently portrayed themselves as pioneers or martyrs, struggling to make a living while oppressed by an uncaring Commonwealth administration. The image was a false one, yet many pastoralists adopted it.

It is argued that corporate pastoralists occupied vast tracts of land, far too large to be effectively managed. They resisted all attempts by the Commonwealth to resume their land, while complaining about their supposedly high management costs, and blamed the Commonwealth for the financial losses they sustained, losses which were often caused by their own actions. Smaller, family pastoralists likewise blamed the Commonwealth for their misfortunes, refused to acknowledge their own contribution to those misfortunes, and relied on the Commonwealth for financial support to such an extent that it ultimately became a substitute for good management.
This dissertation is a defence of the Commonwealth, as events are viewed through its eyes. The study does not absolve the Commonwealth from blame, as it made a number of mistakes during its administration of the Territory’s pastoral industry; however, it is argued that failures were as much the fault of pastoralists and their representative associations. Throughout its tenure, the Commonwealth introduced a number of initiatives intended to foster development within the industry. Many pastoralists failed to respond to those initiatives, frequently sought to undermine the Commonwealth’s actions, blamed it for the lack of development in the industry, and refused to acknowledge that they too had responsibilities if their industry were to prosper.
ACKNOWLEDGEMENTS

Many people have provided guidance, support, and encouragement throughout the writing of this dissertation and they all deserve a special vote of thanks.

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- National Archives of Australia, Canberra – my reference officers Carrie Logan and Julia Church, as well as Anne McLean, Kerry Jefferies, Carolyn Connor, and the staff from Lending;


- National Library of Australia – staff in the Main Reading Room and the Manuscripts Room; and the

- Noel Butlin Archive Centre – Sarah Lethbridge.
I would like to thank the staff from various libraries for all their assistance: Charles Darwin University’s Casuarina library for pre–ordering items from the Special Collection prior to my visits from Canberra, and for their general support; Libby Williams, from the Australian Bureau of Agricultural and Resource Economics, for giving me access to a number of reports prepared by the former Bureau of Agricultural Economics; Trudi Prideaux, Information Specialist at CSIRO, for providing me with copies of papers given by Commonwealth officers Hugh Barclay and Tony Richardson at Scientific Liaison Conferences in Darwin in 1961 and 1966 respectively; Rosanne Walker from the Basser Library, Canberra, for providing me with access to the papers of former Northern Territory Administrator, John Gilruth; and Lynne Cooke and Kathy Roe from the Northern Territory Department of Regional Development, Primary Industry, Fisheries and Resources for providing me with access to the original manuscript of Glen McLaren’s publication ‘Distance, Drought and Dispossession: A History of the Northern Territory Pastoral Industry’.

Andrew Prior, from the Pastoral Lands Board of Western Australia, provided information concerning pastoral leases in that State.

The National Archives of Australia’s digitisation staff – Julie Faulkner, John Schilling, and Jennifer Everart – were very helpful in providing me with digital copies of images from the Archives’ collection. Brad Headland, also from the National Archives of Australia, converted the draft dissertation into PDF format on several occasions.

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Former Commonwealth and current Northern Territory officials involved in rural land administration shared their experiences through interviews, and answered my numerous questions over the past three years, and they too deserve a vote of thanks:
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I particularly want to thank those friends and neighbours in Canberra who looked after my house and garden during my research visits to Darwin – Steve Stuckey, Geoff Klause, Marian and Rachel Hoy, and Michelle Farrell; and those friends in Darwin who provided me with accommodation and transport during my visits there – Lorna Habermann, and Meredith and Phil Walker.

Other persons too have my thanks and appreciation. Kathy de la Rue edited the draft dissertation. My sister Monica Ling formatted digital copies of photographs, maps and documents within the text.
This dissertation makes extensive use of Commonwealth primary archival sources, mostly in the custody of the National Archives of Australia, Canberra and Darwin, and the Northern Territory Archives Service in Darwin.

Effectively, the Commonwealth’s administration of the Northern Territory encompassed three levels. Each level of administration established its own recordkeeping system, and each of these systems required detailed research in order to provide a composite picture of the period.

1. **Canberra Administration**

The first level of administration was the Central Office of whichever Department administered the Northern Territory at a particular time, for example, External Affairs, Interior, Territories, etc. These are mainly policy records and are held by the National Archives of Australia in Canberra.

The principal record series are:

A1, [Departments of External Affairs/Home and Territories/Interior] Correspondence files, annual single number series, 1901–1938;

A3, [Departments of External Affairs/Home and Territories] Correspondence files, annual single number series with NT prefix, 1912–1925;

A659, [Departments of Interior/Immigration] Correspondence files, class 1, 1939–1950;

A431, [Departments of Interior/Territories] Correspondence files, annual single number series, 1946–present

A452, [Department of Territories/Interior/Northern Territory] Correspondence files, annual single number series, 1951–1975; and
A1734, [Departments of Interior/Northern Territory/Northern Australia] Correspondence files, annual single number series with NT prefix, 1968–1978.

Cabinet Submissions and Decisions

In addition, there are Cabinet records comprising submissions and decisions, Cabinet being the formal policy and decision-making arm of Government. A properly organised Cabinet recordkeeping system did not begin until 1919 with the ministry of Prime Minister William Morris (Billy) Hughes. The records became more extensive as the years progressed. All Cabinet records are held by the National Archives of Australia in Canberra.

The principal Cabinet record series are:

A2727, [Hughes Ministry] Cabinet submissions, 1919–1923;

A2718, [Bruce Ministry] Cabinet submissions, 1923–1929;

A3264, [Scullin Ministry] Cabinet minutes, 1929–1931;

A2694, [Lyons and Page Ministries] Cabinet minutes and submissions, 1932–1939;

A2697, [Menzies and Fadden Ministries] Cabinet submissions, 1939–1941;

A2700, [Curtin and Chifley Ministries] Cabinet submissions, 1941–1949;

With the election of Prime Minister Robert Menzies in 1949, Cabinet recordkeeping became more extensive. The principal record series from 1949 onwards are as follows:


A5867, [Gorton Ministry] Cabinet submissions, 1968;


A5915, [Whitlam Ministry] Cabinet submissions, 1972–1975; and


Cabinet submissions and decisions prior to 1919 were maintained on various departmental files, though the National Archives has attempted to create a consolidated master set of these and other documents, that is,

2. Administrator of the Northern Territory

The second level of administration was the records of the Administrator of the Northern Territory. It was with that person that Departments in Melbourne or Canberra, and respective Ministers and Departmental Secretaries, principally dealt. The Administrator’s records are held by the National Archives of Australia in Darwin.

The principal record series are:

F1, [Administrator of the Northern Territory] Correspondence files, annual single number series, 1915–1978;

F423, [Administrator of the Northern Territory] Correspondence files single number series with S [Secret] prefix, 1946–1978; and


3. Northern Territory Administration

Thirdly, there are the records of the Northern Territory Administration, which consisted of various branches, of which the most relevant to this study were the Lands and Survey Branch and the Animal Industry Branch. It was from these Branches that the Administrator would seek advice when corresponding with Melbourne or Canberra on pastoral matters. The Northern Territory Archives Service in Darwin holds the records of both Branches.

Lands and Survey Branch

The principal record series are:

NTRS3345, [Lands and Survey Branch] Correspondence files, 1915–1929; and

**Animal Industry Branch**

The principal record series are:

NTRS896, [Chief Inspector of Stock] Correspondence, 1910–1941; and

TABLE OF ABBREVIATIONS AND CONVERSIONS

When citing documents from various archival institutions, a number of abbreviations are used throughout this dissertation, which fully expanded are as follows:

NAA Canberra: National Archives of Australia, Canberra

NAA Darwin: National Archives of Australia, Darwin

NAA Sydney: National Archives of Australia, Sydney

NTAS Darwin: Northern Territory Archives Service, Darwin

NLA Canberra: National Library of Australia, Canberra

NBAC Canberra: Noel Butlin Archive Centre, Canberra

Conversions

Throughout most of the Commonwealth era the size of pastoral properties in the Northern Territory was usually expressed in square miles, although occasionally acres were used, and after the metric system was adopted, hectares. It is generally the case today that leases are expressed in terms of square kilometres.

1 square mile = 640 acres = 259 hectares = 2.6 square kilometres.
1 square kilometre = 247 acres = 100 hectares = 0.386 square miles.
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CHAPTER 1, INTRODUCTION AND OVERVIEW

Land is the basis of everything. We hold it in trust for future generations…In all decisions…the permanent interests of the land comes first; the passing interest of individuals second.¹

1.1 Introduction

In May 1989 Paul Hasluck, Minister for Territories from 1951 to 1963, prepared a series of volumes containing public addresses and speeches from his ministry.² One volume was entitled ‘The Northern Territory 1951–1963: Public Addresses and Articles’.³ It contains anecdotes by Hasluck relating to his term as Minister, and he explained that the volume was produced:

in the hope that it may be of use to some future student who may share my belief that if the historian is to tell truly what happened in the past he needs to know what the people of the past thought they were doing.⁴

Hasluck’s comments underpin this dissertation, which involves the Commonwealth Government’s administration of the Northern Territory’s pastoral industry from 1911 to 1978.⁵ The centrepiece of the study is the policies and administrative actions of the Commonwealth – what it tried to achieve through these actions, and what succeeded or failed. Events are viewed from the Commonwealth’s perspective or to

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² Throughout this dissertation various individuals are referred to as Minister for the Northern Territory. The description means that those Ministers were responsible for the Northern Territory, in addition to other matters included with their portfolios. There was in fact no Commonwealth Ministry solely responsible for the Northern Territory until 1972. A list of all Ministers responsible for the Territory during the Commonwealth era is included with Appendix 2.


⁵ The Commonwealth was administratively responsible for the Northern Territory from 1911 to 1978. South Australia had responsibility for the Territory from 1863 until 1911. The Territory achieved self-government on 1 July 1978.
paraphrase Hasluck, seen in the context of what Commonwealth officials thought they were doing.

The project has three components: first, it is an administrative history of the Commonwealth’s tenure of the Territory’s pastoral industry and how this tenure evolved through vehicles such as legislation, government agencies such as Land Boards and, finally, the role of various committees of inquiry. Of particular interest is the Commonwealth’s use of Crown Lands Ordinances, and this dissertation includes an analysis of how they changed over the years, what requirements each Ordinance stipulated for pastoralists, why Ordinances were amended, and how successful some of those amendments were.

Second, it analyses the Commonwealth’s implementation and pursuit of social objectives including closer settlement, encouraging development of the pastoral industry by ‘small men’, particularly those who would take up residence in the Territory, as opposed to large corporate interests (the much denigrated ‘absentee landlords’). Closer settlement was entwined with the Commonwealth’s adherence to leasehold land usage, rather than freehold.

Finally, the frequent, and often acrimonious, interaction between the Commonwealth and the pastoralists’ representative associations is also considered.6

1.2 Literature Review

There are many works that cover the administration of the Northern Territory and its pastoral industry, but none follow the line of research pursued in this dissertation, nor have they used archival sources to the extent that they are used in this study.

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6 During the Commonwealth era there were essentially two representative associations. The Northern Territory Pastoral Lessees Association represented landholders in the western Victoria River and eastern Barkly Tableland Districts. The Centralian Pastoralists Association, represented landholders in the Alice Springs District.
Histories of Australian Rural Land Administration

Several works covering Australian rural land administration were consulted. Roberts provides a concise history of rural land settlement throughout the nineteenth and early twentieth centuries.  He described the period of early exploration, followed by the squatting age, and attempts by colonial administrations at developing land legislation. McMichael also studied the sequence of land settlement and administration in colonial Australia, highlighting the conflicts between squatters, farmers and merchants. The conflict between these classes involved colonial society in what McMichael called the ‘agrarian question’, that is, how land was to be productively organised and what was to be the general social organisation of the colonies. Waterhouse too studied the sequence of land occupation and administration, but his focus was on the history of rural society and culture, the values that shaped those cultures, and rural society’s interaction with urban cultures.

These books place rural land administration in a national context, and are of value to this dissertation because they describe administrative and legislative processes implemented by the colonies, the advent of greater land controls by governments after an extended period of squatting by graziers, the evolution of closer settlement, and the experiments and mistakes governments made in implementing their land policies, all of which had a direct influence on the Commonwealth’s management of similar practices in the Northern Territory.

While these authors dealt with rural Australia as a whole, Holmes and Davidson focussed on northern Australia. Both authors viewed northern development in the context of the national interest, but from different perspectives. Holmes argued that if

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10 NAA Sydney: M1850, Land laws and tenures, report on the investigation of the laws relating to the alienation and leasing of agricultural and grazing land owned by the Crown in each of the States of Australia, Australian Capital Territory, and the Northern Territory, 1944. This item consists of a report prepared by Harry Gibbs on behalf of the Rural Reconstruction Commission, and provides additional notes on the history of rural land settlement in Australia.
Australia did not develop and populate the north, other countries might do so by force. As is shown in this dissertation, concerns over an ‘empty north’, and its susceptibility to an enemy attack, were prevalent throughout much of the Commonwealth era, and indeed still exist today (2009). Holmes suggested the area be divided into a series of self-governing regions along geographical lines rather than current political boundaries. Each region would be responsible for managing its destiny, without the ‘evil’ of remote control government from Canberra; however, to ensure that development occurred, the Commonwealth would provide substantial funding, and not expect immediate returns. Conversely, Davidson dismissed the notion that the north should be developed for defence reasons, asserting that an undeveloped region would not make an attractive target; rather a fully developed region might be of potential interest to an aggressor. He examined a range of land use activities, including pastoral and agricultural, and concluded that most were uneconomic without substantial government subsidies. Only the pastoral industry, he said, could operate successfully because it relied on large volumes of land at minimum rentals, with high outputs per staff, and because it had a regular supply of low-cost indigenous labour. Ironically, Davidson’s book was first published in 1965, just one year before the Wave Hill walk-off, when members of the Gurindji tribe went on strike in search of higher wages.

Histories of the Commonwealth’s Administration of the Northern Territory

Powell’s *Far Country* is probably the most widely consulted history of the Northern Territory. The book makes frequent references to the pastoral industry during both the South Australian and Commonwealth periods. With respect to the Commonwealth era, Powell remarked that governments and Territorians alike failed

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12 B R Davidson, *The Northern Myth: Limits to Agricultural and Pastoral Development in Tropical Australia* (Cambridge: Cambridge University Press, second edition, 1966). Davidson was not the first person to argue that an undeveloped northern region was less of a defence risk than a developed region; J B Brigden, Director of Queensland’s Bureau of Industry, expressed a similar view in 1933: ‘Development plans, subsidies condemned’, *Brisbane Courier*, 10 June 1933, p. 12.

to appreciate that under Territory conditions there would be no early returns for any money spent.\textsuperscript{14} As this dissertation shows, the Commonwealth did not acknowledge this fact until 1945.

Donovan wrote about the Commonwealth’s administration of the Territory, and only briefly referred to the pastoral industry.\textsuperscript{15} His book highlighted differences between perceptions and realities, where the common view was that the Territory was a land full of possibilities for economic and social development; yet this view failed to recognise the difficulties associated with its geographic and social factors, and it was for this reason that so many policies foundered. Donovan used archival sources as part of his research, but only until the early 1950s; for the period 1951–1978 he made no use of such sources. This was not unusual as records for that period were not publicly available when the book was published; they are available today.

Fletcher studied the last ten years of South Australia’s administration of the Territory, describing the negotiations between South Australia and the Commonwealth which progressed to the point where the latter accepted responsibility for the Territory.\textsuperscript{16} She argued that the primary motive for the Commonwealth’s acceptance of the Territory was the concern that it represented a ‘back door’ risk to the future defence of the nation.

Mettam and Elder undertook biographical studies of some of the Territory’s Administrators during the Commonwealth era. Mettam focused on the first four Administrators,\textsuperscript{17} while Elder undertook a study of C L A Abbott, Administrator from 1937 to 1946.\textsuperscript{18}

\textsuperscript{14} Powell, \textit{Far Country}, p. 129.

\textsuperscript{15} P F Donovan, \textit{At the Other End of Australia: The Commonwealth and the Northern Territory 1911–1978} (Brisbane: University of Queensland Press, 1984).


Histories of the Northern Territory’s Pastoral Industry

There are a number of works that deal exclusively with the Territory’s pastoral industry. Duncan studied the industry during the period of South Australian administration. Conversely, McLaren and Cooper studied the industry through both the South Australian and Commonwealth periods, viewing events from the perspective of pastoralists, not governments. While they made use of archival sources, these were records of the Northern Territory Pastoral Lessees Association. Although purporting to outline Commonwealth policies, the authors made no reference to Commonwealth documents unless they were located within records created by the Association. It must be said that the authors’ treatment of pastoralists was very favourable, and in this dissertation a more critical view is provided.

Kelly wrote prolifically on the pastoral industry of northern Australia for more than twenty years. His interest arose after he had been commissioned to undertake a survey of the Territory’s cattle industry on behalf of the Bureau of Agricultural Economics in 1948. He was critical of corporate pastoralists for failing to develop their properties, and also of the Menzies Liberal Government, being more favourably disposed to earlier Labor Governments of Andrew Fisher and Ben Chifley. Yet they too were not without fault. The Chifley Government’s negotiations with pastoral companies such as Vesteys and Bovrils in the late 1940s concerning lease renewals resulted in very generous arrangements for the companies concerned, which would have been to the detriment of both the Commonwealth and the Territory were they implemented.


20 Glen McLaren and William Cooper, Distance, Drought and Dispossession: A History of the Northern Territory Pastoral Industry (Darwin: Northern Territory University Press, 2001). A two–volume manuscript, from which this book was derived, is held by the Northern Territory Department of Regional Development, Primary Industry, Fisheries and Resources, and was sighted by this author.

21 Examples of Kelly’s works include: Report on the Beef Cattle Industry in Northern Australia (Canberra: Bureau of Agricultural Economics, 1952); Struggle for the North (Sydney: Australasian Book Society, 1966); and Beef in Northern Australia (Canberra: Australian National University Press, 1971).
Rose wrote a brief history of the pastoral industry during the Commonwealth era.\textsuperscript{22} His work is similar to this dissertation in that both are concerned with the policies and administrative actions of the Commonwealth. Rose’s study, however, ended in 1953, whereas this study concludes in 1978. Rose made no use of archival sources, although this is not surprising given the time in which he was writing, and the difficulty in accessing such records.\textsuperscript{23}

Phelts studied the Territory’s economic history from 1824 to 2000 and the influence that water supplies, or the lack of them, had on settlement and industries such as agriculture, pastoralism and mining.\textsuperscript{24} She argued that the Territory’s primary industries did not fulfil the visions of colonial and Commonwealth administrations because of underdeveloped water supplies, and this was the reason why settlement and primary industries, including the pastoral industry, took so long to develop.

Hillock studied successive South Australian and Commonwealth administrations and argued that the Territory’s development was stultified because of administration from a distance and the failure of governments to provide sufficient local autonomy.\textsuperscript{25} Distance management was a cause for frequent criticism of the Commonwealth throughout its administration of the Territory. Hillock was primarily concerned with agricultural land usage, not pastoral, though he did make a number of references to the pastoral industry.

Several scholars have limited their research of the pastoral industry to a particular region within the Territory. Bolton studied the development of the industry in the Kimberley District of Western Australia and the adjoining western part of the


\textsuperscript{23} Public access to Commonwealth archives in the 1950s was particularly difficult. There were no legislative or administrative systems in place that facilitated such access, as there are today.


Northern Territory.  He concluded that pastoralism could be successfully pursued, but the region was not suitable for small scale development or intensive cultivation, owing to its distance from markets, and its semi–tropical climate. Gill examined the responses of pastoralists in Central Australia to emerging social movements in the 1960s, such as environmentalism and Aboriginal land rights, which affected their occupancy, use and management of land.

**Histories of Pastoral Stations and Individual Pastoralists**

There are many published histories of pastoral stations and a number of them were consulted in preparing this dissertation – Makin, Kowald and Johnston, Darcy, and Wagstaff. Pastoral companies sometimes commissioned these works and, as such, they tend to emphasise the hardships of pastoral life, treating pastoralists favourably. Some ignore or gloss over the poor animal husbandry practices that persisted on many stations, and the economic losses and environmental damage those practices caused.

A number of biographies and autobiographies of Territory pastoralists have been consulted, including Byrne’s study of the Kilfoyles who leased the Rosewood property located in the western part of the Territory, which for many years was highly regarded by Commonwealth officials; Bowen’s biography of Sidney Kidman in which she described him as ‘the greatest pastoral landholder in modern

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32 Geraldine Byrne, Tom and Jack: A Frontier Story (Fremantle: Fremantle Arts Centre Press, 2003).
history’, which is a gross overstatement; Whitebeach’s biography of Donald Ross, the first Aborigine to lease a pastoral station; and an autobiography by A J Cotton, a pastoralist linked to several properties on the Barkly Tableland.

Aboriginal Involvement in the Northern Territory’s Pastoral Industry

This dissertation only incidentally deals with issues involving the interaction between Aborigines and the pastoral industry. It is acknowledged that pastoral stations were located on Aboriginal lands, and that for most of the period covered in this study, Aborigines provided the industry with low–cost labour, indeed to such an extent that the industry may not have survived without them.

A number of scholars, however, have dealt extensively with these issues. McGrath studied the daily lives of Aborigines on pastoral stations. She argued that the open range nature of the industry, together with its harsh environment, the lack of fencing on most properties, and the industry’s seasonal nature, whereby most activities took place in the dry season (between April and November), allowed Aborigines to retain a degree of autonomy. They were ‘pioneers’ who opened the land for pastoral enterprises. They were also owners of their traditional lands, as well as users of pastoral lands, and often moved freely between their bush culture and the culture of the pastoral stations.

Riddett and Lewis limited their research to the Territory’s western Victoria River District. Riddett’s study dealt with the impact that European settlers and Aborigines

33 Jill Bowen, Kidman: The Forgotten King (Sydney: Angus and Robertson, 1987). Kidman had a poor record for maintaining his Territory properties, and for paying rent on those properties.


35 A J Cotton, With the Big Herds in Australia (Brisbane: Watson, Ferguson, 1933).


37 Attwood deals with issues involving the rights of Aborigines and briefly discusses their involvement with pastoral stations; Bain Attwood, Rights for Aborigines (Melbourne: Allen and Unwin, 2003).
had on each other and on the District itself between 1911 and 1966. She argued that despite their exploitation by the pastoral industry, Aborigines were still able to maintain their traditional lifestyles, and even to act as agents for improvement within pastoral society. Lewis studied the formation of settler societies in the District and examined the process of land settlement by early Europeans and pastoralists, and their interaction – usually hostile – with Aborigines.

Anthony studied the impact of the pastoral industry on Aborigines across northern Australia (not just the Territory), and argued that by representing the Crown’s interests in land ownership, northern administrators harshly bound both pastoralists and Aborigines to their priorities in a system that was almost feudal in scope. In presenting her argument, however, she made a number of erroneous statements regarding the Commonwealth’s use of leasehold land usage and rents levied on pastoral properties (which are addressed in Chapter 7).

Wells analysed the manner by which successive Commonwealth governments formulated and administered policies of assimilation for Aborigines living in Darwin between 1939 and 1967. While her work did not involve the pastoral industry, there are similarities between it and this dissertation in that both deal with the development and implementation of Commonwealth policies in the Territory, and both make extensive use of Commonwealth archives.

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The impact that Aborigines had on the Territory’s pastoral industry was substantial and complex, and there are issues that merit further study, such as their treatment by pastoralists and the lack of payment for their services, which was prevalent throughout the Territory and which culminated in the equal wage case of the 1960s. Yet given that there has already been very extensive research on issues involving Aborigines and the pastoral industry, and given that the focus of this dissertation is on the Commonwealth Government’s administration of the pastoral industry, rather than on the interaction between Aborigines and the industry, it was felt unnecessary for this dissertation to pursue these issues or to traverse ground which has already been comprehensively researched by other scholars.

1.3 Description of Research Methods

Writing in 1930, Price was scathing of the Commonwealth’s administration of the Territory. While this author does not share Price’s views, he did make a telling observation when he said that ‘the exact truth can emerge only in the perspective of many years, and with the release of confidential Government papers and the private journals of the principal actors’. The ‘many years’ to which Price referred have passed, and the ‘confidential Government papers and the private journals’ that he mentioned are now available for public scrutiny.

In an early dissertation Riddett stated that ‘the history of the pastoral industry in the Northern Territory since 1911 remains unwritten’. This study is dedicated exclusively to the Territory’s pastoral industry during the Commonwealth era, and it is intended that it will go some way to redressing the unwritten nature of the industry’s history. The study differs from earlier research in two ways. First, extensive use is made of Commonwealth archives, far more than similar projects

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45 As this dissertation deals solely with the pastoral industry, there are only minimal references to other forms of land use, such as agriculture.
done previously, predicated on the view that one cannot write a comprehensive history of a period without accessing such sources. Second, the study views events from the perspective of the Commonwealth, whereas other studies usually consider events from the pastoralists’ view. This dissertation is in many respects a defence of the Commonwealth’s actions. The majority of research involved Commonwealth records held by the National Archives of Australia in both Canberra and Darwin, and the Northern Territory Archives Service in Darwin. The records document not only policies and decisions as publicly announced and implemented, but also the discussions that preceded their implementation, and the thinking that lay behind their development. The records often show what Commonwealth officials truly thought of and understood about pastoral matters, not what they might have stated publicly.

To complement the abovementioned archives, the personal papers of former Ministers, Administrators of the Territory, and senior officials, in the custody of the National Archives of Australia, the National Library of Australia, and the Northern Territory Archives Service, were also accessed.

Commonwealth printed sources, such as Parliamentary Debates as recorded in Hansard, the annual reports of the Territory’s Administrator, Crown Lands Ordinances, and the final reports of individual committees of inquiry were all consulted.

A number of interviews with those individuals involved in the development and implementation of Commonwealth policies were undertaken. There are, however, only a few such individuals still living and their participation relates to the latter period of this study.

As the emphasis of this dissertation is on the Commonwealth’s actions, for this reason pastoral company records were not consulted. There was, however, one exception – Bovril’s administration of Victoria River Downs. Commonwealth officials made frequent references to poor management practices on this property, and it was necessary to sight Bovril’s records to ascertain if they could explain the company’s actions and possibly refute those negative views.
Records of the pastoralists’ representative associations were also not consulted, but this was not by choice. As stated earlier, there were effectively two principal associations throughout the Commonwealth era – the Northern Territory Pastoral Lessees Association and the Centralian Pastoralists Association. In recent years several scholars have been given access to the records of the former association which are in the custody of the Northern Territory Archives Service. This author sought similar access, and a request was lodged in October 2006 to the Executive of the Northern Territory Cattlemen’s Association, the successor to the Pastoral Lessees Association. The request was rejected; no reason was given for the rejection. The records of the Centralian Pastoralists Association could not be located, and their whereabouts are unknown. Two attempts at contacting a former member of the Association failed to elicit a response, and a letter to the editor of the Centralian Advocate newspaper in Alice Springs in October 2007 seeking the location of the records was not published.

1.4 The Mythology of the Northern Territory’s Pastoral Industry – Blame and Martyrs

From the beginning, the Commonwealth had good intentions for the Territory’s pastoral industry. It was mindful of the failures that beset the industry during the South Australian period, and was determined not to make similar mistakes. A Crown Lands Ordinance was introduced in 1912, creating a Land Classification Board, the principal task of which was to classify Crown lands and to review applications for pastoral leases. Over the next seventy years other Crown Lands Ordinances were introduced and amended. Land Boards were created, abolished, and recreated. The creation of a Land Court was announced in 1949. There were numerous committees of inquiry, for example, the Pastoral Leases Investigation Committee (1933–1935),

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46 The term ‘Centralian’ is an amalgamation of Central Australian. It denotes the southern part of the Territory, roughly extending from Tennant Creek to the South Australian border.

47 Scholars mentioned earlier in this chapter – McLaren and Cooper, Lewis, and Phelts – were given access to the Association’s records.

48 Copies of some of the Association’s records (mainly minutes of annual meetings), are held by the National Library and the Noel Butlin Archive Centre (both located in Canberra), and access was obtained to those records.
the Payne–Fletcher Board of Inquiry (1937), and a Select Committee appointed to Inquire into the Development of Rural Land (1974), all of which sought better ways of promoting the development of the pastoral industry.

Commonwealth Ministers visited the Territory on numerous occasions and described the lack of development on many pastoral properties, and their concern that some properties were held by large companies which made no attempt to develop their land. Ministers announced policies for the development of the Territory in general, and the pastoral industry in particular. The first such policy was issued in June 1914, and others followed. The plans were often comprehensive, yet events such as two world wars and the Great Depression, together with frequent changes of governments and Ministers in the early years, meant that they were never fully put into effect.

Perhaps two of the Commonwealth’s more audacious measures were the separation of the Territory into two administrations – North and Central Australia – in 1927, or the proposal in 1933 to offer up the Territory, together with part of Western Australia, for development by chartered companies. Both measures failed, yet they were testament to the Commonwealth’s willingness to find alternative ways of developing the Territory.

Throughout the Commonwealth era a mythology evolved whereby many Territory pastoralists portrayed themselves as pioneers, enduring hardship in order to tame a savage land. Waterhouse noted that the pioneer legend first emerged throughout Australia in the 1880s and 1890s and continued to exercise a powerful influence in the way twentieth century Australians imagined those who had lived and continued to live on the frontier. Pastoralists played on this legend by making frequent references to their pioneering status; for example, J C Schmidt from Alroy Downs said that ‘every consideration should be given to those who have spent…considerable sums of money in pioneering and developing the country’. At


50 Waterhouse, The Vision Splendid, p. 255.

51 NAA Canberra: A431, item 1947/601, J C H Schmidt resumptions, 4 November 1943.
the same time they argued that the Commonwealth failed to provide them with sympathetic consideration. These were common themes in many histories of the Territory’s pastoral industry yet, as is demonstrated, the notions were predominantly false.52

Part of the pastoral mythology was the notion that bigger was better, and the larger the property the greater was the status and prestige of the lessee. In their history of Alexandria, a station that at one time exceeded 11,000 square miles, Kowald and Johnston said ‘with its huge size and a reputation to match, Alexandria was showing the way on the Barkly [Tableland]’.53 Yet as late as December 1970 John Auty, the Territory’s Chief Agronomist, said that experience in the Territory had shown that bigger was not necessarily better. The input most required, he said, was management of the right calibre.54

Makin’s history of Victoria River Downs is particularly favourable to the pastoral mythology.55 The very title of the book conjures images of vast, open spaces. Makin paints a picture of the property’s administration, a picture that can only be regarded as fanciful. He argues that Bovrils built a great cattle station with much adversity, extensively developed the land at considerable cost, only to see a major portion of that land, in fact the best portion, resumed by the Commonwealth in 1935. Makin’s assertions are demonstrably untrue. As far as extensively developing the land was concerned Daniel McInnes, a field officer who inspected the station in late 1941, wrote that the property:

is in a very sorry state of development…Improvements effected have not been maintained in repair, and the stock improvements such as water, yards, and fencing, are all in a tragic condition.56

52 Gill also used the term ‘pastoral mythology’ in his dissertation, referring to the trials of the ‘pioneer legend’, which encompassed a noble figure who had sacrificed and laboured to make a productive home in the wilderness; ‘Outback or at Home?’, p. 43.
53 Kowald and Johnston, You Can’t Make It Rain, p. 47.
54 NAA Darwin: F1, item 1969/1094, Pastoral leases policy [part 4], 21 December 1970.
55 Makin, The Big Run.
56 NAA Darwin: F59, item 2, Resumptions, 14 January 1942.
The assertion that the Commonwealth took the best land was also untrue. McInnes wrote that ‘the unfortunate resumptions in 1935 were not fair to the Crown, and to avoid a repetition of such a state of affairs, a much fairer resumption to the Crown is now recommended’. 57

Reading Makin’s book, it would be difficult to imagine the sub–standard conditions that existed on the property, yet references abound in Commonwealth documents to the poor state of this property’s management for most of its existence. At one point the Administrator, C L A Abbott, wrote that it was ‘probably the worst managed property in the whole of the Northern Territory’. 58 The fact was that the property was too large to be administered by one company.

The conditions at Victoria River Downs were by no means isolated, and many other cattlemen neglected their properties, although the pastoral mythology would state otherwise. Bowen paints a similarly deceptive picture of ‘cattle king’ Sidney Kidman. 59 When he died in 1935 his estate was valued at more than £300,000 and was rumoured to be worth considerably more than this. Yet, as stated earlier, his properties had a poor record for expenditure on improvements, and were consistently in default when it came to making rental payments, even though the requisite rents were minimal. The Territory’s Administrator, Robert Weddell, wrote that:

there are a few lessees [in] Central Australia whom it is considered ought to make some greater effort than has been made to pay their arrears. This applies particularly to…Sidney Kidman and Son. 60

Large companies held most pastoral land throughout the Commonwealth period. In 1927 the North Australia Commission noted that ‘of the 160,860 square miles held under pastoral leases and licences – 76,627 square miles, or practically half, was only

57 NAA Darwin: F59, item 2, Resumptions, 14 January 1942.
58 NAA Canberra: A659, item 1943/1/7384, Vesteys holdings in NT, establishment of, 3 December 1943.
60 NAA Darwin: F20, item 75, Outstanding rentals, 17 August 1931. Weddell’s report named other lessees who were in arrears as well as Kidman.
held by six lessees’. Many stations were so large they could never be effectively
developed, even if the companies that leased them were willing to spend the money,
which in most cases they were not, a point repeated many times in Commonwealth
documents. In fact, it was quite the opposite. Many pastoralists neglected their lands,
resulting in the degradation of the soil and vegetation, and their animal husbandry
practices resulted in the production of poor quality stock.

It is clear that most land was held on speculation for future profit, or simply taken to
prevent competitors from acquiring it. This was amply demonstrated by the lengths
some pastoralists went to in order to avoid surrendering even the smallest amount of
land when the Commonwealth attempted to resume portions of that land at
predetermined intervals, even though it was clearly stated on their leases that the
Commonwealth had the option to resume a percentage of each property. At the
same time they continued to berate the Commonwealth for the supposedly high cost
of managing their lands.

Many pastoralists frequently looked to governments to address their needs, while
refusing to accept any responsibility themselves. When the Commonwealth could
not, or would not, meet their demands they adopted the role of martyr, and blamed it
for their financial losses. In February 1927 M P Durack, from the pastoral company
Connor Doherty Durack, stressed the need for the Commonwealth to encourage
development, and argued that it should not be niggardly, in fact it should be ‘unduly
magnanimous’ he said. S E Pearson, a fellow pastoralist from Queensland,
responded to Durack’s claim. While acknowledging some of the Commonwealth’s
failures at that time, Pearson asked what the large cattle interests had done of their
own volition to encourage settlers to the north.


62 Leases initiated from 1924 carried with them a reservation that the Commonwealth could resume
one–quarter of the land in 1935 and another quarter in 1945.

63 ‘The Development of Northern Australia’, The Pastoral Review, volume XXXVII, number 2 (16

64 ‘The Development of Northern Australia’, The Pastoral Review, volume XXXVII, number 3 (16
March 1927), p. 244.
Like many pastoral histories, the previously mentioned book *Distance, Drought and Dispossession* was titled to complement the pastoral mythology, emphasising the harshness of Territory life, while painting pastoralists in a favourable light. The book could readily have been titled *Destruction, Denudation and Devastation*. Such terminology, while emotive, would have been no less appropriate.

For the Territory’s pastoral mythology to evolve and prosper there needed to be a villain, someone to blame for the perceived woes and hardships of pastoralists. It was a convenient way for them to abrogate their own responsibilities. The Commonwealth admirably fitted the occasion, being variously described as parsimonious, apathetic, unsympathetic and weak; however, the term ‘failure’ was most commonly used to describe its administration of the industry. The title of this dissertation – ‘Blame and Martyrs’ – has been chosen, firstly to reflect the culture of negativity and blame levelled against the Commonwealth, usually by pastoralists and their representative associations, for the supposed lack of development and support. Secondly, pastoralists often regarded themselves as martyrs, struggling to eke out a living, while at the same time oppressed by the Commonwealth. This was the false image that many of them portrayed. As late as 1974 a pastoralist appeared before a Legislative Council Select Committee and said ‘the whole thing boils down to the fact that do the governments want to develop the N.T. or don’t they? The men are here; all we need is a bit of help to start’. This particular pastoralist simply ignored the substantial level of development undertaken by the Commonwealth, particularly in the period following World War II. The comments were by no means unique. Pastoralists frequently called for sympathetic

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67 Price, *The History and Problems of the Northern Territory*, p. 47.

68 In order to avoid repetition, the terms ‘pastoralist’, ‘lessee’ and ‘cattleman’ are used interchangeably throughout this dissertation.

understanding from the Commonwealth. Although they rarely admitted it, on many occasions that was what they received.

At this point it should be noted that there were two types of pastoralists, the larger corporate lessees who occupied land in the eastern and western districts of the Territory, while their principals resided externally, and the resident or ‘small man’ lessees, most of whom lived in the Alice Springs District. For much of the Commonwealth era, both large and small pastoralists exhorted the Commonwealth to develop the Territory, at the same time refusing to accept their own responsibility to assist with the Territory’s development, while stressing their alleged financial hardships.

Following his visit to the Territory in 1929 the Minister, C L A Abbott, was highly critical of many pastoralists saying ‘they felt they were martyrs and it was the duty of the Federal Government to support them and make their holdings profitable’. The martyr complex was a theme recurring throughout the Commonwealth era, as is demonstrated in this dissertation. In 1932 the then Minister, Archdale Parkhill, expressed similar comments following his visit. He said that ‘there is a definite disinclination to initiate and do many things which might readily be done locally; [instead] requests are preferred to the Commonwealth Government’.

While it is fashionable to blame governments for failures within industry and elsewhere, the pastoral industry’s intermittent development was not entirely the fault of the Commonwealth, and in fact it did go to considerable lengths to foster and encourage the industry. The Commonwealth was indeed not without blame but, as is demonstrated, so too were pastoralists and their associations. The lack of development was partly due to larger corporate interests; they were there for profit, not development. Many of them actively opposed any developmental measures that threatened their tenure, and used their representative associations to deflect any

70 NAA Canberra: A1, item 1938/4979, Minister’s visit to north and central Australia; report by C L A Abbott following his visit to the Northern Territory, June 1929, p. 7.

71 NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister 1932 development of Northern Territory; report by Archdale Parkhill following his visit to the Northern Territory, 31 August 1932, p. 3.
perceived threat from the Commonwealth. Smaller Centralian pastoralists were not without blame either. While demanding to be left free of all administrative controls, they insisted that the Commonwealth provide them with substantial financial assistance, and blamed it if it failed to do so. A culture of reliance on financial support subsequently evolved. A departmental report noted that the risk in providing indirect aid was of encouraging a class which looked for added income through concessions rather than through private endeavour and capital investment.\(^{72}\) As is shown, this was certainly the case with many Territory pastoralists.

William Payne, whose appointment as Chairman of a Board of Inquiry into the pastoral industry in 1937 was warmly welcomed by pastoralists generally, and the Pastoral Lessees Association in particular, was later to say of those same pastoralists:

> if land policy were to be influenced by them, progress during the next twenty years would be very slow. Most of the bigger Territory lessees have little vision, and often think that policies which will materially benefit them are quite against their interests. Moreover, in the past, they have had their own way for so very long that they will intrigue against the Administrator and pull all the strings possible whenever a decision they consider adverse to them is given.\(^{73}\)

Rather than blaming the Commonwealth, this dissertation argues that pastoralists and their representative associations share substantial blame for failures within their industry.

### 1.5 The National Interest and Closer Settlement

One of the causes for conflict between the Commonwealth and pastoralists was that while the principal concern of the former was the national (or public) interest,\(^{74}\) the latter were usually concerned with their own sectional interests, a point noted by Commonwealth officials on numerous occasions. There were two issues entwined:

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\(^{72}\) NAA Canberra: A9816, item 1949/237 part 1, Regional planning Meat Production Development Committee, 31 March 1949.

\(^{73}\) NLA Canberra: MS4744, box 11, folder 5, Correspondence, 30 May 1945.

with the Commonwealth’s development of the Northern Territory in the national interest. The first was that development was for the betterment of Australia as a whole, not just the Territory itself. It was the future Minister, Rex Patterson, who summarised this view eloquently when he said:

…it is necessary to emphasise that…Governments responsible for the development of Northern Australia must consider policies designed to achieve the most favourable outcome accruing to the society of Australia as a whole, rather than to the society residing in the northern portion of the continent alone.75

The initial goal was extensive settlement of the Territory to reduce the risk that an ‘empty’ northern region posed to the defence of the nation. Fear of aggression from overcrowded Asian nations was uppermost in the minds of many politicians, as evidenced by Parliamentary debates concerning a new Crown Lands Ordinance in 1912 (discussed in Chapter 2). In a later policy statement the Minister, Patrick Glynn, said that the Territory’s isolation and lack of settlement made it a ‘menace to the rest of Australia’.76 Settlement in turn was expected to lead to expanded development and greater occupation, primarily by resident settlers, which was also seen as more socially desirable than land occupied by large companies which made little attempt to use it.

The second issue was that the Commonwealth was concerned with the needs of both present and future land users, and the long–term preservation of the land. Following a visit to the Territory in 1915, Department Secretary Atlee Hunt, while cautioning that closer settlement should not be hastened, said that the region was not being governed solely in the interests of its present occupants, but ‘regard must be had to the future’, and ‘room must be left for expansion beyond present apparent needs’.77 Many years later Queensland land officer William Payne emphasised the role of governments in ensuring land preservation when he said that ‘land is the basis of


76 P McM Glynn, ‘Memorandum on the Northern Territory’, p. 6; Commonwealth Parliamentary Papers (1917), volume VI, pp. 1089–1099.

77 NAA Canberra: A3, item NT1916/2606, Secretary’s visit to NT, 17 November 1915.
everything. We hold it in trust for future generations…In all decisions…the permanent interests of the land comes first; the passing interest of individuals second’.  

78 Yet the Commonwealth had to contend with pastoralists who, according to Hugh Barclay, Director of Lands, ‘are governed, not by the national interests, not by their concern for the land, not by any interest in sound development of the Northern Territory, but by their desire to get the highest possible price for cattle turned off’.

79 Conflicts concerning sectional interests manifested themselves early. In 1918 C J Dickenson, Veterinary Officer and Acting Chief Inspector of Stock, said that as far as pastoralists on the Barkly Tableland were concerned, there was ‘a good deal of the spirit of every man for himself…and it rests with us to make them see the matter in the light of the national economy, and to rigidly enforce any regulations we may make’. 80 At times pastoralists tried to assure the Commonwealth that they too were concerned with the national interest. Vesteys said that ‘surely if we make two good beasts grow where only one poor one grew before, Australia benefits at least as much as we do’. 81 Again, in the early 1950s, when opposing new land legislation, the Pastoral Lessees Association alleged that it was only concerned with the national interest. 82 Such statements were disingenuous as shown in this dissertation.

Following receipt of a critical letter over new pastoral land legislation in 1953, a draft reply prepared by departmental officers said that ‘a Government must have regard to the public interest and must weigh sectional interests against public interest, and where there is conflict the latter must prevail’. 83


79 NTAS Darwin: NTRS2500, item L18 part 1, Return of important events; annual report year ended 30 June 1952.


81 NAA Canberra: A431, item 1948/274 part 1, Export of live cattle NT, 30 January 1925.

82 NAA Canberra: M331, item 163, Crown Lands Ordinance NT, 6 February 1953.

83 NAA Canberra: M331, item 163, Crown Lands Ordinance NT. The critical letter was from the Austral Downs property on the Barkly Tableland.
Sectional interests were readily exemplified in the 1950s and 1960s when some Centralian pastoralists overstocked their properties. When the area was afflicted by a severe drought they looked to the Commonwealth for financial assistance to remove their cattle. They rejected any criticism for overstocking, and the damage it caused to soils and pastures. There were calls for the Commonwealth to introduce greater administrative control to guard against future overstocking.84 Pastoralists baulked against this because they knew ‘the good of Central Australia’.85 At the same time they sought further financial support from the Commonwealth, although as officials noted, the industry was already heavily subsidised. Once the drought broke, they sought more financial aid to restock their properties. Within ten years overstocking in the district was once again critical, and in 1975 a new crisis was precipitated by a recession in the industry. Those pastoralists, who had helped to exacerbate the problem by overstocking, then sought further financial support from the Commonwealth to solve it, while refusing to accept culpability for their own actions.86 Their actions prompted the Northern Territory News to pose a most incisive question:

should cattlemen owning long-term titles over huge areas of Australia be permitted to do what they like on the basis that individual freedom is all-important no matter what the overall detrimental effect to the land and its people?87

Closer Settlement

The Commonwealth’s concern with the national interest was reflected in its pursuit of closer settlement in the Territory. Attorney-General H V Evatt described the process when he said that ‘the aim may be taken to be to cause the larger estates to be so subdivided as to bring about an increase in the number of persons who will

84 Northern Territory Land Board report, ‘Centralian Pastoral Industry under Drought Conditions’, Darwin (December 1964). A copy of the report will be found on NTAS Darwin: NTRS2500, item L985 part 1, Investigation into drought conditions, erosion, etc.


86 These matters are discussed in detail in Chapters 5 and 6.

settle on, and work, the land comprised in those estates’. It was a practice begun by the colonies in the late nineteenth century. Previously, large tracts of land were occupied, often by squatters, much of which was under-utilised. This caused public concern and governments ultimately legislated to reacquire some of the land, often at considerable cost, for occupation by new settlers.

The Commonwealth was keen to avoid similar mistakes. It saw the development of the Territory in general, and the pastoral industry in particular, as a two-stage process. Stage One involved the occupancy of land by pastoral companies with resources at their disposal. They would initially develop their properties and the Commonwealth would resume portions of that land at future intervals, the intention being that resumed lands would be re-leased for agricultural purposes, mixed farming, or for smaller pastoral properties. Closer settlement formed Stage Two of the Commonwealth’s plan. By initially encouraging larger pastoralists (the ‘big man’ companies), the Commonwealth anticipated settlement by individuals or family pastoralists and farmers, that is, the ‘small man’ – a term that appears frequently in official records – particularly those who would take up residency in the Territory. With settlers working the land, the development of population centres would follow, and ultimately the growth of the Territory itself. The process was succinctly stated by the Administrator, James Archer, who said that the main purpose for making land available for occupation was ‘establishing a resident community on a sound basis’.

Closer settlement was the reason the Commonwealth adhered to leasehold usage of pastoral lands rather than freehold, as it provided the flexibility to take advantage of future developments in the industry. While pastoralists frequently argued for greater security of tenure in the form of freehold or perpetual leases, the Commonwealth refused, although the time span for pastoral leases gradually increased to fifty years.

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88 NAA Canberra: A432, item 1947/342, Waterloo Pastoral Co Ltd, subdivision for closer settlement, 7 May 1947. In its crudest form, closer settlement meant taking land from the few and giving it to the many.

89 NAA Darwin: F1, item 1960/2042 part 1, Conversion of tenure of leasehold to freehold, 26 January 1961.

90 Freehold tenure was at times granted for town lands and agricultural lands, but not pastoral lands. Perpetual leases were allowed for resident pastoralists (not corporate pastoralists), from 1953 to 1967.
While closer settlement might be seen as a socialist objective, and it was indeed supported by Labor governments, the Commonwealth’s adherence to the practice flowed seamlessly across political borders, and it was also adopted by Conservative governments. It was the one continuous objective throughout the Commonwealth era. Ironically, when the Pastoral Lessees Association criticised the Commonwealth’s socialistic pursuance of closer settlement in 1951, as did Douglas Fraser from Alexandria in 1962, they were protesting to the Menzies Liberal Government.

Yet the Commonwealth never fully recognised, particularly prior to World War II, that closer settlement in the Territory was unrealistic. There was insufficient infrastructure in the form of roads, markets, communications, and amenities to attract and retain family settlers. In 1944 Administrator Abbott said that closer settlement would not happen for some time, and only when the Territory underwent further development. While the Commonwealth ultimately fostered this development it still had to deal with corporate pastoralists who did not see themselves as being part of its closer settlement objective. They were there to maximise their profits, provide a financial return for their shareholders, and to resist all attempts by the Commonwealth to acquire any portion of their lands. As is shown throughout this dissertation, the Commonwealth’s objective of closer settlement brought it into frequent conflict with pastoralists and their representative associations.

1.6 Chapter Overview

This dissertation is divided into two parts. Part One is entitled ‘A Chronological Narrative’ and covers the Commonwealth’s administration of the Northern Territory’s pastoral industry from 1911 to 1978. There are five chapters, each separated by a key event.

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91 NAA Canberra: A462, item 193/2/4, NT development and administration, 9 January 1951.


93 Ironically, Abbott criticised the Commonwealth in 1936 for its failure to support the Barkly Tableland Cooperative (discussed in Chapter 3), and argued that there was an urgent need for closer settlement in the Territory.
Chapter 2 is entitled ‘The Early Commonwealth Years’. It begins with a brief introduction of South Australia’s administration of the Territory, and then moves into the Commonwealth period. It deals with the first Crown Lands Ordinances, the creation of a Land Classification Board, and the Commonwealth’s first policy statements concerning the Territory’s future development.

Chapter 3 begins in 1922 with the development of Pearce’s policy, named after the responsible Minister, George Pearce. The chapter is entitled ‘A Complete Change in Our Method’ and includes a series of meetings between pastoralists and Ministers, Ministerial visits to the Territory, the formation of the Pastoral Leases Investigation Committee in 1933, the separation of the Territory into two administrative regions in 1927, and the Commonwealth’s attempt to offer the Territory to chartered companies in 1933.

Chapter 4 is entitled ‘Searching for Answers, War and a New Beginning’. It commences in 1937 with the appointment of a Board of Inquiry headed by William Payne and John Fletcher. It covers the World War II period, and the immediate post-War period, when the Commonwealth moved to implement Payne–Fletcher’s recommendations. The chapter makes particular mention of the role of the then Minister, Herbert Johnson, and his recognition of the fact that the development of the Territory’s pastoral industry required a true partnership, whereby both the Commonwealth and the industry had to contribute.

Chapter 5 is entitled ‘At Last She Moves’ and covers the period from 1949 to 1965. It deals with the drafting of a new Crown Lands Ordinance which provided for longer term leases. Following objections from the pastoral associations, the Ordinance did not take effect until 1953. The chapter also considers the expansion of the Administration in the 1950s, and a major drought in Central Australia in the 1960s. Particular attention is given to Paul Hasluck as the longest serving Commonwealth Minister for the Territory.

Chapter 6 is entitled ‘Rolling On Towards Self-Government’, and begins with the formation of a departmental inquiry in 1965, which led to a new Crown Lands Ordinance in 1967 and the introduction of ‘rolling’ – or continuous – leases; the
commencement of mini pastoral leases for more intensive development; the controversy surrounding overseas investment in pastoral properties; and the recession in the beef industry in the mid 1970s. Although the primary focus of this dissertation is the administration of the Territory’s pastoral lands during the Commonwealth era, the chapter concludes with a brief overview of events in the pastoral industry after the Northern Territory achieved self-government in 1978, and compares some of the decisions taken by the two governments.

Part Two is devoted to an analysis of several key issues concerning the Territory’s pastoral industry during the period of Commonwealth administration.

Chapter 7 is entitled ‘These Onerous Conditions – Crown Lands Ordinances and Pastoral Lease Covenants’. It deals with issues involving Ordinances, and the reservations and covenants that applied to pastoral leases. It is shown that pastoralists went to great lengths to avoid or negate their lease covenants which were not onerous, despite their claims to the contrary.

Chapter 8 is entitled ‘Land Usage Issues – Closer Settlement, Freehold and Leasehold, and Security of Tenure’. It analyses the Commonwealth’s objective of closer settlement, which was entwined with issues involving leasehold and freehold land usage. The chapter also deals with issues concerning pastoralists’ frequent calls for greater security of tenure over their lands.

Chapter 9 is entitled ‘Two Pastoral Stations – The Worst and the Best’ and provides a comparison of the administration, from the Commonwealth’s perspective, of two of the Territory’s largest stations, Victoria River Downs and Alexandria. While Alexandria was generally seen in a favourable light, Victoria River Downs achieved the reputation of a poorly managed station.

Chapter 10 is entitled ‘Sympathetic Understanding and Practical Men – The Commonwealth and the Pastoral Associations’. It deals with the pastoralists’ representative bodies, particularly the Northern Territory Pastoral Lessees Association and the Centralian Pastoralists Association. Pastoral associations consistently blamed the Commonwealth for the woes of their members while
refusing to admit that they might have been at fault for the poor development of the industry. It is shown that the Pastoral Lessees Association, in particular, simply represented the interests of large pastoral companies, and its primary function was to deflect criticisms of those companies.

Chapter 11 is entitled ‘Administration and Policy – Criticisms, Successes and Failures’ and looks critically at the Commonwealth’s alleged failures during its administration of the Territory, and highlights some of its true successes. The chapter also examines the role of several key policy makers – Ministers, Departmental Secretaries, and officials – and the processes by which they determined policies applicable to the Territory.

The dissertation ends with a summary and a series of conclusions.

1.7 Conclusion

The Commonwealth’s administration of the Northern Territory’s pastoral industry was not without fault. This cannot be denied as Ministers acknowledged the fact on a number of occasions. George Pearce said that ‘it must be admitted that there have been so many failures in the north, so much wasteful expenditure, and so many bright dreams dissipated’. 94

When the Commonwealth acquired the Territory in 1911 the best pastoral lands were held under leases granted by the South Australian Government. Some pastoralists occupied large amounts of land, for which they paid minimal rents and for which there were no improvement covenants. The Commonwealth could do little as it was obliged to honour existing lease terms. In 1922 Pearce proposed a change in method by encouraging pastoralists to convert to new leases by offering them generous inducements, together with the opportunity for the Commonwealth to resume portions of land in 1935 and 1945 for closer settlement. Many pastoralists accepted the concessions, and then attempted to negate the Commonwealth’s attempts at resumption, while calling for the development of broad, statesmanlike policies,

94 NAA Canberra: A3934, item SC42/25, Executive Commission, 22 November 1923.
which would effectively make their holdings profitable, and compensate for their mismanagement.

It is true that the Commonwealth did not sufficiently resource the Territory prior to World War II. Sensitive to criticisms by southern taxpayers its actions were perhaps best explained in a Cabinet submission in 1946. The submission noted that earlier reports had indicated that development of the Territory would pay if the Commonwealth provided sufficient capital in advance, yet there was no way to prove this and, consequently, governments hesitated and were afraid to take the risk. While it provided some financial assistance to pastoralists, the Commonwealth provided little funding towards infrastructure, such as roads, research and development. For this the Commonwealth should rightly be criticised. The substantial funding provided during World War II demonstrated that the Territory could be satisfactorily developed, and as a result funding improved dramatically after the War, though the pastoralists’ management of their properties did not always follow suit.

In the early years the Commonwealth looked to the pastoralists to develop their industry, while they in turn looked to it. Following his visit to the Territory in late 1945 the Minister, Herbert Johnson, acknowledged that responsibility for the management of the Territory’s pastoral lands was substantially a joint one, in which both the Commonwealth and pastoralists had to do more. Johnson recognised that substantial investment in the Territory was needed with little possibility of a return in the foreseeable future. A partnership was the way forward where both parties played an active role. From late 1945 onwards the Commonwealth accepted its role in the partnership; so too did some pastoralists, but not all.

The pastoralists’ representative associations, particularly the Pastoral Lessees Association, argued that large amounts of capital were needed to make a success in the Territory, and only its members could provide such capital. Yet the fact remained

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95 NAA Canberra: A2700, volume 23, submission 1022A, Interim report on the economic and commercial development of Darwin and the Northern Territory, 7 January 1946, p. 3.

96 In this context it must also be acknowledged that in the immediate pre–War period the Commonwealth was grappling with the effects of the Great Depression. It had minimal funds to expend on the Northern Territory’s pastoral industry.
that for many years those same corporate interests spent the barest minimum on their properties and most had little intention of complying with their lease conditions. Many pastoralists also argued the need for large properties, but they did not have to be large. Rosewood, a small property located in the Victoria River District, was a good example of this, as were many properties in the Alice Springs District. Corporate pastoralists were guilty because they occupied large tracts of land and did little to develop it. When there were losses, they sought support from the Commonwealth in the form of rent reductions or other measures, and blamed it when that support was not forthcoming.

In an effort to encourage the industry the Commonwealth consistently met pastoralists’ demands, which only encouraged further demands. In 1958 a clearly frustrated Lionel Rose, Director of the Animal Industry Branch, wrote to Administrator Archer:

my own views are that Northern Territory pastoralists have been treated fairly and liberally, and that the time has come when constant concessions can no longer continue to be given just for the purpose of satisfying a few malcontents.  

Perhaps the Commonwealth’s greatest failure was that it should have been more decisive with pastoralists, compelling them to uphold the terms of their leases, or forfeit their lands. The quandary then was who would take over if the lands were forfeited? When some lands were resumed in 1935 there were no new applicants, with the result that lessees were given back their land for a further period. In this context Roberts acknowledged that ‘the execution of the letter of the law would have meant an empty country’.  

In the end, the negativity and blame referred to throughout this chapter should be apportioned to the Commonwealth, pastoralists, and their representative associations. Just how it should be apportioned is examined in this dissertation.

97 NAA Darwin: F1, item 1955/331 part 1, Stock routes and bores general, 13 January 1958.

PART 1 – A CHRONOLOGICAL NARRATIVE, 1911–1978
CHAPTER 2, THE EARLY COMMONWEALTH YEARS, 1911–1922

We should not regard the Northern Territory as a mere laboratory for the purpose of carrying out experiments...We are...under the strongest of all obligations to adopt the policy which is likely to prove the most effective in bringing in as quickly as possible a considerable number of desirable settlers.¹

2.1 Introduction

The Commonwealth acquired the Northern Territory from South Australia with effect from 1 January 1911. Immediately it set about establishing an administrative structure for the Territory’s management, however, it maintained dual control from both Melbourne and Darwin, and this duality caused some friction.

From the outset the objective was clearly closer settlement, as the Commonwealth wanted to encourage large numbers of settlers to take up land in the Territory, however, there was little in the way of practical planning to achieve this goal. This was partly due to the fact that the best pastoral lands were subject to South Australian legislation, over which the Commonwealth had little control.

The first decade ended predominantly in stagnation within the Territory in general, and the pastoral industry in particular, and the blame for this was levelled at the Commonwealth, usually by pastoralists, most of whom occupied large tracts of land upon which they spent little. It is shown that failures within the industry during this time were not entirely the fault of the Commonwealth. World War I had had a severe impact on its finances. While it faced repeated calls for development, particularly on railways, the reality was that it could not meet those demands. Nevertheless, there were less expensive measures that the Commonwealth could have taken to encourage greater settlement and development.

¹ Edward Millen, Commonwealth Parliamentary Debates, Senate, volume LXV, 1 August 1912, p. 1535.
2.2 The Origins of the Northern Territory’s Pastoral Industry

The Northern Territory is an area approximately 521,000 square miles (or 1.349 million square kilometres) in size. Three of its borders are fixed by latitudes and longitudes shared with contiguous States, while the northern border joins the Arafura Sea. The Territory was originally part of New South Wales until ceded to South Australia in 1863, then to the Commonwealth in 1911.

The Territory has two very different climatic regions. In the north, Darwin and the hinterland, the climate is tropical with distinct wet and dry seasons. The distinctive nature of the climate has had a limiting affect on both pastoral and agricultural pursuits. The lower half of the Territory, the area surrounding Alice Springs, has an arid or desert climate. The propensity for extended droughts across this area has also had a considerable impact on the pastoral industry.

During its period of administration South Australia established Darwin as the Territory’s capital, built an overland telegraph line from Adelaide to Darwin which was completed in 1872, built a railway from Darwin south to Pine Creek in 1889, developed a series of stock routes (usually with insufficient waters), and introduced a leasing system for pastoral lands. There were few roads and few markets for cattle within the Territory, so they had to be driven along the stock routes to markets in the adjoining States, a journey that often took many months.

The Territory’s pastoral industry began with the passage of the *Northern Territory Lands Act 1872*. It allowed persons to apply for land outside settled districts, and to use that land for pastoral purposes. Lessees could receive a lease for a period not exceeding fourteen years (although this was later amended to twenty–one years or forty–two years), over an area between twenty–five and 300 square miles, at a rental of 6d per square mile. The first pastoral leases were issued to Andrew Tennant, John Love, and Robert Love on 1 April 1872 for a property near Alice Springs.2 Leases

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2 Most lease applications from this period have survived, and are in the custody of the National Archives of Australia in Darwin: E1652, Northern Territory applications for pastoral leases, 1864–1900. Only a few leases still survive, and the first lease issued in 1872 is one of them. Surviving leases are also in the custody of the National Archives in Darwin: E1646, Northern Territory pastoral leases, 1872–1913.
for properties in the eastern Barkly Tableland were taken out soon after, including Alexandria in 1877, followed by properties in the western Victoria River area, including Victoria River Downs and Wave Hill. In some cases properties were leased by individuals, but many properties were ultimately acquired by large companies.

Subsequent legislative changes did little to promote pastoral activity, and the *Northern Territory Crown Lands Act 1890* was passed to revitalise the industry. It provided for leases on a perpetual basis, rather than forty-two years and, in some cases, land could be purchased outright. The *Northern Territory Crown Lands Act 1899* gave pastoralists greater protection in the event that their land was resumed for Crown purposes. They were entitled to payment for any improvements they had made on their land, and for compensation in the event of the loss of their leases.

Despite these initiatives, by the beginning of the twentieth century most measures to develop the Territory’s pastoral and agricultural lands had had little effect. Duncan blamed the South Australian Government, citing similar arguments to those advanced during the Commonwealth era. He said that South Australian leases were too restrictive, and did not provide pastoralists with security of tenure. Although Duncan admitted that rents were low, as they would be in the Commonwealth period, he failed to acknowledge that pastoralists did not return the savings from those low rents to their properties. He absolved corporate pastoralists from blame for failure within the industry and referred to what he called a ‘cardinal fact’, which became a virtual mantra throughout the Commonwealth era, which was that the Territory was big man’s country, and only corporate pastoralists had the capital to operate there.

To support his argument, Duncan cited F A Brodie, who in 1954 praised the management of large companies, yet he omitted to say that Brodie was the President of the Northern Territory Pastoral Lessees Association, an organisation that predominantly represented large pastoral companies.

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4 Arguments concerning security of tenure were used throughout the Commonwealth era, and even used in 1980, two years after the Territory achieved self-government. The subject is discussed in detail in Chapter 8.

Image 1: Map of the western Victoria River District illustrating the location of pastoral properties, 1933. Source – NAA Canberra: A461, item H412/1/2 part 1, NT opening of pastoral lands and the government’s developmental policy.
Image 2: Map of the eastern Barkly Tableland District illustrating the location of pastoral properties, 1933. Source – NAA Canberra: A461, item H412/1/2 part 1, NT opening of pastoral lands and the government’s developmental policy.
2.3 The Commonwealth takes over the Northern Territory, 1911

South Australia sustained heavy financial losses during its administration of the Northern Territory, and in 1903 began a series of negotiations with the Commonwealth for it to take over the Territory. In the interim, pastoral leases were no longer issued. They were replaced by pastoral permits granted on a rental of 1/- per square mile. Permits were annual, though there was a right of renewal if the government did not require the land for other purposes. Assurances were given that when the allocation of leases was resumed permit holders would have the first right to those leases. Permits contained no stocking or improvement conditions, and permit holders received no compensation for any improvements they made to their properties.6 The first permit was issued in August 1902,7 and by 1911 a total of 319 permits were issued.

Permits continued briefly into the Commonwealth era, however, on 15 December 1911 the Minister, Josiah Thomas, approved a recommendation that the system be discontinued.8 By January 1914 only 108 permits remained, and they were gradually phased out thereafter. Fletcher argued that the permit system damaged the Territory’s pastoral industry as the system empowered the Minister to terminate arrangements at any time with three months notice, and without payment of compensation. Further, insecure tenure led to the lack of capital investment in property improvements.9 The system did, however, allow pastoralists with limited financial means the opportunity of a start in the industry.

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6 NAA Canberra: A3, item NT1914/3401, Pastoral permits NT. The Commonwealth received advice in May 1914 to the effect that while pastoralists had no legal claim to compensation for improvements they may have made to their properties they did, however, have a strong moral claim.

7 Persons wishing to renew their permits had to return the original permit, pay a fee, and a new permit would be issued. Both the National Archives of Australia in Darwin and the Northern Territory Archives Service hold copies of surrendered permits: E1651, Northern Territory pastoral permits, 1902–1917, and F199, Office copies of pastoral permits, 1902–1922, respectively.

8 NAA Canberra: A3, item NT1914/3401, Pastoral permits NT.

The Commonwealth’s administration of the Northern Territory began on 1 January 1911 in accordance with the Northern Territory Acceptance Act 1910. A Labor Government was in office in Melbourne led by Andrew Fisher. In the Territory there were 255 pastoral leases, totalling 108,048 square miles; there were 201 pastoral permits, totalling 53,674 square miles; and there were 459,780 cattle.\textsuperscript{10} Leases were held under various South Australian Acts with different terms and conditions and this, complicated by later legislation, proved a handicap which the Commonwealth sought to address via a new Ordinance in 1923–1924, though it did not fully succeed.

In early annual reports Territory officials summarised the state of the pastoral industry. The major issues were that rents were too low; some pastoralists had taken up land far in excess of requirements; proper classification of the land was needed before rents were fixed; a local freezing works was needed as were better shipping services; stock routes required constant attention; and there was a need to keep wells in repair.\textsuperscript{11} Former Government Secretary E M Christie later wrote that at this time rents were lower than in contiguous States, hence companies occupied large amounts of land, ‘not with the idea of benefiting the country but solely to keep out someone else’, and properties were so large that pastoralists could never hope to raise quality stock.\textsuperscript{12}

The first Commonwealth Minister for the Territory, Egerton Batchelor, admitted that ‘we have no cut and dried policy’ for the Territory’s development.\textsuperscript{13} It was clear, however, that one was being formulated, as evidenced in a letter sent by Batchelor’s department to a pastoral applicant which said that ‘pending the formulation of a definite land policy, lands in the Northern Territory are only let on annual pastoral


\textsuperscript{12} NTAS Darwin: NTRS2500, item L200, Crown Lands Ordinances, 4 July 1928. Christie served as Government Secretary from 1916 to 1922.

\textsuperscript{13} Commonwealth Parliamentary Debates, House of Representatives, volume LIX, 16 November 1910, p. 6264.
permit…terminable on three months notice if the land is required for other purposes’.  

While in London for the coronation of King George V in 1911, Batchelor released a statement in which he said his concern for the Territory was the acquisition of full information so that he could formulate a plan for development. To this end a series of investigatory expeditions was commissioned. One was led by H Vere Barclay who was asked to report on stock routes and bores from Victoria River to the Barkly Tableland; he later wrote that the country was excellent and suitable for closer settlement given a good supply of water.  

A second expedition was led by Walter Campbell, who inspected land for possible agricultural purposes, and recommended sites for the establishment of experimental farms. Following receipt of his report, three farms were established on the Daly River and at Batchelor (south of Darwin), although all would fail.

The Commonwealth actively set about staffing its new administration in Darwin. It appointed a new Administrator in John Gilruth, a Chief Inspector of Stock in J C Lewis, and a Land Classification Board. The objective was clearly closer settlement, with Batchelor saying he wanted to settle as many people as possible in the Territory. There were large areas of land held on long leases, the land was only lightly stocked, and could be resumed within twelve months. He concluded that new pastoral leases would not be granted until all lands were inspected and classified. Batchelor died suddenly on 8 October 1911, and a Parliamentary colleague, William Archibald, later reported that the Minister was working on a Northern Territory policy two days before his death.

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14 NAA Canberra: A1, item 1911/12176, NT request for information re lands open to application under pastoral permit, 24 August 1911.

15 NAA Canberra: A3, item NT1914/3682, Captain Barclay’s report on bores, 3 August 1911.

16 [Australia. ‘Reports regarding the suitability of certain lands for purposes of agriculture, and for the establishment of experimental farms’; Commonwealth Parliamentary Papers (1911), volume III, pp. 523–545].

17 ‘Northern Territory of Australia’, The Times (London), 1 June 1911, p. 5.

18 Commonwealth Parliamentary Debates, House of Representatives, volume LXII, 14 November 1911, p. 2551. An examination of Batchelor’s personal papers in the National Library of Australia (MS574), failed to locate any evidence of a draft policy for the Northern Territory.
Batchelor was in error, however, in thinking that pastoral lands held under South Australian legislation could be resumed for the purposes of subdivision and closer settlement. In 1914 Joseph Cook’s Government considered drafting an Ordinance for that purpose. The Attorney–General’s Department advised that in accordance with the *Northern Territory Acceptance Act 1910*, all terms and conditions that applied at the time the Commonwealth acquired the Territory were binding. Land held under South Australian leases could be resumed for public works, such as railways and roads, but not closer settlement.19

2.4 The First Crown Lands Ordinances and the Land Classification Board

Batchelor’s policy for the Territory ultimately resulted in Crown Lands Ordinance 3 of 1912, tabled in Parliament in June 1912. Immediately Senator Edward Millen, from the Opposition Liberal Party, moved to disallow it. He was concerned that the Ordinance permitted perpetual leases and he argued that this enabled pastoralists to occupy large tracts of land for lengthy periods, resulting in the government having to pay high compensation costs should it wish to reacquire that land for future closer settlement.20

The debates from this period show that politicians grappled with issues involving freehold and leasehold land usage, as they would for many years to come. There were references to the ‘evil’ of large pastoral estates, ‘cattle kings’, and unoccupied land held merely on speculation. Millen went on to say that:

> we should not regard the Northern Territory as a mere laboratory for the purpose of carrying out experiments…We are…under the strongest of all obligations to adopt the policy which is likely to prove the most effective in bringing in as quickly as possible a considerable number of desirable settlers.21

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19 NAA Canberra: A3, item NT1914/2606, NT Ordinance–to enable pastoral leases to be resumed.

20 *Commonwealth Parliamentary Debates*, Senate, volume LXV, 1 August 1912, pp. 1523–1536 and 8 August 1912, pp. 1845–1895.

21 *Commonwealth Parliamentary Debates*, Senate, volume LXV, 1 August 1912, p. 1535.
Millen’s reference to occupation by a large number of settlers was significant. This was the essence of closer settlement, which became the Commonwealth’s principal objective in the Territory for the next sixty years.\footnote{The Commonwealth’s pursuance of closer settlement in the Northern Territory is discussed in greater detail in Chapter 8.} The practice emerged in the colonies in the late nineteenth century after large tracts of land had been occupied, often by squatters, and governments were called upon to exercise greater control over land allocation. There was public concern that a few individuals and companies held large quantities of under-utilised land. From 1891 to 1901 most colonies legislated to reacquire some of that land, often at considerable cost, for occupation by new settlers.\footnote{Roberts provides a brief history of the evolution of closer settlement in the colonies; \textit{History of Australian Land Settlement}, pp. 356–362.} The Commonwealth was determined to avoid the same mistakes. Albert Gardiner, a member of Fisher’s Government, said that ‘every man placed in possession of a huge area of country is an enemy of closer settlement’.\footnote{\textit{Commonwealth Parliamentary Debates}, Senate, volume LXV, 8 August 1912, p. 1855.} There was clearly abhorrence that Crown lands (effectively they were now the Commonwealth’s land), were occupied without being used, while lessees paid minimal rents for those lands. Millen said that ‘I would sweep away half of the regulations in the Ordinance, and put in one that prevented aggregation anyhow, anywhere and at any time’.\footnote{\textit{Commonwealth Parliamentary Debates}, Senate, volume LXV, 1 August 1912, p. 1527.}

There were essentially three reasons for the Commonwealth’s pursuance of closer settlement. The first was defence; from the beginning, the consensus among most politicians was that the Territory should be settled urgently, primarily due to fears that an ‘empty’ north represented a risk to the future security of the nation. Germany’s annexation of New Guinea in 1884 and Japan’s defeat of Russia in 1905 only exacerbated those fears. Prime Minister Alfred Deakin had earlier said:
to me the question has been not so much commercial as national, first, second, third and last. Either we must accomplish the peopling of the Northern Territory or submit to its transfer to some other nation.  

Second, populating the Northern Territory was seen as socially desirable. Many years later an interdepartmental committee said that a system which permitted absentee companies to control large areas of land, and associated profits, was socially less desirable than one which encouraged resident proprietors and closer subdivision with consequential wider distribution of the land.  

Third, it was believed that a populated Northern Territory could make a greater contribution to the national purse, thus the Commonwealth could recoup some of its expenditure on development.

Although Millen’s motion was ultimately defeated the Ordinance was redrafted and reintroduced as Crown Lands Ordinance 8 of 1912. The essential difference between the two Ordinances was that while Ordinance 3 permitted pastoral leases in perpetuity, Ordinance 8 stipulated fixed terms of twenty–one or forty–two years according to the amount and type of land involved. In addition, the maximum amount of land that could be leased was reduced.

The Ordinance created a Land Classification Board to classify vacant Crown lands prior to leasing, approve applications for leases, determine lease rents, and monitor leaseholders’ compliance with the terms of their leases. It comprised three public servants – George Ryland, William Clarke, and Theodore Day – and held its first meeting on 17 July 1912, after which the members embarked on a three–month familiarisation tour of the Territory.

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27 NAA Canberra: A1422, item 12/1/19 part 2, NT Ordinance 2 of 1950, 6 December 1951.

28 Millen again moved to disallow the new Ordinance and the matter was debated in the Senate on 27 November and 4 December 1912.

29 George Ryland kept a diary during the journey and both it and his report are held by the National Archives: NAA Darwin: M1407, item 3, Report relating to activities as Director of Lands, 1912.
The impossibility of classifying vacant pastoral lands in the short term was quickly recognised. As the Administration was receiving requests whether land could be allocated before formal surveys were undertaken, an interim system was needed. Gilruth suggested a system of annual grazing licences which would meet immediate demands, permit the safe extension of settlement, and safeguard the country’s interests. He acknowledged that grazing licences were similar to the earlier system of pastoral permits but there was a difference, he said, being that rents would be calculated according to the natural carrying capacity of the land involved, instead of the uniform rate of 1/- per square mile that applied to pastoral permits. Grazing licences allowed approved applicants to occupy land and to stock it prior to classification and survey. After classification, survey and subdivision of the area, the licensee then had their choice of any particular portion. The first grazing licence was granted to John McCarthy from Pine Creek on 24 July 1912.

Although intended as an interim system, grazing licences continued throughout the Commonwealth era and over 2,000 were allocated. When the Territory achieved self-government in 1978 nine licences were still in force. The benefits of the system were succinctly stated by Hugh Barclay, Director of Lands, who said that licences were ‘a means of testing the carrying capacity of undeveloped country and the quality of the licensees who might later become lessees’.

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30 NAA Canberra: A3, item NT1914/2773, Grazing license regulations under NT Crown Lands Ordinance, 12 July 1912.

31 NTAS Darwin: NTRS3347, Grazing licence files, single number series with GL prefix, item GL1, John McCarthy, 24 July 1912. Crown Lands Ordinance 8 of 1912 endorsed the concept of grazing licences; section 49 of the Ordinance stated that ‘the Administrator or any person authorised by him may…grant licences to persons to graze stock…on any particular Crown lands or on any reserved or dedicated land for such period not exceeding one year as prescribed’.

32 The last grazing licences were phased out after self-government in 1978.

33 Information provided to the author by the Northern Territory Department of Planning and Infrastructure, Land Tenure Research, 22 July 2008.

34 NTAS Darwin: NTRS2500, item L573 part 1, Grazing licences, 5 June 1961.
Northern Territory of Australia

APPLICATION FOR GRAZING LICENSE.

I, GEORGE STEVENS, of Hodgson Downs Station, Northern Territory Station Manager, in pursuance of the provisions of the regulations for the licensing of persons to graze stock on Crown Lands or on Reserved or Dedicated lands issued under section 50 of the Lands Ordinance 1912, hereby apply for a grazing license in respect of the country described in the schedule hereto.

Area of land to which license is to apply

150 square miles

No. of stock in respect of which license is required

150 great stock

Kind of stock

Horses.

And I tender herewith the sum of eight pounds ten shillings being seven pounds ten shillings for fee and one pound for license fee.

Schedule

As per sketch:

All Coburg Peninsular North of a line commencing from Cape Don on the North West of the peninsular and proceeding due East to the Eastern coast of that peninsular, being approximately 150 square miles, as per sketch:

Signed by applicant at Darwin this 30th January 1913

G. Stevens

Witness

[Signature]

A Fateful Meeting with William Vestey, 1914

On 26 August 1914 William Vestey attended a Land Board meeting, accompanied by his secretary (later to be his wife), Evelyn Broadstone. Vestey said he was anxious to obtain permits for all lands currently held by him. In an extraordinary level of frankness, he said he was looking to transfer those lands to agents in order to obviate problems with having more land than the maximum limit allowed by the Ordinance. The minutes of the meeting show that there was no objection from Gilruth or the Board.

Vestey then raised the issue of fencing his property boundaries, a covenant required by the Ordinance. He pointed out that fencing was ‘absolutely unnecessary and the expense was not warranted’, and he said that the money could be better spent in other directions. Gilruth explained that fencing was required, but the Board could substitute fencing for a range of improvements such as dams, bores, wells or other means of water conservation.

The minutes of subsequent meetings record that other pastoralists quickly followed Vestey’s lead to annul their fencing covenants, including A J Cotton from the Gulf Cattle Company, and H G Farquharson from the Inverway property. It is noteworthy that Cotton had actually met the Minister, Patrick Glynn, the previous

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35 William Vestey and his brother Edmund controlled a series of world-wide companies that coordinated the processing, transport, distribution and sale of beef. They had extensive business interests in the United Kingdom and Latin America.

36 The minutes of the Board’s meetings show that Vestey and Broadstone were the first non-Board members, excluding Gilruth, to attend a meeting of the Board since its inception in 1912.

37 An earlier departmental memo, which described the terms of the 1912 Ordinance, said that it included provisions which prevented the accumulation of leases into single hands, and the Administrator would not approve such transfers if the maximum limits were exceeded; NAA Canberra: A3, item NT1913/3924, Crown Lands Ordinance 1912, 8 November 1912. Clearly in acquiescing to Vestey’s request, Gilruth and the Board demonstrated that those provisions could be manipulated.


year. He too argued against fencing and, curiously, he used the same words – ‘absolutely unnecessary’ – used by Vestey.40

The meeting with Vestey was a fateful one for two reasons. First, the Board (and Gilruth), in allowing him to use agents – including Evelyn Broadstone who later took out a grazing licence and a pastoral lease – in order to circumvent the requirements of the Ordinance, was effectively encouraging a practice known as ‘dummying’. 41 This was a practice that companies like Vesteys would use in future years, and it would plague the Commonwealth’s administration of the pastoral industry, although from the outset it knew that this was an issue it would have to address. During the 1912 Parliamentary debates over the new Ordinance, and the proposed powers of the Land Board, Arthur Rae from New South Wales asserted that:

astute landowners can discover innumerable ways of evading the technical provisions of enactments which are intended to limit their enterprise...The combined cleverness of a number of landholders can generally outwit any Board I ever heard of.42

Second, at the urging of pastoralists such as Vestey and Cotton, the fencing covenant was removed from the Ordinance in 1918, and replaced by a clause which stipulated that pastoralists would ‘expend in permanent improvements, in such manner as stated in the advertisement notifying that the land is available for lease, the sums set forth in the advertisement’. 43 Rose later argued that an important principle had been established, that is, the necessity for the inclusion of development conditions in leases to ensure that pastoralists improved their properties. He overlooked the fact that the removal of the fencing covenant and the open range grazing practices that complemented it, led directly to the development of poor quality stock which would be a feature of the Territory’s pastoral industry for many years.44 Further, it also

40 NAA Canberra: A3, item NT1913/11380, A J Cotton re NT land, 10 December 1913.


42 Commonwealth Parliamentary Debates, Senate, volume LXV, 8 August 1912, p. 1861. Rae’s prophecy was now coming to fruition.

43 Crown Lands Ordinance 2 of 1918, s3.

caused a range of environmental issues, such as damage to pastures, soils and natural waters. In any event the improvement covenant only lasted until 1924, when it was removed from the Ordinance at the urging of pastoralists (discussed in Chapter 3).

The removal of the fencing covenant marked the first instance of the whittling away of pastoral lease covenants and introduced a recurring trend. Having argued for the removal of the fencing requirement in favour of improvements, some pastoralists later argued that the sum nominated for improvements was too high and should be reduced. If the argument failed, minimal amounts were spent on improvements (indeed, if any at all). A J Cotton, for example, solicited the approval of the Land Board in 1914 to introduce improvement conditions to his lease in lieu of fencing, and the Board agreed to the value of £10 per year per square mile. By 1920 Cotton sought an exemption from the improvement covenant, and when that was rejected he argued that the amount stipulated was too high, and should be reduced to £2 in the first ten years, and £4 in the next ten years. It is likely that Cotton actually spent little on his properties, one of which was Eva Downs on the Barkly Tableland. Following an inspection of the property in 1922, Frank Bishop, the Chief Inspector of Stock, described it as ‘a station only in name…every sign of desolation and isolation is prominent’.46

The Board was responsible for reviewing all applications for leases and licences, but how thoroughly it did so was a moot point. Departmental Secretary Atlee Hunt said that the Board should have taken advantage of its powers and made inquiries of prospective applicants. He felt there were many poor quality settlers who should not have gone to the Territory.47 Hunt’s criticisms may have been unjust as the Board at that time had only been in existence for a year. The minutes of its meetings show that on a number of occasions it did seek further information from applicants concerning their bona fides; indeed, some meetings referred to the need for reports concerning

45 NTAS Darwin: NTRS2821, [Land Classification Board] Minute book, 6 September 1920 and 18 May 1921, respectively.

46 NAA Canberra: A3, item NT1923/3088, F A C Bishop visit of inspector, 1922, pp. 2–3.

47 NLA Canberra: MS52, folder 19, Correspondence with H E Carey, 23 October 1913. Hunt repeated these criticisms following his visit to the Territory in 1915.
applicants’ capital and experience. In response to a later suggestion that ex–soldiers be settled in the Territory, the Board went further and said that ‘unfinancial and inexperienced settlers cannot be recommended’.48

A later departmental memorandum, probably written by Commonwealth officer William Hicks, said the Board was autocratic, and that rents, stock numbers, and other lease covenants depended on the Board’s caprice, which had led to numerous anomalies, although he did not specify what those anomalies were.49 Roberts wrote that the Board ‘proved to be an irresponsible body in practice’, with no power of appeal against its decisions, even by the Administrator.50 Acquiescing to Vesteys’ request to circumvent the requirements of the Ordinance was clearly irresponsible, but whether this was entirely of the Board’s making, or that of Gilruth, is unclear; the minutes of that particular meeting show that Gilruth dominated the proceedings.

A key issue in the Board’s performance at this time was that its membership was unstable. By April 1914 both Ryland and Clarke had left the Territory (their final Board meeting was 31 March 1914), and Theo Day also departed in 1916. The minutes of the Board’s meetings show that far from being irresponsible, it was very lenient towards lessees who failed to meet their lease covenants, and repeatedly gave them extensions of time in which to meet those covenants. In this regard it was, if anything, perhaps too lenient as some pastoralists, such as A J Cotton, simply exploited whatever generosity was shown them.

2.5 The Commonwealth’s Administration of Papua

The Commonwealth’s early administration of the Northern Territory was influenced by its administration of another territory – Papua (formerly British New Guinea), which came under its control in 1906. In both territories land administration was conducted via Ordinances; Papua’s first Crown Lands Ordinance was passed in


49 NAA Canberra: A431, item 1946/868, Proposed land policy, 29 June 1923. The memorandum was not signed, but it is likely that Hicks was the author.

1906. Like the Northern Territory, Papuan lands were held on leasehold: there was no freehold. Papuan leases were of ninety-nine years duration; Northern Territory leases were considerably shorter. Papuan leases contained improvement covenants, Northern Territory leases did not; consequently, Papuan leases were rent-free for the first ten years, while Northern Territory leases had nominal rents.

For both territories closer settlement was the principal objective. An early report noted that the government’s aim in Papua was not to make money from land, but to attract settlement.\(^{51}\) Agricultural experiments were carried out in Papua, and later repeated in the Northern Territory. The early release of land resulted in a speculative boom, as it had in the Territory in the nineteenth century.

There was, however, one major difference in the administration of both territories, this being the attitude towards the respective indigenous populations, regarding both their welfare and ownership of land.\(^{52}\) Atlee Hunt visited Papua in 1905 to report on its future development, having been instructed that the government’s intentions were closer settlement, consistent with preserving the interests of the indigenous population.\(^{53}\) The Commonwealth did not have the same concern for the interests of Northern Territory Aborigines. In 1915 Hugh Mahon, the Minister responsible for both territories, said that Papua had a large native population which could be used for that country’s development, while in the Northern Territory there were only isolated camps of natives. That was the ‘vital difference’ between the two territories he said.\(^{54}\)

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\(^{54}\) NAA Canberra: A3, item NT1915/3868, Board of Advice to Administrator, appointment of, 16 July 1915.
Effectively indigenous land ownership in Papua was recognised, and land could be purchased for settlement only when it was not in use or in prospect of being used. This was not the case in Australia, where governments failed to acknowledge Aboriginal land ownership; instead, they took control of the land, classified it as Crown lands, and disposed of it as they saw fit. Fletcher attributed the difference in attitude towards land ownership to the existence of large numbers of indigenous Papuans who were subsistence farmers with a simple village lifestyle, while Aborigines were nomadic hunters and gatherers. Elder emphasised the impact of British colonial administration on Papua (from 1888 to 1906), during which time a system of fair land dealing with native owners was established, and Australia was obliged to follow this system in accordance with its mandate for administering the territory. There was no such mandate for the Northern Territory.

From the outset Papua had its own Legislative Council which could pass legislation, unlike the Northern Territory which did not have such a Council until 1947. Atlee Hunt explained the reason for this in a briefing note to Hugh Mahon. He said that comparisons between the Territory and Papua overlooked the fact that conditions were entirely different. The Northern Territory presented no marked features distinguished from the rest of Australia. It was hot and remote, but these were not important factors in determining the nature of legislation required for proper government. In Papua the predominating fact was the existence of a large body of indigenous people whose development into higher forms of civilisation was one of the main trusts devolving upon the government. Further, every measure had to be considered in its bearing upon these people, and because their character was little known outside Papua, it was considered advisable from the beginning to allow the enactment of legislation on the spot, with a right of review by the national Parliament. The Commonwealth continued with this practice in Papua, unlike the Northern Territory where legislation concerning its administration was enacted from the national capital until 1947.

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57 NAA Canberra: A3, item 1915/3868, Board of Advice to Administrator, appointment of, 1 December 1915.
While Hunt’s view that the Territory was little different from the rest of the country might appear surprising, it should be noted that he had completed an extensive tour there only a few weeks earlier.\(^{58}\) It should also be noted that he was the son of a grazier, and additionally had had eight years experience as a junior clerk in lands administration in New South Wales, so would have possessed at least a basic knowledge of land administration, and an appreciation of the Territory’s suitability for pastoral purposes.\(^{59}\)

2.6 Patrick Glynn’s Policy Statements, 1914 and 1917

In May 1913 Andrew Fisher’s Labor Government lost office to Joseph Cook’s Liberal Party, and Patrick Glynn became the Territory’s Minister. One of the criticisms against the Commonwealth at various times throughout its tenure of the Territory was the lack of a clear development policy, yet in June 1914 Glynn released such a policy; it was a comprehensive document and the first of the Commonwealth era.\(^{60}\)

Glynn said that the government proposed to develop the Territory via a series of railways and roads, new stock routes and the maintenance of old ones, improvements to water supplies, and closer settlement of the Victoria River and Barkly Tableland Districts. It was not the policy of the government to undertake any works that could be carried out by private enterprise, and assistance would be rendered only in cases where conditions appeared to afford special facilities for the permanent establishment of new settlements. The government would introduce a Land Act to permit freehold grants for pastoral and agricultural lands. Glynn noted that ‘the

\(^{58}\) Hunt freely admitted in reports written after his visits to both Papua and the Northern Territory that such visits did not make him an expert on conditions applying in either territory.


\(^{60}\) Glynn, ‘Outlines of Policy’.
proposed land legislation will make provision for group settlement’.\(^{\text{61}}\) Settlers would be encouraged to come to the Territory to work on the proposed railways, and occupy land near the rail lines. In accordance with the policy of subdivision of large holdings, resumptions would be effected to the extent found expedient and possible. Clearly the Cook Government had the same concerns with some of the Territory’s large pastoral holdings as had Fisher’s Government.

Glynn’s policy included an ambitious eight-year program of railway construction costing £10 million. He said the Territory would involve a necessary expense on the Commonwealth, and expenditure could not proceed on a commercial basis, but by way of advances to be repaid in the future although, relying on the betterment principle, some of the costs would be met by landowners, lessees and others who directly benefited from the works.\(^{\text{62}}\) In March that year the Treasurer, John Forrest, had suggested the establishment of a trust fund and the raising of a loan to finance the works; Glynn rejected the idea as the debt would be borne by all Australians.\(^{\text{63}}\)

Glynn’s policy was issued only two months prior to the outbreak of World War I, which in turn had a severe impact on the Commonwealth’s finances over the next four years and beyond.\(^{\text{64}}\) The Cook Government lost office in September 1914, and once again Andrew Fisher formed a Labor Government. Both Glynn’s policy and the proposed Land Act, which would have permitted pastoral freehold on a limited basis, were scrapped.

\(^{\text{61}}\) Glynn, ‘Outlines of Policy’, p. 10. Despite extensive research, a copy of the Northern Territory Land Act drafted at this time could not be found. Rose later said that it provided for the creation of a Land Board and a Land Court, and contained no property improvement conditions; ‘The Pastoral Industry in the Northern Territory’, p. 155.

\(^{\text{62}}\) The ‘betterment principle’ meant that because the value of properties would increase following the construction of a major work such as a railway, those persons who occupied the properties should contribute to the overall cost of the work through higher land charges.

\(^{\text{63}}\) NLA Canberra: MS4653, series 16, folder 1, Correspondence, Minister for External Affairs; Forrest wrote to Glynn on 2 March 1914, and Glynn replied on 13 May.

\(^{\text{64}}\) Powell noted that the War began at the time when Commonwealth revenues were buoyant, having been restricted since 1908 due to commitments to defence and aged pensions; Far Country, pp. 128–129.
Acting on the premise that private enterprise should be more actively involved in the Territory’s development, on 24 June 1914 the Cook Government signed an agreement with the Vesteys’ company for the construction of a meat works in Darwin.\textsuperscript{65} The need for such a works had been under consideration since 1912 and Fisher’s Government had planned to construct them at Commonwealth expense.\textsuperscript{66} In his 1914 policy statement Glynn said that ‘negotiations with British capitalists for the construction of freezing works at Darwin…are practically concluded. Should an agreement be entered into, the conditions…will protect the interests of pastoral settlers’.\textsuperscript{67} In exchange for Vesteys building the works the Commonwealth agreed to extend the existing railway from Pine Creek to Katherine, provide an agreed site in Darwin for the works with railway facilities, and transfer the permits for the company’s Wave Hill property into leases.\textsuperscript{68} The works were destined for failure. They opened in 1917 and remained open for three years before closing in 1919, and in that time approximately 70,000 cattle were processed.\textsuperscript{69}

The failure of the works was a blow to the Territory’s pastoral industry. The lack of a local works meant that cattle continued to be sent over long distances to markets in the adjoining States. In the aftermath of the closure there were accusations and blame. Causes of the failure ranged from the unions for their militancy and demand


\textsuperscript{66} NAA Canberra: A1, item 1912/10703, Deputation to Minister regarding meat works in Darwin.

\textsuperscript{67} Glynn, ‘Outlines of Policy’, p. 12.

\textsuperscript{68} NAA Darwin: A3, item NT1914/6267, Vestey Bros agreement regarding freezing works.

\textsuperscript{69} ‘Acting Administrator’s Report’, 1920, p. 3; \textit{Commonwealth Parliamentary Papers} (1920–21), volume III, pp. 1689–1768. The meat works reopened briefly in 1925 and then closed again. The site was used by the Army during World War II, and there were subsequent disputes with Vesteys over the amount of compensation due to the company for the Army’s use. The buildings were demolished in the late 1950s.
for high wages, to Vesteys deliberately overcapitalising the works to ensure that they failed, thus protecting their interests in Argentina. Powell later suggested that Vesteys viewed operations on a world-wide scale and simply closed the works in response to economic forces generated far outside Australia.70

While a definitive explanation may never be known, as Vesteys refuses to grant access to its archives, it is noteworthy that in April 1933 George Pearce, who was coordinating the government’s proposal for a chartered company to administer the Territory (discussed in Chapter 3), met C W D Conacher, Vesteys’ principal representative in Australia, to canvas the possible reopening of the works. Pearce noted that meat works were operating in northern Queensland (Townsville) and Western Australia (Wyndham), and he wondered why this was not the case in the Territory. Conacher pointed to the high costs of production, and Pearce replied that that was Vesteys own fault, given that they had previously agreed to outrageous labour demands. It made no difference to the company, Pearce said, as they simply charged the British Government for their costs, plus a loading of 10 per cent. The minutes of the meeting record that Conacher twice denied the allegation and heatedly called it ‘a lie’.71 One wonders if the use of such intemperate language before a Minister meant that there might have been a grain of truth in Pearce’s allegation. Conacher wrote a few days later, still smarting from the jibe, and told Pearce that there had been ‘no provision for the payment of 10% or any other percentage over cost’.72

Glynn’s 1917 Policy Statement

Although returned to office in September 1914, Andrew Fisher resigned as Prime Minister one year later and William (Billy) Hughes was appointed in his stead. Following the split in the Labor Party over conscription in 1916, Hughes joined with his former political opponents in February 1917 as leader of a new National Party Government. Once again Patrick Glynn was the Territory’s Minister. He prepared an

71 NLA Canberra: MS1927, series 3, folio 1927/1271, 28 April 1933.
72 NLA Canberra: MS1927, series 3, folio 1927/1270, 1 May 1933.
updated policy statement, similar to the one issued in 1914.\textsuperscript{73} After reiterating the government’s intentions for an extensive program of capital works, he said that the funds needed for those works were not easily procurable in wartime, and he added a cautionary note that ‘the war, which now prescribes duty and directs expenditure, for a time blocks projects essential to development’.\textsuperscript{74} The War had a stifling effect on development in the Territory and elsewhere. Powell noted that by 1918 it had cost the Commonwealth £53 million.\textsuperscript{75}

2.7 The Newland Report, 1922

In 1921 the Parliamentary Standing Committee on Public Works visited the Territory to review proposed railway extensions. Of particular interest to this dissertation was a report submitted by three members of the Committee – John Newland, Hattill Foll, and David Jackson. They recommended that the Commonwealth implement a progressive developmental policy extending over twenty years, including roads and improved communications.\textsuperscript{76} Recognising the importance of water, they said the Commonwealth should provide bores and wells on all new pastoral holdings, with the cost added to the lessees’ rental; without such assistance it would be impossible for small settlers to take up land.\textsuperscript{77} Finally they called for a survey of the Territory’s pastoral lands in order to firmly establish pastoral boundaries.\textsuperscript{78}

Upon reading the report Prime Minister Hughes wrote ‘let us have this well thought out scheme…These are the most practical suggestions I’ve yet seen and most, if not

\textsuperscript{73} Glynn, ‘Memorandum on the Northern Territory’.

\textsuperscript{74} Glynn, ‘Memorandum on the Northern Territory’, p. 11.

\textsuperscript{75} Powell, \textit{Far Country}, p. 129.

\textsuperscript{76} [Australia. Sectional Committee of Parliamentary Standing Committee on Public Works, ‘Report on Various Matters appertaining to the Territory, other than the Proposed North–South Railway’; \textit{Commonwealth Parliamentary Papers} (1922), volume II, pp. 2965–2968].

\textsuperscript{77} It should be noted that the emphasis of the report was on encouraging small settlers to the Territory, not large companies.

\textsuperscript{78} In 1923 land officer William Hicks suggested that the Commonwealth embark on a comprehensive survey lasting fourteen years, but his recommendation was not adopted; NAA Canberra: A431, item 1946/868, Proposed land policy, 17 January 1923.
all, ought to be given effect to without delay’.\textsuperscript{79} Departmental officials, however, were not as enthusiastic. They said that the costs of the proposed survey were unwarranted as the best pastoral lands were held for another twenty years at rents which, when compared with those in adjoining States, ‘are altogether inadequate for the class of land held’. Further, the question of providing water on new leases would receive attention ‘if, and when, a policy of small holdings is decided upon’. One officer facetiously wrote that ‘the suggestions for the development of the NT in this report are very good providing the money is found to make it possible to carry them out…Give the Minister say 20 million [pounds] and he will make the Territory hum’.\textsuperscript{80}

Therein lay the heart of the Commonwealth’s dilemma. Vast tracts of pastoral land were held by companies that paid minimal rents and most of which were not required to undertake any improvements to their properties, and those lands were leased for another twenty years. The Commonwealth could not resume those lands in the short term, except at great cost. The reference to ‘if, and when, a policy of small holdings is decided upon’ was also noteworthy. It indicated that while the Commonwealth had its objective of closer settlement, it had no clearly defined methodology for achieving it, yet at the same time was being asked to provide substantial funding for the development of the Territory, which would have benefitted large pastoral companies, not smaller settlers.\textsuperscript{81}

Despite Hughes’ enthusiasm, the Newland report was not implemented; presumably the realisation of the high costs involved had a sobering effect. The report was listed for Cabinet’s consideration in March 1922 and remained on the agenda until June, when it was replaced by a new item sponsored by the Minister, George Pearce.\textsuperscript{82}

\textsuperscript{79} NAA Canberra: A457, item AB110/2, Report of Senators Newland and Foll, and Mr Jackson.

\textsuperscript{80} NAA Canberra: A3, item NT1922/1958, Public Works Committee report. The comments were not dated and the author is unknown.

\textsuperscript{81} Roberts noted that by this time most accessible and fertile lands had been securely locked up, and he cited the ‘jumble of land laws’, which merely aided speculators and hampered settlers; \textit{History of Australian Land Settlement}, p. 386.

\textsuperscript{82} Pearce became the Minister in 1921. The Newland report went to Cabinet on 24 March 1922. It appeared on the agenda for each meeting until 22 June, but was then deleted and seems not to have been discussed. It was clearly superseded by a new item, ‘Policy in regard to Northern Territory’,
Hillock later alleged that there was ‘no follow through’ with the Newland report; however, while this was true to a limited extent, the evidence clearly shows that it was overtaken by Pearce’s policy.83 By this time Pearce was actively developing proposals which would have wide ramifications for the Territory and its pastoral industry (discussed in Chapter 3).

2.8 Issues involving the Administration

There were several issues regarding the early years of the Commonwealth’s administration of the Territory that require comment. The first of these was administrative responsibility. The Commonwealth’s authority in Darwin was supposedly the Administrator. With respect to the pastoral industry he was supported by the Land Classification Board, and the Lands and Survey Department. There were, however, a number of departments also located in Darwin, including Works and Railways, which were responsible directly to Ministers in Melbourne.

The precise role of the Administrator was at times uncertain. A memo by Government Secretary H E Carey referred to a Ministerial declaration that the Territory’s administration would be from Darwin, not Melbourne, subject to general policy matters.84 While the government thus resolved that the Administrator should have local control, departments jealously guarded their spheres of responsibility and conflicts soon emerged.85 Prime Minister Fisher endorsed the notion that the Administrator should have local authority, that is, be fully acquainted with proceedings, have a right of comment, and be the Chief Executive Officer for the government, but he still had to consult relevant Ministers in Melbourne if there were any difficulties.86 Despite supposed Ministerial support, the Administrator’s

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84 NLA Canberra: MS52, series 18, folio 52/18/1124, 8 October 1914.
86 NAA Canberra: A2, item 1917/1753, NT, position of the Administrator, 16 February 1915.
authority was limited. In 1919 Gilruth was replaced following a period of civil unrest, the incident later described as the ‘Darwin rebellion’.  

The second issue was clarity of responsibility between Melbourne and Darwin, which was clearly lacking as pastoral services were duplicated, which in turn caused confusion and conflict. This was evidenced in the matter of land title records originally held in Adelaide and then relocated to Melbourne after 1911. From 1914 there were repeated calls for their transfer to Darwin. In 1916 the Minister, Hugh Mahon, said ‘I confess utter inability to decide at present’. The records were not transferred to Darwin until November 1938. Horace Trower, Director of Lands from 1917, sought to achieve a compromise when he wrote that ‘it is useless to think that Territory land matters can be properly administered solely from either Darwin or Melbourne’. Dual control was not in itself the issue, but for it to work effectively both sides of the Administration needed to work in close support; this they often did not do, as is demonstrated shortly.

**Issues involving Darwin Lands Staff**

The Director of Lands was the person immediately responsible for the lands function in Darwin, but there were issues here too. The first Director, George Ryland, was a former Queensland politician and friend of Prime Minister Fisher, with no apparent land administration experience, and there was probably some favouritism involved in his appointment. Walter Campbell described him as ‘a comical individual [who] assists to add to the people’s adverse criticisms of governmental management’.

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87 Powell, *Far Country*, p. 159.


90 The Director of Lands position was originally advertised in *Commonwealth Gazette* 88, 25 November 1911, p. 2216, with an annual salary of £650. It was then re–advertised in *Commonwealth Gazette* 23, 30 March 1912, p. 430, with an increased salary of £800. The second advertisement said that applicants required a good knowledge of the administration of land laws, the methods of land settlement, and classification of land. It is unlikely that Ryland had any of these qualifications as he was a miner, union representative and politician, with no apparent land administration experience.

91 NLA Canberra: MS52, series 18, folio 52/18/1047, 2 November 1912.
Ryland left the Territory in 1914, and in his policy statement issued that year Patrick Glynn recommended the abolition of the Director’s position.92 Theo Day replaced Ryland as Director; however, he resigned in 1916 and returned to South Australia.93


Horace Trower, a land commissioner from north Queensland, replaced Day in late 1917, and there was soon friction between him and officers in Melbourne. In his annual report for 1919 he said it was essential that permanent and competent staff be established in Darwin and all land work should be centralised under one person, and


93 NAA Canberra: A3, item NT1916/1649 part 2, T E Day overland tour. Day later took legal action against the Commonwealth over a matter of outstanding travel allowances.
all land applications made in Darwin. At one point he asked for ‘total control’ over his department, a request which was refused, although whether the request was motivated by wanting to resolve supervisory and efficiency issues, or simple authoritarianism, was unclear.

In late 1919 William Hicks visited Darwin to review the operations of the Lands and Survey Department, and he later wrote a highly critical report, recommending its abolition. There was clearly friction with Trower, and relations between the Commonwealth and him rapidly became poisonous. Following a visit to the Territory in mid 1921 the Minister, Alexander Poynton, supported Hicks’ view that Darwin lands staff were excessive and inefficient. At his request the Lands and Mines Directors’ positions were amalgamated; the new position was awarded to Ernest Playford, and Trower’s appointment was terminated in August 1921. Trower was later described as ‘untruthful, vindictive [and] caused us a lot of trouble’.

Whether the friction between Trower and officials in Melbourne was due to his personal traits or other reasons is unclear, but it is likely he was treated harshly. He

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94 NTAS Darwin: NTRS3345, item D89, Annual report [Lands]. At that time allocations for leases or licences could be made in Darwin or Melbourne.

95 NAA Canberra: A3, item NT1921/262, W B Hick’s visit to Darwin (report). Trower argued that prior to accepting the position he had met with Glynn, Gilruth and Hunt and had asked for, and been given, total control over his department. Precisely what was meant by the term 'total control' was not stated, but clearly a public official was ultimately responsible to the Minister, with or without such control.

96 NAA Canberra: A3, item NT1921/262, W B Hick’s visit, 18 December 1919. Hicks also cited an anomaly in the legislation in that pastoral leases enacted by South Australia prior to 1911 were the responsibility of the Minister, whereas leases issued by the Commonwealth were the responsibility of the Administrator.

97 NAA Canberra: A3, item NT1922/3709, Reorganisation of NT Administration, 6 June 1921. Poynton was harassed by Darwin residents when he first arrived, and took shelter on the vessel *Geranium* in Darwin harbour. It may be that his recommendation to reduce administrative staff was made out of spite over his mistreatment.

98 NAA Canberra: A3, item NT1922/2695, H Trower termination of appointment. Trower later alleged wrongful dismissal and took the Commonwealth to the High Court. He lost the case and costs totalling £541 were awarded against him. He was virtually destitute, and the Commonwealth did not pursue the claim, believing that it could ‘rest content with having won our case’.

99 NAA Canberra: A3, item NT1922/2695, H Trower termination of appointment. When the Board was replaced by a new Land Board in 1924 Trower unsuccessfully applied for appointment to it.
was a trained land officer, one of the few in the Territory at the time, and one who appreciated the specific needs of the Territory, particularly following a detailed inspection undertaken in 1918. This in turn led to his call for the appointment of pastoral inspectors. Unfortunately, the emphasis at this time was on cost–savings, not on having suitable staff to manage the lands function. With Trower’s departure the Director of Lands position ceased to exist, although the Land Board continued.\footnote{There would not be another Director of Lands until Hugh Carey Barclay took up the position in July 1947.}
2.9 Conclusion

The early Commonwealth years in the Northern Territory began with a flurry. Officials were despatched to Darwin, a Crown Lands Ordinance was put in place, a Land Classification Board was created, and experimental farms were established. The following table summarises developments in the pastoral industry over the first decade, and it is seen that some progress was made.

<table>
<thead>
<tr>
<th></th>
<th>1911</th>
<th>1922</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pastoral leases</td>
<td>255</td>
<td>475 (of which 216 were held under South Australian legislation)</td>
</tr>
<tr>
<td>Pastoral permits</td>
<td>201</td>
<td>14</td>
</tr>
<tr>
<td>Grazing licences</td>
<td>0</td>
<td>96</td>
</tr>
<tr>
<td>Cattle</td>
<td>459,780</td>
<td>760,766</td>
</tr>
<tr>
<td>Bores on stock routes</td>
<td>63</td>
<td>160</td>
</tr>
<tr>
<td>Railway</td>
<td>Darwin to Pine Creek</td>
<td>Darwin to Katherine (an increase of 55 miles)</td>
</tr>
</tbody>
</table>

Yet the period was marked by considerable instability, caused by a range of issues at the international, national and local levels. At the international level there was a world war, and its impact on the Commonwealth’s finances lasted well after it ended. When asked to approve Hicks’ visit to Darwin in 1919, Patrick Glynn initially rejected the request, asserting that ‘economy is so necessary’. At the national level the Commonwealth was itself unstable, there were five changes in government, and eight different Ministers were responsible for the Territory; there was, however, only one Departmental Secretary in Atlee Hunt.

At the local level there was industrial unrest, two former Directors of Lands took legal action against the Commonwealth, there was the recall of Gilruth in 1919, the closure of Vesteys meatworks in 1920, and Alexander Poynton was harassed when he arrived in Darwin in 1921. He subsequently introduced an ill-conceived cost cutting regime, culminating in the abolition of the Director of Lands position. The Administration was unstable, particularly in Darwin, with jealousies and divided control between Melbourne and Darwin. There was uncertainty over the role of the

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101 NAA Canberra: A3, item NT1921/262, W B Hick’s visit, 2 September 1919.
Administrator, disputes between departments and the Land Board, and between officers such as Hicks and Trower. All of these factors combined to limit the Commonwealth’s ability to effectively administer the Territory’s pastoral industry.

The best pastoral lands were held under South Australian legislation. Many estates were large and undeveloped, and rents were inadequate, yet the Commonwealth could do little as the leases on those lands did not expire for some years. Pastoralists who held leases under new Commonwealth legislation managed to circumvent their lease covenants, including fencing and improvements, and this proved to be a recurring theme. The Commonwealth had acquiesced to their demands and would continue to do so. Yet pastoralists typically failed to appreciate the Commonwealth’s generosity, as exemplified by the comment of Alfred Giles, from the Bonrook property, who said that stocking, rent, and improvements were too much, and he added ‘encouragement should be the first and last word in a new policy’.  

Encouragement became ‘sympathetic understanding’, which was simply a euphemism for meeting pastoralists’ demands without holding them to account.

Closer settlement of the Territory was the Commonwealth’s expressed objective, ostensibly avoiding earlier mistakes made by the colonies, but it appeared to have no practical way of achieving it. Land held under South Australian legislation could only be resumed for future major works such as railways, not closer settlement. There were no stated means of encouraging smaller settlers to the Territory, other than having them work on proposed railway projects. In 1916 Cabinet approved the appointment of a commission to visit the Territory and advise on future development and settlement.  

The then Minister, Hugh Mahon, explained that the government wanted expert advice about the Territory’s pastoral lands: whether by sinking wells and opening fresh stock routes the region’s carrying capacity could be increased, and whether the government could add to the number of permanent settlers and ensure

102 Northern Territory Times, 19 October 1920, p. 1.

103 NAA Canberra: A2, item 1916/1785, NT committee to report on question of settlement.
the profitable and effective occupation of the country.\textsuperscript{104} Despite these laudable intentions the commission never eventuated.\textsuperscript{105}

While there were calls for the Commonwealth to finance substantial development of the Territory, particularly through the construction of railways, the reality was that it would have been foolish to build them at this time, particularly as its finances were severely hampered by World War I. Railways were costly, and would have run at a loss. Yet accepting that it could not build railways, the Commonwealth should then have looked to finance a smaller developmental program of improved stock routes and water supplies on those routes. Although the Administrator wrote in 1921 that the government’s policy of providing water by means of bores on the stock routes was progressing, and the time was near when the difficulty of providing water for travelling stock would largely be overcome, later events demonstrated that substantially more bores were needed than those under construction.\textsuperscript{106} The Commonwealth should also have looked at providing a system of basic communications, such as expanded mail services and telegraph facilities, if it hoped to attract smaller settlers to the Territory.

The Commonwealth’s failure during this period was not its unwillingness to expend vast amounts of money on the Territory’s development. The real failure was in other directions. First, there was the lack of understanding that mere encouragement of small settlers to the Territory, through the objective of closer settlement, was not enough. While Ministers and officials regularly highlighted the desirability of attracting such settlers, they did not appreciate that settlers would not go to the Territory in its under-developed state unless offered substantial financial assistance; instead they would go to other States. There was inadequate financial support to assist them to acquire and develop their properties, and particularly to provide water

\textsuperscript{104} NLA Canberra: MS937, series 6, Correspondence and press cuttings re NT, Papua and Norfolk Island, 9 March 1916.

\textsuperscript{105} Why the commission did not proceed is unknown, though it is assumed that cost cutting was the reason. Mahon was replaced as Minister by Frederick Bamford in November 1916, and the Labor Government lost office in 1917.

on those properties. All of these were necessary if closer settlement was to be a reality, but they did not originate until many years later.\(^{107}\) The only encouragement was cheap rents and reduced covenants in the form of property improvements and stocking rates. These, however, merely played into the hands of large pastoral companies.

Second, an even more basic failure was the Commonwealth’s inability to take adequate administrative control and guidance over the pastoral industry. What was needed was an Administrator with competent support staff in the Darwin Lands Office, supported by agencies in both Melbourne and Darwin. There were none of these things. Not only was the Darwin lands function poorly resourced, there were issues involving the calibre of staff. In his 1919 report Hicks referred to the mediocrity of some staff.\(^ {108}\) As early as 1916 Theo Day had suggested reducing the number of Darwin lands staff, though not their efficiency. He called for better staff, whom he said should be rotated between Melbourne and Darwin, and he also suggested that administrative matters involving the Territory be dealt with in a separate self–contained branch of the department, one that was directly responsible to the Minister.\(^ {109}\)

Competent staff in sufficient numbers would have done much to benefit the industry. Yet the emphasis, particularly in the post–War climate, was on fewer staff and cost savings, and little regard was paid to their suitability. Price later criticised the Commonwealth for lavish staff increases during this period, yet far from there being lavish increases there was actually a paucity of resources.\(^ {110}\) Alexander Poynton

\(^{107}\) The Commonwealth did implement an Advances to Settlers scheme in 1913, but the maximum amount payable under the relevant Ordinance was £800. Given that a single water bore, for example, could cost well in excess of £2,000 to drill and equip, the amount was clearly insufficient.

\(^{108}\) NAA Darwin: F20, item 86/1, Lands Office reorganisation, report of H J Aylward. In 1928 another review of the Darwin Lands Office was conducted by H J Aylward, a retired land officer from New South Wales. He too commented on the poor quality of staff in Darwin.

\(^{109}\) NAA Darwin: A3, item NT1917/77, T E Day report on control and administration of NT, 4 December 1916. At that time having a branch of the Department directly responsible to the Minister would not have addressed issues of competency given the rapid changes in Ministers.

\(^{110}\) Price, *The History and Problems of the Northern Territory*, p. 32.
began reducing land administration staff at a time when they should have been increased.

There were few regulatory controls for the movement of cattle along the stock routes, and in some cases insufficient waters on those same routes. There were no pastoral inspectors or stock route inspectors.111 There was only one veterinarian, Frank Bishop, who was appointed in 1919, and few veterinary services. There were few inspections of pastoral properties during this period; the only inspections of any note were those undertaken by Trower in 1918,112 and Bishop in 1922.113 The Commonwealth was responsible for thousands of miles of pastoral lands, yet it had few staff to administer the function. At one point Trower wrote that:

a great drawback to the proper administration of the Lands Department is the difficulty in procuring information about country and as to whether conditions of leases are being complied with; some of the leases issued under the South Australian Land Acts are due shortly for reappraisement and in nearly every case there is no official information to guide the Classification Board in reassessing the rent.114

Trower was one of the first to recommend the appointment of pastoral inspectors, expressing a desire that ‘such appointments will be made in the near future’.115 Yet the first inspector was not appointed until December 1938 (discussed in Chapter 4), and stock route inspectors were not appointed until after World War II.

There was little appreciation by the Commonwealth that it needed to provide guidance to pastoralists in educative measures such as animal husbandry. In his 1919 annual report Trower said he was producing a drover’s guide to the stock routes.116 In January 1922 it was announced that as part of his forthcoming inspection of

111 Local police were from time to time appointed as ex officio stock inspectors.

112 NTAS Darwin: NTRS3345, item D89, Annual report [Lands].

113 NAA Canberra: A3, item NT1923/3088, F A C Bishop visit of inspector.

114 NTAS Darwin: NTRS3345, item D89, Annual report [Lands].

115 NTAS Darwin: NTRS3345, item D89, Annual report [Lands].

116 NTAS Darwin: NTRS3345, item D89, Annual report [Lands]. The first annual droving program was not published until 1947, and comprehensive guides to stock routes were not produced until the 1950s.
properties on the Barkly Tableland, Frank Bishop would furnish a general list of prescriptions for combating disease written in plain English to be understood by the layman.\footnote{"Pastoral industry, combating diseases, opening new stock routes", \textit{Northern Territory Times}, 24 January 1922, p. 3.} These examples were representative of only a few instances of the Commonwealth taking an active role in pastoral education in the early years of its administration.\footnote{\textit{J C Lewis}, the first Chief Inspector of Stock, also prepared a report on stock diseases in the Territory; ‘Veterinary and Stock Report and Some of the Diseases in Stock’, \textit{Bulletin of the Northern Territory}, number 8, Melbourne (July 1913).}

Various reasons can be advanced as to why the Commonwealth failed to exercise greater control over the pastoral industry. Key factors were instability due to regular changes in governments and Ministers, and of course a world war, but there may have been other reasons. Mettam argued that few, if any, politicians and bureaucrats deciding policy at the time had any detailed knowledge of the Territory;\footnote{Mettam, ‘Central Administration and the Northern Territory’ p. 122.} certainly the first Director of Lands, George Ryland, did not. George Pearce later told Parliament that the Commonwealth had just taken over the Territory’s administration when World War I began, and after the War a number of its departments were staffed by people who were without administrative experience.\footnote{\textit{Commonwealth Parliamentary Debates}, Senate, volume 103, 18 July 1923, p. 1220.} In 1923 Pearce sponsored the creation of an executive commission to administer the Territory (discussed in Chapter 3). In a draft Cabinet submission he wrote that an ‘examination of the records of the past…has convinced me that our methods are fundamentally wrong’.\footnote{NLA Canberra: MS1827, series 6, folio 1827/315, 1923.} The problem, he said, was that previous governments had only given secondary thought, or ‘fag ends’, to the Territory’s administration and what was needed was full–time administration, together with government ‘on the spot’. This was what Pearce sought to achieve through his new policy, though he ultimately did not succeed.

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\textsuperscript{117} ‘Pastoral industry, combating diseases, opening new stock routes’, \textit{Northern Territory Times}, 24 January 1922, p. 3.
\textsuperscript{118} \textit{J C Lewis}, the first Chief Inspector of Stock, also prepared a report on stock diseases in the Territory; ‘Veterinary and Stock Report and Some of the Diseases in Stock’, \textit{Bulletin of the Northern Territory}, number 8, Melbourne (July 1913).
\textsuperscript{119} Mettam, ‘Central Administration and the Northern Territory’ p. 122.
\textsuperscript{120} \textit{Commonwealth Parliamentary Debates}, Senate, volume 103, 18 July 1923, p. 1220.
\textsuperscript{121} NLA Canberra: MS1827, series 6, folio 1827/315, 1923.
CHAPTER 3, A COMPLETE CHANGE IN OUR METHOD, 1922–1937

There is nothing inherent in the Northern Territory to prevent its being developed equally with every other part of Australia.¹

3.1 Introduction

In December 1921 George Pearce was appointed as the Territory’s new Minister. Concerned with the Territory’s lack of development, he implemented ‘a complete change in our method’, with a new Crown Lands Ordinance designed to simplify the administration of pastoral leases, together with more radical measures including an executive commission that would govern ‘on the spot’ by preparing a series of development proposals.² Pearce’s change of method eventually failed, primarily due to the lack of finance, which was only heightened during the Great Depression.

This chapter discusses the evolution of Pearce’s new policy and the events that followed it, that is, the new Ordinance, the creation of an executive commission, and the search for a chartered company to administer the Territory. The chapter discusses the formation of the Pastoral Leases Investigation Committee recommended by the then Minister, Archdale Parkhill, in 1932. The chapter also covers the establishment of the Northern Territory Pastoral Lessees Association, and the emerging conflicts that occurred between it and the Commonwealth.

During this period there were frequent meetings between the Commonwealth and pastoralists at which lengthy and costly lists of demands were presented, but with little acknowledgement of what pastoralists would do in return. It is shown that the Commonwealth introduced a range of initiatives designed to encourage greater development of the industry by pastoralists themselves, and it was clear that the Commonwealth expected them to respond to those measures and contribute to the expansion of their own industry. Pastoralists, however, repeatedly failed to do so;

¹ George Pearce, Commonwealth Parliamentary Debates, Senate, volume 103, 13 July 1923, p. 1083.

² NAA Canberra: A2718, volume 1, part 1, NT Executive Commission, 20 November 1923.
instead, they blamed the Commonwealth while taking advantage of whatever concessions were offered.

3.2 Pearce’s Policy and Crown Lands Ordinances of 1923–1924

In May 1922 Horace Trower, the former Director of Lands, publicly criticised the Commonwealth over its administration of the Territory’s pastoral industry. He said a new Ordinance was needed to remove the complexities caused by existing legislation, both Commonwealth and South Australian, and pastoralists should be offered generous terms to induce them to convert to the new Ordinance. Trower wrote to Pearce in a similar vein.

Pearce took Trower’s criticisms to heart, and they ultimately formed the basis of a new policy. He addressed Parliament in July 1922 and said that the principal issues affecting the pastoral industry were that lands were held under South Australian and Commonwealth legislation with different terms and conditions, large areas of land had been taken up by companies simply to prevent competitors from using it, the land was only partially stocked, and only that land which had permanent waters was being used. He noted too that pastoral rentals were low when compared with Queensland and Western Australia. While acknowledging that taxpayers would be loathe to support further expense in the Territory, as considerable funds had already been spent there, Pearce said:

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3 ‘Northern Territory lands, proposals for development, former official’s suggestions’, *The Age* (Melbourne), 11 May 1922, p. 7.

4 NAA Canberra: A3, item NT1922/2695, H Trower termination of appointment, 2 June 1922. Trower sent Pearce a series of comments he made before the Royal Commission into Northern Territory Administration in January 1920. He was not the first to suggest that all land legislation be replaced by one new piece of legislation – Commonwealth land officer William Hicks made the same suggestion four years earlier; NAA Canberra: A3, item NT1918/2759, Crown Lands Ordinance amendment of, 23 August 1918.

5 Pearce’s reference to low rents then current in the Territory, as compared with the adjoining States, is noteworthy. Pastoralists often complained that rents were more expensive in the Territory than elsewhere. Pearce was clearly demonstrating that the claims were untrue.
whilst the obligation is placed upon me to outline to the Government a policy that will lead to some
development of the Northern Territory, at the same time there is an obligation to see that the
Commonwealth gets a fair deal also.\(^6\)

In November 1922 Pearce publicly announced his new policy, in which he proposed
a new Ordinance, one that contained inducements to encourage pastoralists to
surrender their existing leases.\(^7\) He later said that ‘I feel that unless this is done there
cannot possibly be any advance in the development of the Territory’.\(^8\) The proposal
drew immediate criticism from pastoralists, in what proved to be a familiar theme.
Typical of the comments were those of Connor Doherty Durack, a company that
leased properties in both the Territory and Western Australia:

if you wish to develop the north you must make it worth peoples while to settle there, and they want a
mighty lot of encouragement to go into a tropical country with its attendant heat, ticks, pests, etc. high
costs of production, excessive costs of marketing its products, and its extreme isolation.\(^9\)

The pastoralists lobbied Pearce to meet with them, and the meeting took place on 27
February 1923, during which they presented proposals for the Minister’s
consideration, including the elimination of taxes, and improved transport and
communications.\(^10\) Pearce told the delegates that railways and communications were
costly, and he had to be in a position to give the government an assurance that the
Territory’s ‘population and revenue will increase considerably’ as a result.\(^11\)

\(^6\) *Commonwealth Parliamentary Debates*, Senate, volume XCIX, 12 July 1922, p. 310. In 1926 Pearce
told Parliament about the ‘battles in Cabinet’ that Territory Ministers faced in order to have their
development proposals approved and funded. Other Ministers were suspicious because of past

\(^7\) ‘The Northern Territory, problem of its development, the Federal Government’s policy’, *Advertiser*
(Adelaide), 3 November 1922, p. 11. By 1923 there were 470 pastoral leases, with 121 leases held
under the 1890 South Australian Act, ninety leases under the 1899 South Australian Act, and 259
leases under the 1912 Crown Lands Ordinance.

\(^8\) NAA Canberra: A2124, item 5, Papers relating to the NT accumulated by the Secretary to Minister
for Home and Territories, 3 March 1923.


\(^10\) Presenting Ministers with a lengthy list of expensive demands proved to be a recurring theme used
by pastoralists in future years, as is shown later in this chapter.

\(^11\) NAA Canberra: A431, item 1946/868, Proposed land policy.
Generating revenue to enable extensive development was only one of Pearce’s motives. He was also concerned that an unpopulated north represented a risk to the defence of the nation. A former Minister of Defence, Pearce believed that Australia needed to attract large-scale immigration in order to achieve closer northern settlement. When promoting his new policy he later argued before Parliament that the Territory was the ‘Achilles Heel of the Australian continent’.  

Crown Lands Ordinance 7 of 1923

Cabinet approved Pearce’s new policy, and a new Ordinance was drafted and tabled in the Senate on 13 June 1923. The Territory was to be divided into four

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13 NAA Canberra: A6006, item 1923/03/21, Land Ordinance NT, 21 March 1923.
districts in recognition of its varying topography – Darwin and the Gulf, Barkly Tableland, Victoria River, and Alice Springs. There would be minimum and maximum rental limits on pastoral leases according to each district. No improvement conditions would be attached to any lease. The stocking covenant was the only one remaining, and pastoralists would soon begin lobbying to have it removed too.\(^\text{14}\) The Ordinance removed maximum size limits on pastoral properties; they would not reappear until 1946 when a 5,000 square mile maximum limit was imposed.

A number of concessions were offered to induce pastoralists to surrender their leases in exchange for new ones. First, they could obtain consolidated leases of all lands held by them at the time of surrender up to 30 June 1965. Second, they would have rights to all extant improvements on their properties at the time of surrender, and they had a right to compensation for all improvements at the end of their leases. Third, rentals were fixed at predetermined levels, there were definite dates for future reappraisals, and there were limitations by which rentals could be raised. Fourth, lessees had rights of appeal against reappraisal of rent, stocking conditions, compensation payable for improvements, and areas to be resumed. Effectively, pastoralists were given absolute tenure over 50 per cent of their land until 30 June 1965 at very favourable rentals.\(^\text{15}\)

The Ordinance, however, contained a covenant that caused much acrimony in future years, that is, it gave the Commonwealth the option of resuming portions of leases at predetermined intervals; one–quarter in 1935 and another quarter in 1945. The intention was to allow the Commonwealth to acquire land for closer settlement, thus meeting Pearce’s aim of populating the north. Pearce made his intentions clear in a note to Departmental Secretary John McLaren when he said that ‘my own view is that…subdivision and closer settlement is the aim of the Government policy in the

\(^{14}\) NAA Canberra: A431, item 1946/849, Crown Land Ordinance part 1. In August 1928, Thomas Moyes, the Secretary of the North Australia Commission, wrote that he was receiving appeals ‘against onerous stocking conditions’. Ironically, by 1938 some pastoralists were arguing that the stocking covenant was too harsh and should be replaced with an improvement covenant.

\(^{15}\) NAA Canberra: A659, item 1945/1/1088, NT land resumptions 1945. In addition, pastoralists were also exempt from Territory income tax from 1923, and Commonwealth income tax from 1938. The exemption was introduced on the assumption that savings would be returned to the industry. It applied to all primary producers, essentially absentee landlords, but not to their staff, for example, managers, drovers, and stockmen. It was abolished in 1952.
Northern Territory’. He noted that under current legislation pastoralists had tenure over their lands for another sixteen to twenty years. He estimated that through the resumption covenant the Commonwealth could acquire 23,000 square miles of land in twelve years, and a similar amount in twenty–two years. If the government was to seriously consider railways and other improvement works, it needed to be in a position whereby it could obtain control over lands that were likely to benefit by that expenditure. Although pastoralists were aware of the resumption covenant when they accepted their new leases, most of them vehemently resisted the resumptions when the time came.

The Ordinance was scheduled to take effect on 1 July, however, on 29 June Harold Nelson, the Labor Federal Member for the Northern Territory, moved to reject it. Nelson objected to the lack of residential conditions and said that, even with the inclusion of a resumption covenant, pastoral lands would still be occupied for lengthy periods. George Yates, the Labor Federal Member for Adelaide, was similarly critical, saying that pastoralists had got ‘the big end of the stick’ following their negotiations with Pearce. While noting the concerns of some parliamentarians, Pearce reminded them of his plans for the future of the Territory, asserting that:

there is nothing inherent in the Northern Territory to prevent its being developed equally with every other part of Australia…The Northern Territory…has been a happy hunting ground for faddists, and numerous fads, all of which have ended disastrously, have been tried there.

The Ordinance caused considerable media comment. The *Brisbane Courier* criticised ignorant socialists who were protesting against proposed long–term leases, asserting

17 NAA Canberra: A431, item 1946/860, Crown Land Ordinance.
18 The 1935 and 1945 resumptions are discussed in detail in Chapter 7.
that ‘there is not the remotest likelihood of any close settlement in the Territory for a very long time’. The *Evening News* and *Daily Mail*, however, argued that the Ordinance simply played into the hands of large pastoral companies. The *Evening News* said that the Commonwealth should drop the proposed Crown Lands Bill because it would tie up pastoral lands for another forty–two years. It argued that existing leases should run their course, and the land should then be advertised for settlement via smaller blocks in order to promote more intensive occupancy.

In view of the controversy Prime Minister Stanley Bruce agreed to withdraw the Ordinance to give parliamentarians greater opportunity to consider it. After further discussions a second Ordinance (number 15 of 1924), was presented in July 1924, though there was little difference between the two. The Ordinance gave pastoralists three years by which to surrender their leases in exchange for new ones, and by late 1925 seventy–four had done so. Despite the inducements offered, some lessees never transferred and their leases continued as before, ultimately expiring over time. In this context Pearce’s new Ordinance failed to achieve its aim of unifying all lands under the one piece of legislation. Roberts later wrote that the evil of large estates was accentuated because the relics of past bad land legislation had prevented a tabula rasa [blank slate], and militated against the success of the new Ordinance.

Corporate pastoralists, having achieved their goals through their meeting with Pearce in February 1923, and the resulting Ordinance, were doubtless aware of the criticisms levelled against them in Parliament and the media. It was at this time that

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23 ‘A dangerous bill’, *Evening News* (Sydney), 1 August 1923, p. 6.

24 The new Ordinance created a Land Board to administer the Territory’s pastoral lands. This agency differed from its predecessor in that it was under the direct responsibility of the Minister, whereas the former Land Classification Board was responsible to the Territory’s Administrator. Second, the former Board comprised public servants, while the new Board included a representative nominated by pastoralists.

25 NAA Canberra: A659, item 1943/1/7032, Payne report part 1, 7 December 1936. A departmental memo noted that although 226 leases were then held under the 1924 Ordinance and subsequent Ordinances, another fifty–six leases were still held under South Australian legislation, while a further fifty–six leases were held under early Commonwealth legislation.

they formed the Northern Territory Pastoral Lessees Association to protect their interests, and to deflect any future criticisms against them.27

3.3 Commonwealth Ministers and Pastoralists

The period between the late 1920s and World War II saw frequent Ministerial changes and numerous deputations and demands by the Pastoral Lessees Association. Two examples of those meetings are cited here – one with C L A Abbott and another with Archdale Parkhill. Ministers were regularly presented with costly lists of demands, while pastoralists offered little in return.

C L A Abbott, Minister for the Northern Territory, 1928–1929

On 10 December 1928 C L A Abbott was appointed Minister responsible for the Territory, and a meeting with the Pastoral Lessees Association took place the following January.28 The deputation sought the abolition of all taxes, a yearly program of road and stock route development, a railway construction program, and freight subsidies. In order to encourage development of their holdings they requested that their leases be extended for an additional twenty–one years provided they made improvements to the extent of £10 per square mile before 31 December 1949, although by 1932 they had reduced this figure to £5 a square mile. There was, however, an escape clause, being that development costs would be waived if they could satisfy the proper authority that they were making adequate use of their leases without such expenditure. Abbott replied ‘on the face of it, it does not seem to be a big expenditure’. The delegates argued that if the Territory was to be developed it was imperative that all handicaps which stood in the way of that development should be removed and, in addition, every inducement offered to attract individual initiative

27 The precise date of the formation of this organisation is unknown as access to its records was denied. McLaren and Cooper imply that it was formed in August 1923; Distance, Drought and Dispossession, p. 88. There are, however, several earlier references in Commonwealth documents, with the earliest reference dated 9 April 1923; NAA Canberra: A431, item 1946/868, Proposed land policy.

28 NAA Canberra: A1, item 1929/210, NT Pastoral Lessees Association conference on development of the NT, 30 January 1929. This file contains a transcript of the conference.
and capital. Clearly, they had already forgotten the favourable terms they received via the 1924 Ordinance.

Abbott noticed that the delegates’ demands were costly, yet they offered nothing in return; there were no guarantees of what they would do if the Commonwealth met their demands. He told the delegates that ‘you ask for certain things, for certain concessions. I would like to know what you are prepared to do in return for those concessions’. Two of the delegates present, A J Cotton and C W D Conacher, replied and each effectively evaded the question.

Subsequent to their meeting, the Association sought a further concession from the Minister. On 30 January 1929 it sent a telegram asking for a waiver of pastoral rents due to the then drought in Central Australia. The Association declared that ‘as a body

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29 NAA Canberra: A1, item 1929/210, NT Pastoral Lessees Association conference, pp. 23–27 of the minutes of the meeting.
the pastoralists have not asked for much assistance from the Government’. Future events would prove the falsehood of this statement.

Abbott wanted to see Territory conditions for himself, and he undertook a tour in June 1929. It was a rapid inspection, conducted mostly by air. He met a number of pastoralists, and later recorded that there was considerable uniformity in their demands, which he felt were orchestrated by larger companies. The lack of development, he said, was principally caused by two British companies, Vesteys and Bovrils, which between them occupied 50,000 square miles of land, which were operated with the least possible expenditure. In a later report he was highly critical of many pastoralists, saying they were elderly and using primitive methods. He also said that ‘they felt they were martyrs and it was the duty of the Federal Government to support them and make their holdings profitable’.  

Abbott’s views were reminiscent of comments made by Departmental Secretary Atlee Hunt following his tour of the Territory in 1915. He was particularly critical of agriculturalists along the Daly River saying that:

they have been assisted by the Government to a very considerable extent, and a feeling seems to exist among some of them that it is the duty of the Government to be responsible for their maintenance altogether, in fact to pay them wages for the favour they confer on the country by living in it.  

Archdale Parkhill, Minister for the Northern Territory, 1932

On 6 January 1932 Archdale Parkhill was appointed Minister for the Territory. On 22 February he received his first delegation from the Association. It called for an investigation into the cost of living in the Territory, matters affecting the tenure and conditions of pastoral leases, better use of existing railways for developmental purposes, and an annual program of development and maintenance of roads, stock

30 NAA Darwin: F20, item 28, Northern Territory Pastoral Lessees Association–requests for certain matters to be reviewed.

31 NAA Canberra: A1, item 1938/4979, Minister’s visit to north and central Australia, p. 7 of the Minister’s report.

32 NAA Canberra: A3, item NT1916/2606, Secretary’s visit to NT, 17 November 1915.
routes and water supplies. The Minister was asked to extend all leases from 1965 to 1975, reduce rents by 25 per cent, and defer all resumptions and rent reappraisements from 1935 to 1945. Again, the Association argued that failure to develop the Territory was economic, and said that there was a need to address issues involving high costs, which deterred private enterprise from investing large capital expenditure.

The Association alleged that its recommendations were made by people who were ‘intimately acquainted with the country and whose money is already at stake’. 33 These were interesting words: while it was true that their money was at stake, most pastoralists could hardly be described as being ‘intimately acquainted with the country’ since they did not live on their properties, and some had never actually seen them. 34

Parkhill, like Abbott before him, wanted to see the Territory and a visit was arranged in mid 1932. Upon his return he prepared a report in which, curiously, he referred to many Territory pastoralists as being young and virile, unlike Abbott who earlier felt that they were elderly. 35 He also wrote that:

there is a definite disinclination on the part of the pastoralists to initiate and do many things which might readily be done locally, but with regard to which requests are preferred to the Commonwealth Government. 36

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33 NAA Canberra: A659, item 1939/1/468, Northern Territory Pastoral Lessees’ Association development of NT.

34 In 1913 J F Guthrie, whose company leased the Avon Downs property, appeared before the Royal Commission into Railways and Ports. Despite his involvement with the administration of the property for thirty–one years, Guthrie admitted that he had never visited it or the Northern Territory: [Australia. Royal Commission into Northern Territory Railways and Ports, ‘Report’, p. 33; Commonwealth Parliamentary Papers (1914), volume II, pp. 677–731].

35 NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister 1932 development of NT. Riddett highlighted the contradiction between Abbott’s elderly pastoralists, and Parkhill’s young and virile ones; L A Riddett, ‘Kine, Kin and Country’, p. 172. There are no records that indicate precisely which pastoralists each Minister met, and it may have been coincidence that Abbott met older pastoralists, while Parkhill met younger ones. Alternatively, the discrepancy may be due to the age of the two Ministers; Abbott was forty–three at the time of his visit, while Parkhill was almost sixty–four.

36 NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister. Parkhill’s statement was a variation of Abbott’s ‘martyr complex’ referred to earlier in this chapter.
In his post–visit report Parkhill criticised the lack of fencing and poor quality stock on many properties. Of some properties he wrote that ‘not a single hoof has been seen for eighteen to twenty years’. His conclusion was that many pastoralists were not making reasonable efforts to successfully create a grazing industry, and their lands were held on speculation rather than an active business enterprise. Parkhill felt that reducing rents was unfair to pastoralists who were developing their leases, and simply made a concession to those ‘who are doing nothing, employing nobody, but clamouring vigorously for reductions and assistance in every direction from the Government’. He said that rents in the Territory were generally lower than contiguous lands in Queensland and Western Australia, and lease terms were more advantageous. The pastoralists’ request for lease extensions would effectively take large areas of land with low rentals out of public use for a long time.37

3.4 The Pastoral Leases Investigation Committee, 1933–193538

Parkhill felt that before any concessions were granted an investigation was needed into the terms under which leases were held; where property improvements demonstrated a positive effort by lessees, then encouraging concessions would be granted, however, where the land was unreasonably held out of use, the proposed 1935 resumptions would proceed.39 In short, the Minister was throwing responsibility back upon pastoralists. Parkhill prepared a Cabinet submission recommending that ‘an enquiry be immediately instituted as to the way in which the conditions of existing leases are being carried out, and that the claims for concessions already made await such report’.40 Cabinet approved Parkhill’s

37 NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister. This file contains a copy of Parkhill’s report. The references cited here are from pp. 9–12 of that report.


39 It will be recalled that leases issued in accordance with Crown Lands Ordinance 15 of 1924, and subsequent legislation, carried a reservation that the Commonwealth had the option to resume 25 per cent of the land in June 1935.

40 NAA Canberra: A2694, volume 5, submission 309, NT visit by Parkhill. The submission was guided through Cabinet by John Perkins who replaced Parkhill as Minister responsible for the Territory in October 1932.
recommendation on 6 December 1932, and a team of three departmental officers was assembled – Frank Shepherd, James Brackenreg, and David Smith.41

**Opposition from the Northern Territory Pastoral Lessees Association**

From the outset there was considerable opposition from the Pastoral Lessees Association. It first wrote to the new Minister, John Perkins, lodging the ‘strongest possible protest’. It was clear that the Committee would not include pastoralists, and the Association ‘strongly urged that practical pastoralists should be appointed to it’. Further, the Committee’s work would take many months to complete, and there was an immediate need for financial relief for pastoralists.42 Other letters of protest were dispatched on 13 April and 2 May 1933.43 Recognising that its protests were making little headway, the Association protested to Prime Minister Joseph Lyons. Fearing that it might be overstating its case, the Association’s letter began by emphasising that ‘the lessees have absolutely nothing to fear from an enquiry into their affairs’.44 Clearly the Association did fear the Committee’s investigations. The Association argued that the Territory’s development was stultified because its distance from the rest of the country made it difficult for anyone to appreciate the problems faced by pastoralists. A copy of the letter was forwarded to the Administration in Darwin for comment. The Darwin copy includes several hand-written annotations, most likely written by Frank Shepherd, one particularly pointed comment asking ‘what about themselves, is their management…likely to develop the place?’.

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41 Shepherd was a surveyor from Perth who joined the Territory’s Lands and Survey Department in 1927, and was appointed Surveyor–General in 1931. Brackenreg was a stock inspector from the Department of the Interior in Canberra who joined the Commonwealth Public Service in 1913. Smith was the Northern Territory Administration’s Resident Engineer based in Alice Springs.

42 NAA Canberra: A432, item 1934/1674, Northern Territory Committee of Investigation re leases correspondence with 1–NT Pastoral Lessees Association; 2–C W D Conacher Esq. The Association’s letter was dated 25 February 1933. The call for financial relief for pastoralists was completely disingenuous as rents were already well below economic levels, lessees were not required to make any improvements on their properties, and from 1923 they did not pay Territory income tax.

43 NAA Darwin: F48, item 4, Working and information papers.

44 NAA Darwin: F48, item 4, Working and information papers, 2 June 1933. It became a much favoured tactic of the Association that when it could not achieve its aims through the Minister for the Northern Territory, it then bypassed that Minister and lobbied other Ministers including the Prime Minister.
Despite the Association’s objections the Committee embarked on a program of inspections, recording the conditions that pertained on each station. This was a most ambitious task, not undertaken previously. There were two tours: the first commenced in May 1933 and involved properties in the Alice Springs and Barkly Tableland Districts; the second tour began in April 1934 and covered properties in the Victoria River District and Darwin and the Gulf. Reports and photographs were subsequently prepared for most stations.45

45 The reports and photographs are held by the National Archives in Darwin: F50, Original reports, 1933–1935, and F1454, Photograph albums, 1933–1935.
The Committee’s Reports

At the insistence of the Minister, an interim report was submitted in November 1933, which dealt mainly with properties in the Alice Springs District.\(^{46}\) The government was keen to receive the Committee’s final report, no doubt mindful that the resumptions scheduled for 1935 were fast approaching. A telegram was sent to Shepherd in June 1934 stating ‘Minister desires to know when Committee expects complete investigation…Government anxious early completion and advice’.\(^{47}\) The report was subsequently compiled and presented, probably late in 1934, with further material submitted in April 1935.\(^{48}\)

The Committee found that most pastoral lands were held by corporate interests, which were too large for efficient management. Clearly throwing responsibility back on pastoralists, the Committee said there was an atmosphere of confusion caused by divided company management and lack of business experience, efficiency was impaired, and profit and loss adversely affected. The report criticised the poor animal husbandry practices on many properties, which in turn led to poor quality stock.\(^{49}\)

The Committee identified several properties for particular criticism including Wave Hill, Victoria River Downs, Auvergne, Bullita, Alexandria and Huckitta. The Pastoral Lessees Association would no doubt have claimed these criticisms were all due to the depression conditions then prevailing (had it had access to the Committee’s report). Indeed a number of pastoralists including Vesteys did just that, citing depressed markets as the reason for the lack of development on its properties,

\(^{46}\) NAA Canberra: A659, item 1942/1/7727, Reports of committee investigating NT leases. This file contains the only copy of the Committee’s interim report.

\(^{47}\) NAA Darwin: F48, item 5, Pastoral Leases Investigation Committee correspondence file, 7 June 1934.

\(^{48}\) NAA Darwin: F987, [Pastoral Leases Investigation Committee] General (final) report. The report’s covering letter, addressed to Departmental Secretary Herbert Brown, was not dated so the precise date of its submission is unknown.

however, the Committee wondered why it was that when prices were favourable they had still allowed their properties to remain in an undeveloped state.\textsuperscript{50}

Having criticised some properties, the Committee praised Rosewood, located in the Victoria River District. It was splendidly managed due to the work of the lessee, J A C Kilfoyle, who resided on the property and applied his experience well, being both his own manager and head stockman; returned profits to his property rather than shareholders; and ensured that a good supply of new blood was introduced into his herd.\textsuperscript{51} Rosewood’s success merely helped to emphasise the mismanagement of larger, adjacent holdings.

Despite their criticisms, the Committee felt that pastoralists laboured under many disadvantages, and that while their criticisms were levelled at larger companies, there were others who were, it said, ‘putting up a wonderful struggle’\textsuperscript{52}. The Committee recommended that the Commonwealth do more to assist them, but not in the way the Association wanted, that is, through rent reductions and lease extensions, the Committee declaring that by and large, Territory rents were ‘definitely liberal to the lessee’ when compared with adjoining States, thus countering the Association’s allegation that rents were too high.\textsuperscript{53} Instead it recommended a program of improved stock routes and additional water supplies. It also recommended that funds be made available for the purpose of making new improvements, particularly in the areas of fencing and water supplies, with all improvements to be carried out under Commonwealth supervision.\textsuperscript{54}

The Committee further recommended an increase in Commonwealth administrative staff to provide advice and support. It called for the appointment of land inspectors who would ensure that lessees complied with their lease conditions, and render


\textsuperscript{52} NAA Darwin: F987, General (final) report, ‘General Summary’, p. 5.


advice on questions of management; rangers (stock route inspectors), for the general supervision of stock routes; surveyors for the purpose of providing the starting points for property boundaries; and a veterinary officer who would visit pastoral stations and advise lessees on animal husbandry matters. It also suggested that the government provide expert advice to pastoralists in the selection of sites for bores in order to reduce the number of ‘dud’ bores. Finally, before any further leases were enacted, the Committee recommended that a five–year program be established by which ‘practical men’ would inspect, classify, and value all pastoral lands, allowing those lands to then be leased under specific conditions.55

Part of the Committee’s report was devoted to the 1935 resumptions. Taking into account distances to markets and the high cost of property improvements, the Committee wondered whether there were suitable lessees to occupy any resumed lands; it was doubtful it said. Second, the Committee felt that detailed inspections were needed prior to any resumption taking place, as the Commonwealth’s knowledge of the country was insufficient. With several exceptions, notably Wave Hill and Victoria River Downs, the Committee felt that most resumptions should be deferred until the completion of the proposed five–year review. In the meantime, rents and other lease conditions should remain as they were.56

The Aftermath of the Committee’s Final Report

The Commonwealth effectively ignored the Committee’s report. While Cabinet noted the interim report on 31 January 1934, it deferred any consideration of it ‘until some future date’.57 The final report was not submitted to Cabinet, nor was it presented to Parliament, and its recommendations were not implemented. Indeed, the report itself was not made public. The failure to act upon the Committee’s report related principally to the 1935 resumptions. While the resumptions were due to take place on 30 June 1935, the Ordinance by which the leases were held required that if


57 NAA Canberra: A3259, volume 2, part 1, submission 964, Interim report of Committee of Investigation NT pastoral leases.
the Commonwealth intended to exercise its option, it had to give pastoralists two years advance notice. On 6 June 1933 the Committee recommended that all resumptions be deferred for two years. The Department of the Interior, however, felt that the resumptions should proceed, and sought the advice of the Land Board in Darwin. It confirmed the department’s view, and letters to pastoralists were dispatched soon after.\(^{58}\)

A series of memos between Brackenreg and Shepherd provide further evidence of conflicting views at this time.\(^{59}\) In December 1934 Brackenreg wrote that he had been asked to prepare a review of the Committee’s recommendations on resumptions. While the review was subsequently approved by Departmental Secretary Herbert Brown and Assistant Secretary Arthur Percival there was ‘a little opposition in another quarter’ he said.\(^{60}\) One week later Brackenreg wrote again. A meeting was held to discuss the resumptions, and again there was opposition from an officer who argued that no resumptions should take place. Brackenreg did not name the officer, but the letter ‘H’ was hand-written and circled. The officer concerned was undoubtedly William Hicks. In the same letter Brackenreg said that ‘I would not discuss our report in any way with P’. Although it is not possible to state with absolute certainty who this person was, it was most likely Gerald Pigott, Chief Clerk of Lands in Darwin, and a member of the Land Board.\(^{61}\) Brackenreg wrote on

\(^{58}\) For the most part, the documentation cited here cannot be located, and is presumed lost. The cable from the Committee to the Department of the Interior, dated 6 June 1933, is referred to in the Committee’s interim report of November 1933. Interior’s cable to the Land Board and the Board’s reply, dated 8 June 1933 and 9 June 1933 respectively, are both referred to in the minutes of the meeting of the Board held on 28 July 1933; NAA Canberra: A1, item 1938/1181, Minutes of meetings NT Land Board. Copies of the Commonwealth’s notices of resumption, dispatched to pastoralists in late June 1933, are held on individual pastoral lease files, mostly in the custody of the Northern Territory Archives Service in Darwin.

\(^{59}\) James Brackenreg returned to Canberra in November 1934.

\(^{60}\) NAA Darwin: F48, item 2, Correspondence with J C Brackenreg member of Board, 14 December 1934.

\(^{61}\) NAA Darwin: F48, item 2, Correspondence with J C Brackenreg, 21 December 1934. While there were other people who may have been referred to by the letter ‘P’ they can be eliminated. It could not have been Assistant Secretary Arthur Percival, as Brackenreg had asserted in an earlier letter that he was supportive of the Committee’s recommendations. Nor could it have been Thomas Paterson, who replaced Perkins as Minister in 1934, as Brackenreg later wrote that Paterson’s submission to Cabinet was in accord with the Committee’s recommendations.
25 March 1935 stating that the Minister had sent a submission to Cabinet, with recommendations that were in accord with the Committee’s report. He wrote again only a few days later, ‘just from the horses’ mouth. Cabinet decided resumptions must go on as Board recommended’.

The Brackenreg–Shepherd memos indicate that there were, in effect, three conflicting viewpoints. The Shepherd Committee had recommended that most resumptions be deferred. William Hicks apparently argued that all resumptions should be deferred, even those involving Wave Hill and Victoria River Downs. The Land Board, however, appears to have insisted that all resumptions should proceed. While Brackenreg had indicated that the Minister’s Cabinet submission had supported the Committee’s views, clearly the views of the Land Board had prevailed.

The resumptions did proceed and, from an administrative perspective, were handled poorly. The Commonwealth implemented a far larger program of resumptions than was recommended by the Committee, it undertook few inspections beforehand and, for the most part, the land it acquired was of an inferior quality. Further, it did not ascertain if there were applicants vying for the resumed lands, and when it was realised that there were no applicants, the Commonwealth was forced to lease the land back to the original lessees for a period of ten years until the next round of resumptions due in 1945. Given these factors, the public release of the Shepherd Committee’s report would not have presented the Commonwealth in a favourable light.

**Beyond the Pastoral Leases Investigation Committee**

In the ensuing years the work of the Shepherd Committee was generally ignored.

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63 NAA Darwin: F48, item 2, Correspondence with J C Brackenreg, 1 April 1935.

64 Cabinet records from this period normally consist of submissions and decisions only. There is no record of the actual discussion that took place, so it is not possible to know how this particular matter unfolded.
Historians usually cite the 1937 Payne–Fletcher Inquiry (discussed in Chapter 4), in a more positive light. Yet the Committee’s activities and recommendations were quite far-reaching. Its inspection of pastoral properties provided a compendium of written and pictorial information that proved invaluable to the Administration for many years. Its inspection reports served as the model for future reports. They impressed the future Director of Lands, Hugh Barclay, to such an extent that in 1948 he instructed his field officers that they were to model their station reports on those prepared by the Committee.65

The Committee’s recommendations involving improved stock routes and water supplies, and more stringent property improvement programs, with financial support provided by the Commonwealth, were all repeated by Payne–Fletcher. Its recommendations concerning the need for comprehensive surveys, pastoral inspectors, stock route inspectors, and the provision of veterinary services, were all belatedly acknowledged by the Commonwealth and put into effect both during and after World War II. Finally, the Committee’s report highlighted what Archdale Parkhill suspected in 1932, corporate lessees caused many of the problems pertaining to the Territory’s pastoral industry, through excessively large estates, poor management and control, minimal stock development and property improvements. The report showed that pastoralists were not responding to Commonwealth initiatives to improve their industry, such as the removal of the fencing and improvement covenants, low rents, and income tax exemptions.

3.5 Paterson’s Concessions, 1936

Thomas Paterson became the Territory’s Minister on 9 November 1934. As was the case with his predecessors, he visited the Territory in July–August 1935. An account of the visit was provided through a series of letters he wrote to his wife, Elsie Paterson, as well as a diary kept by his private secretary, Roy Rowe.66 The group visited a number of pastoral stations and noted that ‘settlers in these parts are made
of the right stuff…they are blessed with a cheery optimism regarding the future’. Rowe wrote that the Commonwealth needed to do more to assist the industry, particularly smaller, resident pastoralists, and he said that:

one thing is certain, that only by wise and tolerant administration by Governments, Ministers and Executives, following a clearly defined policy for the future in progressive stages, will the nation’s obligations be discharged and its obligations achieved.67

Paterson made a series of recommendations to Cabinet to support pastoralists through the Depression, and to allow them to improve their properties and make them more productive. His principal recommendations included the Commonwealth paying half the cost of sinking bores on properties, half the freight costs of bore materials, half the freight costs of all fencing materials, and half the freight costs associated with the importation of stud stock. Paterson’s concessions were approved and took effect in January 1936.68 No sooner had they been announced than some pastoralists, notably James White from the Gulf Cattle Company, complained that they were insufficient, and ‘will afford no real relief or make for any development’.69 Despite White’s public condemnation of the concessions, which were made on a number of occasions over the ensuing months, his company was one of the first to apply for them and subsequently made extensive use of them.70

The concessions were intended to support smaller, resident pastoralists, and were a concrete example of the Commonwealth’s willingness to further assist the industry, despite the fact that the Great Depression was severely impacting on its finances. In the end, however, the concessions were simply exploited by large pastoral companies. The Land Board was required to approve all applications for the concessions, and the minutes of the Board’s meetings show that the first companies to apply for the concessions, apart from Gulf, were Vesteys and Connor Doherty

67 NAA Canberra: M1598, Notes on visit to NT, pp. 74–75.
68 NAA Canberra: A2694, volume 14, part 3, submission 1566, Northern Territory, 20 November 1935.
69 ‘Northern Territory’, Sydney Morning Herald, 3 December 1935, p. 3.
70 NTAS Darwin: NTRS3133, item 4, Gulf Cattle Company. This file contains the claims made by Gulf which totaled thousands of pounds.
Durack.\textsuperscript{71} The 1937 Payne–Fletcher Inquiry described the concessions as ‘exceptionally generous’,\textsuperscript{72} contradicting James White’s earlier assertions of their inadequacy, and recommended their abolition. Most were subsequently abolished in 1939.\textsuperscript{73}

3.6 Three Radical Proposals

Throughout this period the Commonwealth sought alternative means to populate and develop the Territory. It considered several strategies, all of which were radical, but in the end all were destined to fail.\textsuperscript{74}


The origin of the North Australia Commission can be dated to 1923, when Cabinet considered a submission by George Pearce.\textsuperscript{75} It will be recalled that Pearce had said that the Commonwealth would fund roads, railways and communications, in association with a new Crown Lands Ordinance, as part of his plan for the development of the Territory. As an extension of his new policy, Pearce sought Cabinet’s in–principle support for an entirely different approach with works being coordinated by an executive commission charged with the development of that portion of northern Australia above the 20\textsuperscript{th} parallel, not just the Territory, but Queensland and Western Australia as well. Pearce said that:

the present methods of development are inadequate…Examination of the records of the past to try and discover the cause of the failures has convinced me that our actions are fundamentally wrong…I believe the time is ripe to make a complete change in our method.

\textsuperscript{71} NTAS Darwin: NTRS2214, [Land Board II], Minutes of meetings.

\textsuperscript{72} [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory of Australia, ‘Report’, p. 18, paragraph 92; \textit{Commonwealth Parliamentary Papers} (1937–40), volume III, pp. 813–925].

\textsuperscript{73} NAA Darwin: F1, item 1939/367, Concessions granted to NT pastoralists. Later reports show that by July 1940 concessions approved for payment under the scheme totalled £16,706/16/4.

\textsuperscript{74} Much of the discussion concerning the three radical proposals is based on information contained in the personal papers of George Pearce held in the National Library in Canberra.

\textsuperscript{75} NAA Canberra: A2718, volume 1, part 1, NT Executive Commission, 20 November 1923.
He argued that the development of northern Australia was a ‘whole time job’. Whereas previous administrations had only given secondary thought, or ‘fag ends’, to the area, Pearce said his proposed commission would be a full–time entity located in Darwin, so that it could administer ‘on the spot’. It would develop a series of works and be sanctioned to raise and spend the necessary funds. The Commonwealth and the two States would be debited with a proportion of all costs incurred by the commission. While the three Australian governments would have overall control, Pearce made it clear that he looked to the United Kingdom to provide financial support. He argued that it would support his proposal because it needed space for its surplus population, new markets for its goods, and new fields for the production of raw material within the Empire, and ‘the Territory…can supply all three requirements’.

Cabinet approved Pearce’s recommendation, but suggested that the commission be limited to the Territory only, with Western Australia and Queensland joining later. Prime Minister Bruce supported the proposal, but said that in view of proposed accelerated development of the north, independent advice on matters such as docks and river works should be obtained. He recommended George Buchanan undertake a study and report back to the government. Pearce was opposed to Bruce’s suggestion, preferring to establish the commission first and have it prepare development proposals. Bruce’s view prevailed and Buchanan was asked to conduct the investigation.²⁶

Buchanan submitted his report in July 1925. He concluded that the Territory suffered from the effects of isolation, inefficient administration, lack of communications, and labour problems.²⁷ Buchanan criticised the divided administration between Melbourne and Darwin, and the lack of cooperation between government agencies in

²⁶ There is a series of telegrams between Cabinet, Bruce and Pearce contained in NAA Canberra: A3934, item SC42/25, Executive Commission, 1923. Buchanan had recently undertaken similar work in South Africa, which is why Bruce suggested he conduct a similar exercise in the Northern Territory. Donovan later argued, incorrectly, that Pearce initiated the Buchanan investigation; At the Other End of Australia, p. 65. The telegrams demonstrate that Bruce was in favour of the investigation, while Pearce was opposed to it.

Darwin. As far as future development was concerned there were two options, that is, the government should adopt the principle of a Crown colony, whereby the Administrator was supreme head, with a self-contained budget and special development loans raised by the government, or the government should develop a board or directorate responsible to the Minister to carry out development programs; in either case, the development of the pastoral industry should be the Administration’s first priority. The government chose the second option.

With his new Crown Lands Ordinance in place, and with the support of both Cabinet and Buchanan, Pearce proceeded with his plans for an executive commission. The North Australia Act 1926 took effect on 1 February 1927 and created the North Australia Commission.\(^78\) The Territory was divided into two regions, North and Central, each with their own Government Resident and separate administrations, along the 20\(^{th}\) parallel of latitude. The Commission’s primary role was the preparation of development plans with respect to railways, roads, telegraph and telephone lines, water boring and conservation, and ports and harbours.\(^79\) The Commission presented an initial report in 1927 that dealt with most of these matters; however, the recommendations were not costed.\(^80\) It stressed the need for additional waters on pastoral properties and recommended that the Commonwealth finance the construction of bores, just as the Land Board had done before it, in order to ‘arrive at a scheme that would definitely encourage boring for water in these northern areas where it is so essential to real development’.\(^81\)

The Commonwealth continued with its quest for capital. Pearce met British businessman Richard Tilden Smith in August 1927, who indicated his willingness to

\(^78\) The Commission was responsible only for the Territory, not the adjoining States.


\(^81\) NAA Darwin: F20, item 93, Water boring and conservation–water supplies on leases–assistance. The Commission’s views on water were outlined in a memo dated 25 August 1927.
assist. In 1928 the government commissioned Charles Nathan to continue further negotiations. He met a number of businessmen including Lord Luke, whose Bovrils’ company leased Victoria River Downs. Luke appeared keen and it was agreed that he would visit Australia in 1929 to discuss the matter further. The visit took place as planned; however, that same year the government fell, replaced by James Scullin’s Labor Government. Luke refused to deal with the latter and proposals stalled. The onset of the Great Depression, and the lack of funding, spelt the end for the Commission. It was abolished on 11 June 1931 and the Territory was reunited. William Hicks later wrote that the Commission was ‘foredoomed to failure before it was appointed’, as its sources of revenue were inadequate. Contrary to Pearce’s earlier intention, the Commission did not govern ‘on the spot’, but was still dependent on Canberra for its funding. The Pastoral Lessees Association later described the Commission as ‘a hopeless and extravagant experiment’, while Baillie argued that the Commission’s sole focus on the pastoral industry resulted in a lack of real support from the wider, local community. The Commission may indeed have been an extravagant entity, costing more than £27,500 per annum to function, but it was not hopeless, as it achieved a number of positive things in its short life. It completed a series of extensive surveys of the Territory, recognising that the information gained from those surveys would be of considerable value in fixing the position of roads, bores and other water supplies ‘for proper and economical development’. It also undertook some road maintenance, and improved stock routes by providing additional watering facilities.

82 NAA Canberra: A2718, volume 3, submission 61, North Australia development, 18 January 1928. A record of Pearce’s meeting with Smith is at NLA Canberra: MS 1827, series 8, folios 1827/519–521.

83 Nathan was going to the United Kingdom in 1929 as part of the Australian British Empire Exhibition, and offered to represent the Commonwealth for £1,000; NLA Canberra: MS213, folio 213/5/112(d).

84 NAA Canberra: A1, item 1934/6796, Administration, North and Central Australia, and NT, 3 July 1930.

85 NAA Canberra: A432, item 1934/1674, Northern Territory Committee of Investigation, 13 April 1933.

86 Baillie, ‘Struggling to Achieve the Vision Splendid’, p. 31.

87 NAA Darwin: F20, item 1, Northern Australia Act, 1926 proclamation of etc.

88 NAA Darwin: F20, item 62, Railway survey (trial) to Western Australia border–also road traverses.
The Scullin Government did not pursue northern development as it was grappling with the effects of the Depression. Following the election in December 1931, however, Joseph Lyons’ new government considered a more radical proposal to address the issue. While previous planning revolved around an executive commission, funded by British capital and administered by the Commonwealth and State Governments, the new proposal was for the northern portion of the Territory and Western Australia, above the 20th parallel of latitude, to be administered by a company under charter.

Chartered companies were associations formed by investors or shareholders for the purpose of trade, development and colonisation. They were introduced by European colonial powers in the 16th Century to provide corporate, rather than government, funding to develop their territories. The companies undertook a range of activities including administration and the construction of roads and railways, and in return received tax concessions and other benefits. Among the better known companies were the East India Company established in 1600, the British North Borneo Company established in 1881, and the British South Africa Company established in 1889.89

The proposal for a chartered company to develop the Territory was not new. In 1901 a syndicate approached the South Australian Government offering to form such a company if allowed to introduce coloured labour, which was of course contrary to the White Australia policy implemented that same year. South Australia declined the offer on 18 April 1901.90 The Administrator, John Gilruth, was alleged to have offered to purchase the Territory for £5 million on behalf of an unnamed syndicate in late 1916. The allegation was made by Randolph Bedford the following year,91 and repeated in 1920 when he appeared before the Royal Commission into Northern

80 NLA Canberra: MS4653, series 18, folder 10, folios 875–876. A brief description of this event was given by Patrick Glynn in his personal papers.
91 The allegation was raised in the The Age (Melbourne) on 5 July 1917: ‘Northern Territory alleged offer to purchase, a syndicate affair’, p. 7.
Territory Administration. Gilruth denied the allegation. In 1928 the New Settlers League suggested that the Commonwealth transfer part of the Territory to the United Kingdom or a chartered company; the Commonwealth replied that it would not ‘on any account consider the absolute surrender of sovereign rights for an extended period, in any area proposed to be acquired by a company incorporated in the manner suggested’.  

George Pearce was appointed Minister for Defence in Lyons’ government. Although the Territory was not part of his portfolio, he was still concerned with the risk that an undeveloped northern region posed to the nation’s security, and he prepared a Cabinet submission recommending the creation of a chartered company to administer the northern parts of the Territory and Western Australia. Pearce proposed that the company be given a lengthy period of occupancy, free of taxes and tariffs, and in return would develop roads, railways and ports. As with the earlier North Australia Commission, the intention was to secure capital from the United Kingdom. Pearce suggested that there would be a board of seven directors, with the company contributing four, and the governments of the United Kingdom, Australia and Western Australia contributing one each. He felt that Australia would sacrifice an empty land, but peopled it would make the country safe, and eventually provide a market for its manufactures. On 1 May 1933 Cabinet approved the formation of a sub–committee to further develop the proposal.

\[92 \text{[Australia. Royal Commission into Northern Territory Administration, Minutes of Evidence (Melbourne: Government Printer, 1920), pp. 226–227, 245–246]. Bedford was a member of Queensland’s Legislative Council, and he also held several grazing licenses in the Territory, one of which was forfeited in 1915 for non-payment of rent at a time when Gilruth was Administrator; NAA Canberra: A3, item NT1915/4774, Randolph Bedford grazing licences, Northern Territory. Whether his allegation against Gilruth was based on fact or malice is unknown.}\]

\[93 \text{NAA Canberra: A458, item J120/2, NT unofficial suggestions, 26 September 1928. The Commonwealth’s reply was dated 21 December 1928.}\]

\[94 \text{NAA Canberra: A2694, volume 7, submission 589, Development of north-west Australia. A copy is held in Pearce’s personal papers; NLA Canberra: MS1827, series 8, folios 1827/590–592. The submission was not dated; however, Pearce’s papers show that it was sent to Cabinet on 19 April 1933; MS1827, series 8, folio 1827/586.}\]

\[95 \text{The sub–committee comprised Pearce, Senator Alexander McLachlan (Vice–President of the Executive Council), Walter Massy–Greene (Assistant Treasurer), and John Perkins (Minister responsible for the Northern Territory).}\]
The Commonwealth’s change of attitude from that expressed in 1928 to the New Settlers League was no doubt prompted by the Great Depression, and the realisation that it could not fund the Territory’s development itself. Archdale Parkhill’s report, written after his visit to the Territory (referred to earlier), may have been the catalyst for Pearce’s actions. Parkhill said that:

it seems obvious that the Government cannot, even if it desired, provide adequate funds to successfully develop the Territory. The capital required must consequently be provided by private enterprise, either within or outside the Commonwealth.\(^{96}\)

One week after the formation of the Cabinet sub–committee, former pastoralist A J Cotton (who was previously involved with several properties on the Barkly Tableland), publicly called for the establishment of a chartered company to administer the development of northern Australia, and it has been suggested that the proposal may have been his creation.\(^{97}\) It is more likely, however, that Cotton was aware of Cabinet’s actions and was responding accordingly, although how he became aware of the proposal is unclear as an examination of contemporary newspapers revealed no reference to it.\(^{98}\) The answer may lie with Walter Massy–Greene. As well as being a member of the sub–committee, he was also Chairman of the Pastoral Lessees Association from 1923 to 1932, and may have alerted both the Association and Cotton to what was happening.\(^{99}\)

The sub–committee recommended the formation of two companies (not one as

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\(^{96}\) NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister, 31 August 1932.


\(^{98}\) An examination of *The Canberra Times*, *Sydney Morning Herald* and the *Brisbane Courier* (Brisbane was Cotton’s home city), revealed no reference to Cabinet’s deliberations. Yet Cotton was not the only individual to suggest the formation of a chartered company at this time; John Archer, a Queensland pastoralist, made a similar request: ‘Develop the north’, *Sydney Morning Herald*, 4 May 1933, p. 4.

\(^{99}\) NLA Canberra: MS1827, series 6, folios 333 and 336. Massy–Greene sent Pearce a copy of Cotton’s *Brisbane Courier* article on 17 May 1933, describing it as a ‘matter of curiosity’.

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originally proposed), one on the Barkly Tableland, and another at Victoria River. It also suggested that the Commonwealth pass a customs tariff to assist future development (but only for the Territory), and that the proposed companies be exempt from certain taxes. Cabinet approved the recommendations and they formed the basis of a press release issued by Lyons on 15 July 1933.

Unfortunately for Pearce, while keen to encourage the input of British capital, the Commonwealth proceeded with its plans for a series of resumptions of Territory properties including those leased by British companies Vesteys and Bovrils (discussed in Chapter 7). An exasperated Pearce wondered why the resumptions were being pursued, and he wrote ‘why go on with this whilst our policy scheme is being considered? Will it not have a bad effect in London?’.

Once again the Commonwealth looked to involve Western Australia, as it had with the North Australia Commission, and Pearce had already met the Premier, James Mitchell, on 10 October 1932. Western Australia later reported that while it would cooperate, it would not formally cede territory to any proposed company.

Although Pearce’s sub-committee, and Cotton, may have supported the proposal, it was vehemently opposed by others, as the following cartoon illustrates:

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100 NAA Canberra: A2694, volume 9, submission 589, Development of north-west Australia, 13 July 1933. The sub-committee had sent a submission to Cabinet on 17 May 1933 with preliminary recommendations, which were approved on 18 May 1933; A2694, volume 8, submission 589.

101 NLA Canberra: MS1827, series 8, folios 1827/615–616. A detailed proposal, in the form of a booklet entitled *Memorandum by the Government of the Commonwealth of Australia on the Development and Settlement of North Australia*, was released in December 1933; NAA Canberra: A461, item H412/1/2 part 1, NT opening of pastoral lands and the government’s developmental policy.

102 NLA Canberra: MS1927, series 3, folio 1927/1260. Pearce’s comment was not dated.

103 NLA Canberra: MS1827, series 3, folio 1827/57 contains a record of the meeting between Pearce and Mitchell.

104 ‘Developing the north’, *West Australian*, 26 August 1933, p. 17.
At a subsequent meeting with the Pastoral Lessees Association, Lyons explained that the Commonwealth was pursuing the chartered company proposal because ‘it is necessary to develop the north from a national standpoint. The methods employed up to the present have not succeeded. We are trying to find some way to do the job for the Empire’s sake, even leaving out Australia’. Curiously one of the delegates, C W D Conacher, said that there was no immediate need for railways, water supplies or ports. He argued that the only requirement was a short railway from Mt Isa in Queensland to the Territory border, a distance of 130 miles. Conacher represented

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105 NAA Canberra: A1, item 1937/11251, NT Pastoral Lessees Association deputation to Prime Minister, 6 October 1933, p. 2 of the minutes of the meeting.
Vesteys’ interests, and they usually moved their stock from properties in the west, across the Barkly Tableland into Queensland, hence the short railway would have been of direct benefit to his company. The Association subsequently wrote to Lyons on 24 January 1934 arguing that benefits and concessions should not be limited to a foreign chartered company, they should also be granted to local pastoralists. When told of the Association’s claim, Pearce advised Lyons that the offer of privileges to a chartered company also contained conditions, and both privileges and conditions were available to Australian capital; they were not limited to foreign capital, as suggested by the Association.106

Proposal 3 – The Barkly Tableland Cooperative, 1933–1936

There was only one response to the chartered company proposal, and it originated within Australia, not the United Kingdom. In December 1933 the Pastoral Lessees Association proposed that a group of pastoralists form a cooperative to develop the Barkly Tableland, with the centrepiece of the plan being a railway from the Tableland to a proposed meat works on Vanderlin Island in the Gulf of Carpentaria, together with a deep sea port.107 Cattle would be processed on the island and the meat shipped to the United Kingdom.108 It was estimated that the project would cost £1 million, and the Association advised that pastoralists would raise £125,000, while the Commonwealth was asked to provide the remaining funds in the form of a guaranteed loan. The cooperative, as proposed, would have control of the area for 100 years (although this was soon reduced to sixty years); it would pay no taxes or tariffs, and would have control of all industrial matters, mining, Aborigines, and immigration.

Upon reading the proposal, John Gunn wrote that ‘the concessions asked for…would be extraordinarily favourable’. He said that it would be possible for the promoters to

106 NLA Canberra: MS1827, series 3, folio 1827/436. The example cited is an illustration of the Association’s distortion of facts in its dealings with the Commonwealth.

107 NLA Canberra: MS1827, series 8, folios 1827/632–634, 7 December 1933.

108 Vanderlin Island is part of the Pellew Islands. The proposal for a deep sea port there, with a railway connection with the Barkly Tableland, was not new. It was mooted as early as 1913: [Australia. Royal Commission into Northern Territory Railways and Ports, ‘Report’, pp. 7, 22–23].
exploit the area and conceivably retard its progress rather than advance it. He also noted that the proposal contained no reference to any future development works on pastoral properties on the Tableland in return for concessions sought from the Commonwealth.\textsuperscript{109} Despite Gunn’s reservations, a submission went to Cabinet in April 1934 seeking in–principle support for the proposal, with a request to conduct a series of investigations into the project’s feasibility. Cabinet approved the request on 17 April 1934.\textsuperscript{110} While subsequent reports were favourable, it was noted that the project would be costly. H E Beaven wrote that:

from a constructional and mechanical view the works are practicable and can be constructed, the question as to whether it would be a business proposition either from a national or economic viewpoint is one for the Department. The capital cost would be high with a limited outturn at the works and probably high labour costs.\textsuperscript{111}

There was opposition to the proposal from some pastoralists located on the Barkly Tableland. Philip Forrest, manager of the Alexandria property, wrote to F A Brodie, who was soon to become President of the Pastoral Lessees Association, saying that:

I feel that as these proposals now stand nothing but disaster to all who joined would result. I dislike the idea of handing ourselves over to a ruling body, some of whom may not exactly have made a great success of their own affairs.\textsuperscript{112}

A J Cotton publicly criticised the proposal, arguing that he found it disturbing that the cooperative was seeking concessions similar to those offered to a chartered company. In the interests of those anxious to foster development and closer settlement of the north, which meant all Australians he said, if a charter was granted

\begin{thebibliography}{11}
\bibitem{109} NLA Canberra: MS1827, series 8, folio 1827/640. Gunn was the Director of the Development Branch at the Prime Minister’s Department.
\bibitem{110} NAA Canberra: A2694, volume 12, submission 1048, Development of North Australia: proposals for the formation of a chartered company with jurisdiction over the Barkly Tablelands and adjoining areas, 10 April 1934. The \textit{Sydney Morning Herald} later reported that there had been strong criticism in Cabinet to the proposal: ‘Barkly Tableland development plan, proposal by lessees’, 21 April 1934, p. 15. Cabinet records for this period do not contain a record of discussions; hence, it is not possible to determine if the \textit{Herald’s} assertion was accurate.
\bibitem{111} NAA Canberra: A431, item 1946/622, H E Beaven report on Vanderlin Island meat works, 14 December 1934. Beaven was one of several experts engaged to assess the project’s feasibility.
\bibitem{112} NLA Canberra: MS1927, series 3, folio 1927/1355, 23 May 1934.
\end{thebibliography}
to a company, one of the covenants should be that it was in no way involved in the raising of stock, and it should only be allowed to hold industries under its control for a fixed period. Cotton had earlier publicly criticised the pastoralists’ claim that concessions offered to foreign chartered companies (referred to earlier in this chapter), should also be offered to them, arguing that concessions were of no use to cattlemen who had little money.

The greatest opposition, however, came from Commonwealth Ministers. Assistant Treasurer R G Casey emphasised the Commonwealth’s debts, and said that he had ‘grave objections’ about the proposal which he felt would create an undesirable precedent. The Commonwealth should not guarantee a loan on behalf of a private company, he said, but could assist with taxation and other concessions. Casey suggested that the cooperative seek British capital. Fellow Minister James Hunter was also concerned with the notion that the Commonwealth guarantee the project. Even if the Commonwealth had £1 million to spare, he asked, how would the proposal pass through Parliament? Effectively the government was asked to supply eight-ninths of the requisite capital and give responsibility for the project to the remaining ninth share. That one-ninth share would have control and power ‘such as no company at present in existence in Australia has. In effect, this one ninth would control and perform all the functions of a State government’.

The project now rested on issues of finance and governance. At a meeting Pearce made repeated requests that the pastoralists send ‘a good man’ to London to secure capital. When they appeared unwilling to do so, Pearce lost patience and told the delegates ‘you know that you have had the land for 60 years’, the implication being that pastoralists had held their land for a substantial period and had done little with

113 ‘Developing the Northern Territory’, Telegraph (Brisbane), 26 April 1934, p. 11.

114 ‘Chartered companies’, Telegraph (Brisbane), 1 March 1934, p. 10.

115 NAA Canberra: CP290/1, bundle 1, item 12, Barkly Tableland Cooperative Cabinet submission, Annexure B, 8 February 1935. Casey replaced Walter Massy–Greene as Assistant Treasurer in October 1933.

it. One of the delegates, James White, later wrote to Pearce saying they could not provide the capital, and they needed support from the Commonwealth before they could approach British investors.

In essence the difficulty was that the Commonwealth was asked to cede a large tract of land to a company, with no control mechanisms, while at the same time it had to provide extensive financial support to that company. Pearce sought direction from Cabinet concerning Treasury’s rejection of the proposed financial arrangements, as well as the United Kingdom’s long-term meat policy, as the Vanderlin Island proposal depended on meat being exported there. Cabinet decided it could not support the proposal, and Thomas Paterson wrote to the cooperative on 6 December 1935 stating that the Commonwealth would not finance the project, or guarantee the loan. C L A Abbott later criticised the Commonwealth’s failure to support the project. He wrote to Lyons and asked for the appointment of a Parliamentary Committee to investigate the matter; at least then, he said, the decision would belong to Parliament. Lyons refused, and Abbott moved a motion in Parliament that ‘this House declares that closer settlement of the good lands of the Northern Territory is

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117 NLA Canberra: MS1827, series 8, folio 1827/642. The meeting was held on 11 February 1935.

118 NLA Canberra: MS1827, series 6, folios 1827/434–435, 14 February 1935. In his letter White also referred to the Commonwealth’s ‘unfulfilled promises’. This was a much loved phrase used by the Pastoral Lessees Association in its dealings with the Commonwealth. Pastoralists too had unfulfilled promises; in the 1920s many of them accepted new leases with generous terms, on the understanding that they would improve their properties, and most did little to develop those properties.

119 ‘North Australia Development: Barkly Tablelands Proposal’, 25 February 1935. Copies of this submission are held by NAA Canberra: CP290/1, bundle 1, item 12, Barkly Tableland Cooperative Cabinet submission, and NLA Canberra: MS1827, series 8, folios 1827/676–685. Precisely when Cabinet discussed the matter is unknown, as no record could be found of it actually being listed on the agenda for Cabinet meetings.

120 The Commonwealth’s copy of the letter cited here could not be located. Abbott referred to it in his booklet on the Barkly Tableland project referred to in footnote 121. McLaren and Cooper quoted from the original copy of the letter in the records of the Pastoral Lessees Association; Distance, Drought and Dispossession, p. 128.


122 NLA Canberra: MS1827, series 8, folios 1827/671–675, 1 March 1936.
of urgent national importance, and requests the Government to open a port in the Gulf of Carpentaria which would be available for all classes of shipping’.\footnote{Commonwealth Parliamentary Debates, House of Representatives, volume 151, 24 September 1936, pp. 490–491.} Although Abbott criticised the Commonwealth’s actions, the 1937 Payne–Fletcher Inquiry said they were correct. While it acknowledged the Vanderlin Island project was a bold concept, Payne–Fletcher said that there were too many difficulties, with ‘excessive costs at every angle’.\footnote{[Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 36, paragraph 189].}

The Commonwealth’s decision to terminate the proposal was not as final as it first appeared. The outlook for Australian beef improved in 1936 when an agreement was reached with the United Kingdom for its importation free of duty. Cabinet asked Bruce, then High Commissioner in London, to ascertain what prospects there were for obtaining capital for the project, the intention being to secure British finance to build the meat works on Vanderlin Island, while the Commonwealth funded roads and a port as part of normal development activities.\footnote{NAA Canberra: A2694, volume 16, part 1, submission 1879, NT development, 15 September 1936.} Bruce conducted a series of interviews with Lord Luke and Lord Vestey which achieved nothing as both were now opposed to any involvement. Bruce later reported that Luke made the rather unhelpful suggestion that the development of the Territory might be accelerated through the migration of 1,000 Assyrians per annum, ‘or other industrious cultivators of poor land’.\footnote{Bruce advised the government on progress concerning the negotiations via two telegrams, dated 12 December 1936 (NLA Canberra: MS1827, series 3, folio 1827/74), and 6 February 1937 (NLA Canberra: MS1827, series 3, folio 1927/70). The second telegram contained the reference to the Assyrians.}

### 3.7 Conclusion

This chapter began with George Pearce’s pursuit of a ‘complete change in our method’, leading to a new policy of pastoral lands administration and a new Crown Lands Ordinance, in recognition of the fact that if the Commonwealth was to pursue
its objective of closer settlement, it needed greater control over the Territory’s pastoral lands. The essential elements of his new policy were government ‘on the spot’ via an executive commission, the inclusion of all leases within uniform legislation, the incorporation of resumption provisions so that portions of larger estates could be acquired by the Commonwealth at future intervals, and access to British finance for developmental projects recommended by the commission.

Pastoralists were offered a range of inducements to convert to the new Ordinance. Many of them accepted those inducements, which were weighted in their favour, then argued for more concessions in the form of extended lease tenures and rent reductions while they did little to develop their properties. They resisted all attempts at resumption (and would do so again), even though this was a clearly stated requirement of their new leases. Their calls for rent relief or deferrals were deceptive as rents were already low, and they were also exempt from Territory income tax. The removal of the improvement covenant from pastoral leases in 1924 also contributed to the continued lack of development on many properties. What was now clear, a fact demonstrated by the Pastoral Leases Investigation Committee, was that many properties were too large to be worked effectively, and much of the land was held on speculation, rather than as a going concern. Typical of the political views at this time were those of Senator Edward Needham from Western Australia, who told Parliament that:

the administration of the Northern Territory by the Commonwealth Government for the last fourteen years has been a distinct failure. That may be ascribed, amongst other things, to the fact that vast tracts of country are held by big companies which have made no attempt to develop it.127

The creation of the North Australia Commission, and the search for a chartered company to secure funds to develop the Territory, were positive indications of the Commonwealth’s intentions at this time. The Commission failed primarily because it had no funds with which to implement its recommended program of development. The Commonwealth sought funding to develop the Territory from both public and private sources in the United Kingdom, and was criticised for failing to fund major

127 Commonwealth Parliamentary Debates, Senate, volume 110, 8 July 1925, p. 738.
works such as transport and communications itself. But this begs the question of how much money the Commonwealth actually had to spend on such projects, as evidenced by James Hunter’s statement that ‘even if the Commonwealth had £1 million to spare’. Pearce made it clear that the government was seeking financial input from the United Kingdom as it did not have recourse to the requisite funds, yet was being asked to provide infrastructure costing millions of pounds, in a remote part of the country that would have been of immediate benefit primarily to a few corporate pastoralists. 128 When Casey wrote to Pearce in February 1935 outlining his concerns with the Commonwealth being asked to guarantee a loan on behalf of the Barkly Tableland Cooperative, he indicated that the Commonwealth already had debts in London worth more than £36 million, and borrowing additional funds was out of the question. 129

As with the preceding chapter, the Commonwealth’s administration of the Territory was affected by issues at both the international and national levels. The Great Depression had a severe impact on the Commonwealth’s resources, just as World War I had done earlier. At the national level, while there were only two changes in government in 1929 and 1931, there were nevertheless ten Ministers, beginning with Pearce and ending with Paterson.

The Northern Territory Pastoral Lessees Association was emerging as a force to entrench the position of corporate pastoralists in the Territory. There were frequent meetings between the Association and Ministers, at which lengthy and costly lists of demands were presented, but with little acknowledgement by pastoralists of what they would do in return. Pastoralists criticised the Commonwealth, and took advantage of whatever concessions and benefits were on offer, for example, Paterson’s concessions, but essentially did little themselves to improve the nature of

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128 As early as 1923 The Age (Melbourne) had noted that the proposed extension of the northern railway southwards to Daly Waters would cost £1.5 million, and was expected to operate at an annual loss of £80,000; 1 August 1923, p. 8. The Commonwealth’s reluctance to invest substantial funds in infrastructure in the Territory on this basis was understandable.

129 Casey’s views merely confirmed those of Bruce who had written to Pearce saying that ‘until we have dealt with the problem of converting our high interest bearing securities to a lower rate, the raising of any capital for development in Australia upon the London market would be a disastrous blunder’; NLA Canberra: MS1827, series 3, folio 1827/92, 1 March 1933.
their properties or their own industry.\textsuperscript{130} While some formed the Barkly Tableland Cooperative, not all cattlemen supported the project; not only was Alexandria opposed to the scheme, so too was Rocklands.\textsuperscript{131} The cooperative had good intentions, but expected the Commonwealth to provide the finance, while it provided little more than goodwill.

In the end Pearce’s policy effectively failed due to the lack of finance, and the recalcitrance of some pastoralists.\textsuperscript{132} One cannot doubt, however, that Pearce’s intentions were sincere; in 1927 he wrote to Bruce on the subject of northern development, asserting that ‘you will know how near this question is to my heart’.\textsuperscript{133}

What was apparent at this time was that the Commonwealth was relying on pastoralists to do more to expand their own industry, while they in turn were looking to the Commonwealth. As a result, the industry was stagnating. Two events would soon bring about a change in attitude, particularly by the Commonwealth. The appointment of a Board of Inquiry in 1937 to review rural land administration in the Territory provided a series of recommendations, most of which would ultimately be implemented. Second, the onset of World War II in 1939, and the entry of Japan into the War in 1941, led to a period of substantial development in the Territory over a short period, and ultimately an upsurge in the pastoral industry.

\textsuperscript{130} Lest it be argued that the positive response by several pastoral companies to Paterson’s concessions of 1936 was evidence of their willingness to work with the Commonwealth to develop their industry, it should be noted that the concessions were intended for smaller settlers; larger companies simply exploited them.

\textsuperscript{131} Rocklands wrote to the cooperative’s representative committee expressing its opposition to the proposal; NLA Canberra: MS1927, series 3, folio 1927/1365, 31 January 1935.

\textsuperscript{132} Beddie argued that the failures were partly due to adverse times, and partly to Pearce’s over-optimism; B. Beddie, ‘Pearce, Sir George Foster (1870–1952)’, \textit{Australian Dictionary of Biography Online}; www.adb.online.anu.edu.au (accessed 20 January 2009).

\textsuperscript{133} NLA Canberra: MS1827, series 8, folio 1827/517, 29 August 1927.
CHAPTER 4, SEARCHING FOR ANSWERS, WAR, AND A NEW BEGINNING, 1937–1949

Previous reports had indicated that the development of the Territory would pay, provided there was sufficient capital expenditure to overcome the disadvantages...It was clearly impossible to prove this and, lacking proof, most Governments had hesitated and were afraid to take the risk.¹

4.1 Introduction

As the Great Depression waned the Commonwealth faced the prospect that the Northern Territory was not progressing. Although it had provided funding for railways,² stock routes and bores, there was nothing substantial in the way of increased output to show for it. The Commonwealth remained committed to the principle of closer settlement, but was unable to put the principle into effect.

This chapter begins with the Board of Inquiry conducted by William Payne and John Fletcher in 1937. They provided the Commonwealth with many recommendations, some of which had already been made by the Commonwealth’s own Pastoral Leases Investigation Committee commissioned in 1932. Most recommendations were, however, shelved following the outbreak of war in 1939. Paradoxically, the War broke the nexus, in that it demonstrated that the Territory could be developed if sufficient resources were made available. This fact, coupled with fears of defence weaknesses in the north, and possible future invasion, galvanised the Commonwealth into action.

In July 1945 Herbert Johnson was appointed as the Territory’s Minister, one who would prove fully committed to its development. Following a visit in late 1945,

¹ NAA Canberra: A2700, volume 23, submission 1022A, Interim report on the economic and commercial development of Darwin and the Northern Territory, 7 January 1946.

² The line southwards from Pine Creek to Katherine was completed in 1917, and then extended to Birdum in 1929, while the line northwards from Oodnadatta to Alice Springs was completed in 1929.
Johnson demonstrated his commitment through an enhanced administration, and by implementing many of Payne–Fletcher’s earlier recommendations. Johnson also acknowledged a basic fact that seemed to have been overlooked by the Commonwealth and pastoralists, that is, the development of the pastoral industry was effectively a partnership, whereby both parties had to contribute, not just one party alone. It is shown that the Commonwealth accepted this fact, and acted upon it, while some pastoralists refused to accept their role in the partnership. The pace of development accelerated in 1948 when the first of three British Food Missions came to Australia seeking a meat supply agreement which would effectively guarantee Australia an international market for many years.

4.2 The Payne–Fletcher Board of Inquiry, 1937

On 15 May 1936 a delegation of pastoralists met the Territory’s Minister, Thomas Paterson. The group stressed the need for a ‘developmental plan for the Territory for the next 25 to 50 years’. They said that despite numerous inquiries ‘there appears to be no such thing as a long term plan of development’. The delegation suggested the formation of a committee that would make a general survey of the resources of the Territory, drawing up a scheme of development for the government’s consideration. The group recommended William Payne (then a member of the Queensland Land Administration Board), as the ideal candidate to chair such a committee, and said he should be assisted by a person with practical experience in the pastoral industry.

Paterson agreed to the request and subsequently presented a submission to Cabinet in July 1936, seeking support for the inquiry. He told Cabinet that when land policy for the Territory had earlier been determined it was anticipated that there would be a steady demand for pastoral leases, and it was seen as desirable that provision be made for the gradual break–up of large estates to provide areas for newcomers. Those expectations, however, had not been realised and it was now appropriate that the government should have the advice of an expert in land administration to help

3 NAA Canberra: A659, item 1943/1/7032 part 1, Payne report.
develop a future land policy for the Territory.\(^4\) Payne readily agreed to chair the committee and suggested John Fletcher, a pastoralist from Bonus Downs in western Queensland, as the person to assist him. Payne emphasised that the pastoralist, whoever he might be, should come from outside the Territory to avoid any hint of bias. When the Inquiry’s members were announced publicly, the Northern Territory Pastoral Lessees Association wrote to Prime Minister Lyons fully supporting the Inquiry and the men who were to conduct it.\(^5\)


\(^4\) NAA Canberra: A2694, volume 16, part 1, submission 1828, Land policy in the NT, 9 July 1936. Cabinet approved Paterson’s request on 10 July 1936.

\(^5\) NAA Canberra: A659, item 1943/1/7032 part 1, Payne report, 19 February 1937.
In his later history of Victoria River Downs, Jock Makin said that the Commonwealth established the Inquiry to allay some of the criticism levelled against its inept administration of the Territory, and to determine the reasons why its tropical El Dorado had failed to make any progress. Makin argued that the Commonwealth knew that the bulk of the criticism would be directed against it, and it would be Canberra which was on trial for its past mistakes, not individual Territorians. Payne–Fletcher were indeed critical of the Commonwealth, but they were also highly critical of pastoralists, particularly those in the Victoria River District – ‘they found it inconceivable that such inefficiency could exist in any industry’ – a point that Makin, a grazier himself, reluctantly had to accept.⁶

*The Payne–Fletcher Report, 1937*

Payne–Fletcher began by seeking information from pastoralists through an extensive tour of properties, much as the Pastoral Leases Investigation Committee had done before them, together with a series of public hearings. Their report, presented in October 1937, began with an overview of the Territory’s development since the Commonwealth assumed control in 1911. While expenditure had exceeded £15 million, nearly all enterprises – both government and private – railways, pastoral and mining, were not making profits but were merely breaking even or more frequently accumulating losses.⁷

The report was critical of both the Commonwealth and pastoralists. While acknowledging the Commonwealth’s contributions to date, for example, the construction of railways, and the provision of water on stock routes, it said that the outlook of the Territory’s land administration was wrong, being steeped in old traditions of Australian land history. The protection of future public interests, through closer settlement and land resumptions, had become an obsession and prevented reasonable business terms being given to pastoralists. In the past a few


⁷ [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 11, paragraph 50].
lessees had been granted generous terms in respect of large areas, and this had since brought a reaction by the Commonwealth the other way.\textsuperscript{8}

The authors criticised Paterson’s 1936 concessions (discussed in Chapter 3), as being ‘exceptionally generous’. They said that the payment of subsidies was the least beneficial means of granting assistance to industries as it was desirable that they stood on their own feet; if they were spoonfed they looked for similar treatment everlastingly.\textsuperscript{9} Encouragement was best given by the elimination of government charges which should not be exacted on a pioneering community. Accordingly, they

\textsuperscript{8} [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 20, paragraphs 108–110, and p. 5, paragraph 23].

\textsuperscript{9} This would indeed prove to be the case with Northern Territory pastoralists as subsidies would be sought, with little respite, for the remainder of the Commonwealth era.
recommended the abolition of income taxes, petrol tax, and the suspension of all tariffs.\textsuperscript{10}

The report stated that rents were generally low (a direct counter to the Pastoral Lessees Association’s often–repeated claim that rents were too high), and said that if lessees were in arrears, they should be compelled to disclose their financial position, and submit plans for repayments via instalments.\textsuperscript{11} Until that moment lessees simply cited financial hardship and generally refused to pay unless compelled to do so.

Like the Pastoral Leases Investigation Committee before them, Payne–Fletcher were critical of pastoralists in the Victoria River District, asserting that their stations were too large for effective handling, insufficiently improved for effective management, and existing methods would never produce creditable results. They said that smaller properties would lend themselves to more efficient control and management, and they also cited the positive example of Rosewood, noting that it made ‘a substantial profit each year’.\textsuperscript{12}

The report stated that the Commonwealth should not resume land from smaller properties, neither should it resume from larger properties if substantial improvements were made on those properties. Somewhat ironically, it recommended that an improvement covenant replace the existing stocking covenant. It will be recalled (from Chapter 3), that the improvement covenant was removed from leases at the urging of pastoralists in 1924 in favour of a stocking covenant. The authors suggested the implementation of pastoral development leases of fifty years duration, in exchange for which lessees would have to commit to an agreed improvement program.\textsuperscript{13}

\textsuperscript{10} [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 11, paragraph 53, p. 18, paragraph 94].

\textsuperscript{11} [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, pp. 23–24, paragraphs 121–123].

\textsuperscript{12} [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, pp. 51–53, paragraphs 300–317].

\textsuperscript{13} [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 21, paragraph 111]. It will be recalled that at that time the maximum duration for a
The authors recommended the abolition of the Land Board, as they felt the Administrator could perform the Board’s duties. They also recommended the creation of a Land Tribunal to hear pastoralists’ appeals against decisions made by the Administrator. To ensure that improvements to pastoral properties were made, the authors recommended the appointment of two field officers. The authors also noted that administrative officers, particularly those in Darwin, were not overly helpful to pastoralists, and they suggested a series of twelve administration maxims by which such officers could improve their performance. Finally, they also recommended that greater powers be given to the Administrator.

Following the release of the report the new Minister, John McEwen, accompanied by Departmental Secretary Joseph Carrodus, met a delegation from the Pastoral Lessees Association to discuss implementing its recommendations. The Association’s Executive Committee had met beforehand, and the resolutions from that meeting revealed its true intentions, that is, it fully supported recommendations that were in its favour: for example, the abolition of taxes; it rejected any recommendations that were against pastoralists, such as the removal of Paterson’s ‘generous concessions’; and it rejected criticism of pastoralists in the Victoria River District, though it offered nothing to suggest why the criticism was unfounded. Indeed, the Association was reported as saying that some of Payne–Fletcher’s recommendations were ‘unsound or unfair’. Rather obsequiously, the Association’s President, F A Brodie, added that the Association was supporting Payne–Fletcher’s report as far as possible, and its observations were made in the spirit of cooperation to ensure the best results for the Territory as a whole. Having fully supported the appointment of the two men to conduct the Inquiry only twelve months earlier, essentially because they were

pastoral lease was forty–two years, and leases contained no improvement covenants, as they had been removed with the implementation of Crown Lands Ordinance 15 of 1924.

14 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, paragraphs 124–125]. The administration maxims were published opposite page 66.

15 McEwen had replaced Thomas Paterson as Minister responsible for the Northern Territory on 29 November 1937. The meeting took place in Sydney on 24 February 1938.

16 NAA Canberra; A1, item 1938/4963, Deputation to Minister by Pastoral Lessees Association re NT investigation committee report.

‘practical men’, the Association now criticised them because they did not deliver the results it wanted.18

Brodie’s assertion that the Association wanted ‘the best results for the Territory as a whole’ was noteworthy as Commonwealth documents note the fact that the Association represented northern pastoral interests only, and actively opposed any recommendations that might benefit other parts of the Territory. When a proposal to establish a quarantine zone in Central Australia to protect cattle from the effects of pleuropneumonia was first mooted in 1952, Lionel Rose, Director of the Animal Industry Branch, noted that opposition could be expected from the Pastoral Lessees Association which, he said, was ‘often opposed to anything progressive in Central Australia’.19

McEwen met the delegation again the next day during which they presented him with a list of demands, much the same as had been presented to other Ministers at previous meetings – subsidisation of transport, concessions to reduce production costs, exemption from taxation, and cheaper oil. On this occasion the Association also targeted the Administration, asking for celerity and simplicity in its decision making, and a satisfactory Administrator in whom people would have confidence.20 It also sought an improvement in living conditions for Territory people through improved transport and communications, and medical facilities.

As always, the Association made substantial demands on the Commonwealth, yet offered nothing concrete in return. In a scene eerily reminiscent of C L A Abbott’s meeting with a delegation from the Association in January 1929 (discussed in Chapter 3), McEwen asked the delegates ‘if all these concessions are granted and conditions are improved, what are the lessees going to do?’. Brodie replied that ‘the

18 ‘Practical man’ or ‘practical men’ were terms much favoured by the Association. They referred to pastoralists, essentially ‘one of us’.


20 The reference to a ‘satisfactory Administrator’ was a slur against C L A Abbott who had been appointed to the position in October 1937. His appointment was the subject of media criticism, probably orchestrated by Vesteys which was an influential member of the Pastoral Lessees Association.
progressive man will take advantage of the opportunities offered. The non–progressive ones will get out because others are preparing to go in’.21

Just as pastoralists Cotton and Conacher had done with Abbott in 1929, Brodie evaded the question. It is noteworthy that Brodie admitted there were non–progressive pastoralists in the Territory. McEwen did not press him on the matter, but one wonders how many Brodie would have acknowledged there were. It is also significant that the Association had earlier given great weight to the lack of demand by new lessees for pastoral lands in the Territory, as part of its resistance to the 1935 resumptions of its members’ properties, so it would be interesting to know where the ‘others’ that Brodie referred to were coming from.

Brodie told McEwen that ‘existing lessees are broke’, a statement that was demonstrably untrue.22 While no doubt some pastoralists were struggling, many were not. A number of examples are cited here to refute Brodie’s claim. First, in 1935 pastoralist Sidney Kidman died leaving an estate worth over £300,000;23 yet despite the value of his estate, Kidman himself had argued for rent relief in 1932.24 Second, throughout the 1930s and 1940s the Commonwealth battled with the Gulf Cattle Company, the lessee of Brunette Downs, over rent payments. The struggle actually continued as late as 1947, a boom period for pastoralists given the high demand created by World War II and the presence of large numbers of defence personnel in the Territory. In September 1935 the Commonwealth sought payment from the company’s principal, James White, via his solicitors. The reply stated that White was abroad until the end of the year. At that time Commonwealth documents show that Gulf’s rent payments were substantially in arrears, more so than any other company.25 Reflecting the Commonwealth’s growing frustration with the company’s

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21 NAA Canberra: A1, item 1938/4963, Deputation to Minister by Pastoral Lessees Association. It will be recalled that during a meeting with pastoralists in Canberra on 29 January 1929 Abbott had asked them what they would do in return if the Commonwealth met their list of demands.

22 NAA Canberra, A1, item 1938/4963, Deputation to Minister by Pastoral Lessees Association.


24 NTAS Darwin: NTRS3349, item PL78C part 1, Huckitta, 5 December 1932.

25 NAA Darwin: F20, item 75, Outstanding rentals.
recalcitrance, one official noted that Brunette Downs was ‘controlled by wealthy men’.  

Third, the Commonwealth received numerous letters over a period of many years from Connor Doherty Durack, lessee of Auvergne and Bullita, two properties in the Victoria River District. The letters emphasised the hardships faced by pastoralists and the need for greater financial support through rent remissions. Yet the company’s file also contains a clipping from the *Country Life and Stock and Station Journal* in January 1936. The clipping depicted M P Durack, the company’s Chief Executive, and his two daughters, Mary and Betty, on their property. It stated that the daughters would be travelling to London later that year to further their literary and newspaper work, and Durack himself might join them.

One can only marvel at how supposedly ‘broke’ pastoralists were unable to pay their rents, which according to numerous Commonwealth documents were well below economic levels, yet at the same time could afford the prohibitive cost of international travel in the 1930s, particularly when a substantial number of the nation’s workforce was unemployed.

At this point it should be remembered that the Rosewood property was consistently making profits, a point noted by the Pastoral Leases Investigation Committee and the Payne–Fletcher Inquiry. The lessee, J A C Kilfoyle, was reputedly earning £5,000 per annum, and was described as a potential wealthy husband by his former fiancée. Rosewood simply demonstrated that whatever losses corporate pastoralists were sustaining were due to their excessively large estates and their own poor management practices.

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26 NAA Canberra: A659, item 1944/1/3990, Gulf Cattle Company rent on leases, 27 May 1935.


29 Byrne, *Tom and Jack: A Frontier Story*, p. 205.
The Association’s criticisms of the Payne–Fletcher report were reviewed by John Fletcher who told McEwen that the objections were not soundly based. Fletcher said the Association’s views ‘could not be sustained under argument or discussion’.  

4.3 Implementation of the Payne–Fletcher Report

Prior to implementing the recommendations of the Payne–Fletcher report, McEwen visited the Territory in August 1938. Upon his return he prepared a lengthy Cabinet submission outlining his views on the situation regarding the pastoral industry. Like Ministers before him, he was greatly disappointed with the industry generally. He said many properties on the Barkly Tableland and Victoria River were much too large to be efficiently worked by the lessees. He endorsed Payne–Fletcher’s criticism of pastoralists in the Victoria River District, and elsewhere. One property, which he did not name, was apparently prepared to face the loss of large numbers of cattle rather than incur the comparatively small expenditure of providing a regular water supply for its stock. Notes kept by his private secretary, Roy Rowe, reveal that the property was Alexandria.

McEwen commented on the lack of fencing and breeding paddocks on most properties, and wild, uncontrolled stock, much as other Ministers had done before him. While he acknowledged that lessees in the Darwin and Gulf District were struggling due to the lack of markets, he noted that lessees in other districts were making small profits. He supported Payne–Fletcher’s view that Paterson’s concessions be abolished, noting that most assistance had been granted to large companies, and very few smaller settlers had benefited. He wrote that:

I have the most firm conviction that the Northern Territory will never be developed without the provision of substantial sums of money by the Commonwealth for developmental works and advances

30 NAA Canberra: A659, item 1943/1/7032 part 1, Payne report, 28 March 1938.
31 NAA Canberra: A2694, volume 18, part 5, submission 477, Pastoral industry, 18 October 1938.
33 McEwen’s comment concerning those pastoralists making a small profit was another direct counter to F A Brodie’s allegation that ‘existing lessees are broke’ referred to earlier in this chapter.
to settlers. I am equally emphatic that advances to settlers should be confined to advances for permanent improvements only, and almost exclusively for fencing and water, and that these improvements should be erected under supervision and to an approved specification.

While keen to follow the cherished principle of closer settlement, and break up large pastoral estates, McEwen was now signalling a shift in emphasis by the Commonwealth from uncontrolled financial subsidies, to support for specific, permanent improvements, where the work was closely monitored. Of particular significance was his recommendation that the Commonwealth provide financial support to resident pastoralists, with corporate pastoralists excluded. McEwen was himself a small farmer, and a member of the Victorian Farmers’ Union, and would no doubt have been grieved by the deliberate loss of stock at Alexandria, and this may have been his motive for recommending that the Commonwealth support resident, rather than corporate pastoralists.

McEwen also dealt with the issue of resumptions due to take place in 1945. Mindful of the debacle that had occurred with the 1935 resumptions, he said that the government should determine a course of action, and officers of the Administration should be instructed to commence an immediate survey of all leases with a view to submitting recommendations, so that in 1945 there would be no doubt as to which areas would be resumed.

Cabinet approved McEwen’s recommendations on 18 October 1938. In the ensuing weeks Cabinet approved other Payne–Fletcher recommendations. They culminated in a policy statement, which McEwen presented to Parliament on 8 December 1938, under the banner Government Policy for the Northern Territory. The essential elements of the proposed policy included a five–year plan of road construction, stock

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35 The Commonwealth had proceeded with the 1935 resumptions (discussed in detail in Chapter 7), predicated on the assumption that the resumed lands would be keenly sought by new pastoralists. No new pastoralists were found, however, and the Commonwealth had to re–lease the lands back to the original lessees.

route development and the provision of water along those routes; advances to settlers to assist them in the development of their holdings; provision of a coordinated transport system of sea, rail and roads in order to reduce freight costs; the formulation of a definite policy of resumptions, the governing criterion being that the maximum public benefit should accrue from the use to which the land was put; Federal and Territory income taxes would be abolished for ten years (although Payne–Fletcher had recommended twenty years); as much authority as possible would be vested in the local Administration, and particularly the Administrator, with Canberra’s control limited to matters involving policy and major issues of finance; the introduction of pastoral development leases of fifty years duration; and an independent land tribunal would be constituted, to which lessees could appeal decisions made by the Administrator. It is noteworthy that McEwen’s policy statement made no reference to the exclusion of large companies from the program of advances, as indicated in his October Cabinet submission, though he did say that ‘it is the intention of the Government to give every encouragement and, on occasion, preference to resident lessees’.37

McEwen was appointed Minister for Defence on 26 April 1939, and Hattil Foll replaced him as the Territory’s Minister. The onset of World War II in September 1939 meant that few of Payne–Fletcher’s recommendations were put into effect, though three of their lesser recommendations were implemented immediately.

(1) The Abolition of the Land Board, 1938

Payne–Fletcher argued that the Land Board, recreated in 1931 after the demise of the North Australia Commission, should be abolished as it was only performing routine duties which the Administrator could do.38 The government agreed and the Board was abolished via Crown Lands Ordinance 2 of 1938, which took effect on 26

37 Commonwealth Parliamentary Debates, House of Representatives, volume 158, 8 December 1938, p. 2982. It is assumed there must have been some opposition in Cabinet to the exclusion of large companies from McEwen’s proposals, although as there are no records of Cabinet discussions from this time, this can only be conjecture.

38 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 24, paragraph 124].
May.\textsuperscript{39} This proved to be a short–sighted decision, and Payne–Fletcher underestimated the volume of work undertaken by the Board. Very few pastoral leases had been allocated in the 1930s, their issue having been suspended at the request of the Pastoral Leases Investigation Committee in July 1933. The embargo was lifted in March 1939 and it is likely that a considerable volume of work soon followed.\textsuperscript{40} Throughout the 1940s interim boards of advice were created to assess applications for new leases, and make recommendations to the Administrator.\textsuperscript{41} The Land Board was ultimately recreated in March 1949 and continued throughout the Commonwealth’s administration of the Territory.

\textbf{(2) Relocation of Land Title Records to Darwin, 1938}

Payne–Fletcher recommended that all land title records be transferred from Canberra to Darwin.\textsuperscript{42} This issue had been a long–standing one, first originating in 1914. The matter was seemingly abandoned in 1936 before the Payne–Fletcher Inquiry was commissioned.\textsuperscript{43} Cabinet approved the recommendation and the records were relocated in November 1938.\textsuperscript{44} Prior to the bombing of Darwin in February 1942 the records were moved to Alice Springs, and at one point it was suggested they be transferred to Canberra.\textsuperscript{45} They remained in Alice Springs, however, until the cessation of the War, and were then returned to Darwin.

\textsuperscript{39} \textit{Commonwealth Gazette} G33, 26 May 1938, pp. 1594–1596. The revised Ordinance simply substituted the functions performed by the Land Board with the Administrator.

\textsuperscript{40} NAA Canberra: A659, item 1943/1/7032 part 1, Payne report.

\textsuperscript{41} The first interim Board was created in January 1940, when a panel comprising C L A Abbott, William Clough (pastoral inspector), and David Smith convened to hear applications for leases in the Alice Springs District; NAA Darwin: F1, item 1946/71 part 1, Crown Lands Ordinance and amendments.

\textsuperscript{42} [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 26, paragraph 133].

\textsuperscript{43} NAA Canberra: A1, item 1936/6832, Lands Titles Office suggested transfer to Darwin.

\textsuperscript{44} NAA Canberra: A2694, volume 18, part 5, submission 474, Transfer of Titles Office Canberra to Darwin, 14 October 1938.

\textsuperscript{45} NTAS Darwin: NTRS2686, box 2, Correspondence relating to Lands Office staff; memo from M A Martin, Acting Registrar–General, to C L A Abbott, 11 February 1942.
Payne–Fletcher recommended the appointment of two field officers to inspect and report on pastoral leases, and make recommendations regarding future land resumptions. The idea of appointing field officers, however, goes back much further. Horace Trower in his annual report of 1919 highlighted the need for land inspectors to ensure that lessees were complying with their lease conditions. In his report following a review of the Darwin Lands Office in 1928, H J Aylward also recommended the appointment of field officers, and so too did the Pastoral Leases Investigation Committee. In each case the Commonwealth was not moved to action, but it did accept Payne–Fletcher’s recommendation. The catalyst was actually not Payne–Fletcher, it was the 1935 resumptions, where the Commonwealth failed to adequately assess pastoral lands prior to resumption, and had effectively been duped by pastoral companies, acquiring only poor quality land. Prior to this time, the only pastoral inspections of any note were Horace Trower’s inspection of the Barkly Tableland in 1918, and Frank Bishop’s tours of the Barkly Tableland and the Victoria River District, and the Shepherd Committee’s reports (the latter was discussed in Chapter 3). In addition, there were a few inspections undertaken by surveyors, such as Frank Shepherd and MacAlister Blain.

Despite the great distances to be covered in the Territory, and the lack of transport and communications, only one position was originally created, although Payne–Fletcher had recommended two. The position was advertised in October 1938 and awarded to William Leslie Clough, a lands inspector from Victoria. He took up his position in Alice Springs in February 1939.

46 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 24, paragraph, 126].

47 NTAS Darwin: NTRS3345, item D89, Annual report [Lands].


50 NAA Canberra: A518, item T852/7/1, Field officers.
Prior to the outbreak of war, Abbott wrote to Carrodus highlighting what he considered to be two key issues at the heart of any future development of the Territory’s pastoral holdings. First, the large amount of capital required to develop those holdings and, second, the difficulty of arriving at proper estimates of the stock capacity of the land. Abbott said that the Territory was not small man’s country, as they could not obtain the requisite capital, and development and improvement should be left to large companies. Seemingly ignoring McEwen’s policy statement of December 1938, Abbott said that there was no clearly stated policy for the Territory. While he felt that the 1945 resumptions should proceed, Abbott also argued that the Crown’s right to resume the land should not occur if pastoral companies had implemented definite improvement programs.51

Abbott subsequently attended a meeting with Foll, during which they agreed that the 1945 resumptions for large properties would proceed, but not smaller properties.52 They also acknowledged that it was essential that reports from field officers be received by 1943 in order to allow sufficient time for the Administrator to make recommendations to the Minister, and in this context it was agreed that two additional field officers were required to classify country and value improvements on each property.53 The Commonwealth had already contacted the Queensland Government seeking the loan of two land rangers. Queensland acceded to the request and Ernest Wood and Daniel McInnes arrived in the Territory in early 1940. They returned to Queensland in 1942, due to the War, but later returned to the Territory.54

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51 NAA Canberra: A431, item 1946/707, Crown Lands Ordinance, proposed amendments. Abbott’s memo was dated 31 August 1939. Senator A J McLachlan wrote to Prime Minister Menzies on 24 April 1939, expressing his concern over regular changes of Ministers responsible for the Territory. He too said there was a need for a policy of development, and he suggested that an Assistant Minister should be appointed to deal exclusively with Territory matters; NAA Canberra: A461, item B412/1/2 part 1, NT administration. McEwen transferred to Defence on 26 April, just two days later, and his transfer was probably behind McLachlan’s memo to Menzies.

52 The meeting took place on 30 November 1939; NAA Canberra: A431, item 1946/707, Crown Lands Ordinance, proposed amendments.

53 The Crown Lands Ordinance then prevailing stipulated that if the Commonwealth wished to exercise its option to resume part of a pastoral property, the lessee had to be given two years advance notice. Therefore, for the 1945 resumptions to proceed, lessees had to be advised no later than 30 June 1943.

54 NAA Canberra: A518, item T852/7/1, Field officers.
Commonwealth for the remainder of its tenure of the Territory, and their inspection reports provided valuable information on the current state of pastoral properties. The officers served as a direct link between the Commonwealth and the pastoral industry.

4.4 World War II

McEwen’s closing words to his policy launch in December 1938 included a reference to the government’s commitment to expenditure on defence, and that this might limit its ability to fund development in the Territory. With war looming, in August 1939 Treasury sought ‘drastic cuts’ from all Commonwealth agencies, and funding intended for the Territory was withdrawn.\(^{55}\) The Administrator’s report of 1939–1940 noted that ‘the development of the Territory along lines suggested by the Payne Committee and planned by the Government has been checked’.\(^{56}\)

Yet over the next six years, and particularly following the entry of Japan into the War in December 1941, substantial funds were allocated to the development and defence of the Territory. Both the Stuart and Barkly Highways were upgraded to all-weather roads, numerous aerodromes were constructed, and a permanent water supply, in the shape of Manton Dam, was provided for the Territory’s north. The Army took control of stock routes and the movement and wellbeing of cattle on their way to market. The number of bores on stock routes was considerably increased, and meat works were provided in a number of locations, for example, Manbulloo (near Katherine), to provide food for defence personnel based in the Territory. After the War the responsibility for those facilities passed to the Administration.

The War, and the massive injection of funds for defence purposes, proved the Territory could be developed and prosper. It also highlighted past failures, both by the Commonwealth and those of the pastoral industry. The Commonwealth’s principal failures were its inability to develop a policy that was consistently applied, its lack of funding towards infrastructure, and the lack of administrative support

\(^{55}\) NAA Canberra: A659, item 1940/1/424, Boring for water NT, 17 August 1939.

\(^{56}\) ‘Administrator’s Report’, 1939/40, p. 3. Unlike other reports, this report was not published as part of a consolidated set of Parliamentary Papers due to wartime restrictions. Copies are held by the National Archives of Australia in Darwin, and the Northern Territory Archives Service.
The pastoralists’ failure was their occupation of vast tracts of land and their unwillingness to improve either their properties or the quality of their cattle.

In essence the War proved a bonus for pastoralists, and in March 1945 Gerald Pigott, Chief Clerk in the Lands and Survey Branch, wrote to Abbott asserting that ‘the War has made these lessees. They have enjoyed incomes not ever previously received by them and this income has been free from…income tax’.\(^{57}\) Despite the apparent windfall, some pastoralists still resisted paying their rents, or complained when they had to do so. One of the most prolific offenders was the Gulf Cattle Company. In May 1945 Abbott wrote to the company’s principal, James White, to the effect that Gulf was now the only company in arrears. White replied that this was ‘partly due to the ever present feeling that our rentals have been placed on a very high rating in return for privileges which have long become non–existent’.\(^{58}\) Abbott had mentioned Gulf’s recalcitrance in a letter to William Payne in April 1945. Payne suggested that Gulf should be compelled to disclose their full financial interests and, if they failed to do so, the Commonwealth should forfeit their lease.\(^{59}\) Gulf’s rent payments were still in arrears as late as 1947.

**C L A Abbott’s Proposed Post–War Land Policy, 1944**

Following on from his earlier memo of August 1939, and with the end of war in sight, in October 1944 Abbott prepared a statement on a future post–war land policy for the Territory, which he forwarded to Joseph Carrodus.\(^{60}\) He said that the time had arrived when a definite policy should be laid down in regard to land settlement, a policy which would take into consideration the peculiar features of the Territory. He chastised the Commonwealth for its pre–war pursuance of closer settlement, saying that a typical cattle station would cost £15,000 for rent, improvements, and stock.

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\(^{57}\) NTAS Darwin: NTRS2500, item L72, Pastoral lease reappraisements, 23 March 1945.

\(^{58}\) NTAS Darwin: NTRS246, item PL135N, Brunette Downs. Abbott’s letter to White was dated 28 May 1945; White’s reply was dated 4 June 1945.

\(^{59}\) NLA Canberra: MS4744, box 11, folder 5, Correspondence. Abbott’s letter to Payne was dated 13 April 1945; Payne’s reply was dated 30 May 1945.

\(^{60}\) NAA Canberra: A431, item 1949/614, Land policy reports by Administrator and Director of Northern Territory Affairs, 4 October 1944.
and if prospective pastoralists had those funds available they would purchase property in one of the southern states. He said that the time for closer settlement had not yet arrived, and it was a mistake to think that the Territory was in the same position regarding development as the other States. It was many years behind, and it was therefore necessary to frame a land policy which allowed for improvements to pastoral areas, but not closer settlement. This was actually a reversal of Abbott’s views of 1936, as it will be recalled (from Chapter 3), that he had criticised the then government for failing to finance the Barkly Tableland Cooperative, and had moved a motion in Parliament that ‘this House declares that closer settlement of the good lands of the Northern Territory is of urgent national importance’.  

Abbott acknowledged that the Commonwealth had to ensure that the pastoral industry flourished, while at the same time its own asset, the land, was put to the best use and steadily improved. The majority of pastoral areas, as they then existed, were far too large to be properly managed and should be reduced. Abbott was not concerned if a single company held 25,000 square miles of land, provided that the land was sub-divided into smaller estates, whereby each property was controlled by a manager, with each having a homestead, adequate fencing, and water supplies. Abbott was concerned, however, with current income tax exemptions. He said that some lessees in possession of large areas of land were making ‘fantastic profits’, yet they were not paying tax. The exemptions were intended to benefit those pastoralists who were struggling, not large companies he said.  

Abbott presented a series of recommendations, which included the introduction of pastoral development leases of forty years duration; legislation to prevent the aggregation of large estates; residential conditions to apply to all new leases; the establishment of a fund to assist primary producers with water and fencing, and the government to provide at least two equipped waters on every property, with lessees to repay the cost over twenty years; and taxation exemptions to apply only to gross

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62 It will be recalled from Chapter 3 that income tax exemptions were introduced in 1923. At first, the exemption only applied to Territory income tax, but from 1938 Commonwealth income tax was also included. Both exemptions were removed in July 1952.
annual returns of £600 or less, with lessees being allowed to offset approved capital expenditure upon improvements against their returns, which would ensure greater improvements than was currently the case. Finally Abbott emphasised the need for efficient, competent staff to deal with land matters. He noted the time had arrived when ‘serious attention should be given to the prospective appointment of a Director of Lands’.

In April 1945 Abbott sent a copy of his proposed policy to William Payne. The latter’s response was most illuminating in that it showed what he truly thought of the Territory’s pastoralists, remembering that it was they who had actually suggested that he undertake the 1937 Inquiry (discussed earlier in this chapter). He wrote that:

> I feel sure that most of the existing lessees will not help you in any way. If land policy were to be influenced by them, progress during the next twenty years would be very slow. Most of the bigger Territory lessees have little vision, and often think that policies which will materially benefit them are quite against their interests. Moreover, in the past, they have had their own way for so very long that they will intrigue against the Administrator and pull all the strings possible whenever a decision they consider adverse to them is given.\(^{63}\)

Joseph Collings was the then Minister, and Abbott noted in his letter to Payne his concern with Collings’ opposition to long lease tenures. It is probable therefore that Abbott’s proposed policy statement received little immediate favour, though there is no firm evidence of this. In July 1945, however, Herbert Johnson replaced Collings. Carrodus prepared a briefing note for the new Minister, based on Abbott’s report.\(^{64}\) While supporting most of Abbott’s recommendations, Carrodus still believed that the object of resumptions was closer settlement with the need to break up large pastoral estates. He did agree with Abbott that the Lands and Survey Branch needed to be put on a more efficient footing, with the appointment of a Director of Lands.

\(^{63}\) NLA Canberra: MS4744, box 11, folder 5, Correspondence

\(^{64}\) NAA Canberra: A431, item 1949/614, Land policy reports, 17 August 1945.
4.5  A New Beginning – Herbert Johnson, 1945–1949

As with a number of former Ministers, Johnson decided to see conditions in the Territory for himself, embarking on a tour in late 1945. Like other Ministers, he was highly critical of many pastoral properties which, he said, were too large to be successfully operated and developed, and with the non–resident nature of companies who appointed managers for their properties, with the result that the country was poorly developed. He was particularly critical of Alexandria and Victoria River Downs. Of the former, he said that ‘I witnessed the sorry spectacle of large numbers of cattle lying dead on the banks [of Lorne Creek] and in the water and others dying’. Bores would have corrected the matter but the company had taken no action. Johnson’s criticism of Alexandria was noteworthy. While it could be argued that as a Labor politician, former union man and sheep shearer, he may have been biased against large pastoral companies, it will be recalled that McEwen, himself a farmer, made similar criticisms of Alexandria following his visit in 1938.

Johnson proposed that future leases would be limited in size, and all would have improvement covenants. The Commonwealth would provide more bores on stock routes, with fees to be levied for their use, and additional Commonwealth staff would be recruited to inspect property improvements, and the use of stock routes and bores.

Johnson’s visit was reported in the Adelaide Advertiser, in which he referred to the need to break up large pastoral estates due to their inefficient management. The owners of the great cattle stations had to be made aware of their responsibilities,

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65 NAA Canberra: A431, item 1949/1045, Ministerial visit to NT; report, p. 3. A copy of Johnson’s report was sent to Abbott in December 1945. In his reply, dated 10 January 1946, Abbott said that the death of cattle at Alexandria was ‘an instance of inefficient and lazy management’, as a few stockmen would have prevented 90 per cent of the mortalities. Abbott noted, however, that the lessee had recently let a contract for the installation of twelve additional bores.

66 Bolton noted that Johnson was the son of a farmer, and prior to entering politics had campaigned for better standards and conditions for pastoral workers; Geoffrey Bolton, ‘Johnson, Herbert Victor (1889–1962)’, Australian Dictionary of Biography Online: www.adb.online.anu.edu.au (accessed 20 January 2009).

67 ‘Civil control in Territory, Minister returns from tour’, Advertiser (Adelaide), 10 November 1945, p. 9. Johnson was not the first Minister to express the idea of joint responsibility; in 1932 Archdale Parkhill had said that while the government was expected to do its part, it was a reasonable thing to expect pastoralists and others to do their part; NAA Darwin: F48, item 4, Working and information papers, 4 July 1932.
Johnson said, but he also noted that the Commonwealth was not without its responsibilities, particularly when it came to providing additional water resources. The Commonwealth would also have to improve living conditions in the Territory. Johnson astutely indicated that the future development of the Territory’s pastoral industry effectively depended on the joint sharing of responsibilities by the Commonwealth and pastoralists.

In 1946 Johnson sent a series of submissions to Cabinet seeking approval for sweeping changes. He recommended the introduction of pastoral development leases of fifty years duration (not forty years as recommended by Abbott), with clearly defined improvement conditions; the formation a Land Court to hear appeals by pastoralists over matters involving rents and resumptions; and the limitation of future pastoral leases to a maximum of 5,000 square miles. Recognising the importance of water for future development, Johnson said that the government would provide bores on all new leases, including payment for the cost of ‘dud’ bores, and bores would be provided on all stock routes at distances no greater than ten miles, instead of the present twenty miles. Johnson told Cabinet that the development of pastoral properties required considerable funding, and pastoral lands should only be allotted to men with experience, those who were likely to make a success of their undertaking. It was not in the interest of the Commonwealth or settlers to place men on the land who were inexperienced, or who were not suited physically and mentally for the work. Cabinet had approved Johnson’s recommendations by early May 1946.

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68 NAA Canberra: A2700, submission 1092, Leasing of land for pastoral purposes, 27 February 1946; submission 1093, Bores on stock routes, 27 February 1946; submission 1092A, Limitation of areas of pastoral leases, NT, 4 April 1946; submission 1152, Crown Lands Ordinance, NT, 10 April 1946. It should be noted that Johnson’s proposals for improvement conditions to be included in pastoral leases, and for properties to be restricted to a maximum of 5,000 square miles, only applied to new leases, not existing ones.

69 Johnson’s remarks were probably intended as a rebuff to suggestions then current that returned soldiers might be offered pastoral lands in the Territory.

70 Later that year Johnson also sent a submission to Cabinet recommending the appointment of a Legislative Council which would provide the Territory with some measure of self-government. The Council, comprising eight official members and six elected members, came into effect in 1947; NAA Canberra A2700, volume 29, submission 1224A, Legislative Council NT, 30 October 1946.
Johnson then set about revamping the Northern Territory Administration. He began by replacing Abbott with Arthur Driver as the new Administrator in June 1946, much to Abbott’s chagrin. Other changes quickly took place, the first of which was the recreation of the position of Director of Lands. It will be recalled (from Chapter 2), that the position was abolished in August 1921 as a cost-saving measure originally proposed by the then Minister, Alexander Poynton. In January 1939 Abbott had supported the recreation of the position in a memo to Carrodus. What was required, he said, was someone with administrative capacity and ‘training in land administration’. By April, however, it was decided to postpone any further action, and the Administrator would undertake the duties of the Director, supported by a field officer located in Darwin.\footnote{NAA Canberra: A518, item T852/7/1, Field officers.}

At Johnson’s request the position of Director of Lands was created in May 1946 and subsequently awarded to Hugh Carey Barclay, a surveyor from Western Australia, who arrived in the Territory in July 1947, and remained there until his retirement in early 1964. The position of Director of Lands continued for the remainder of the Commonwealth’s administration of the Territory.\(^{72}\) Numerous ancillary officers, including more field officers, were also appointed, the first two post-war officials being Evan Weston and Douglas Macinnes.\(^{73}\)

Prior to the issue of new pastoral leases, formal surveys were required. Surveyors were in short supply across Australia so the Administration created a class of cadet

\(^{72}\) Barclay’s appointment was notified in *Commonwealth Gazette* G94, 29 May 1947, p. 1468. He retired on 11 March 1964; *Commonwealth Gazette* G39, 30 April 1964, p. 1616.

\(^{73}\) NAA Canberra: A452, item 1962/638, D E Macinnis, Director of Lands, Surveys and Mines, PNG.
surveyor, the idea being that local administration staff would be apprenticed to a qualified surveyor, and trained by them. The first cadet surveyors were appointed in 1949, and they included Vern O’Brien and Peter Wells. The scheme was an undoubted success. In time O’Brien was appointed as the Territory’s Surveyor–General, then Director of Lands, and later First Assistant Secretary in the Department of the Northern Territory; while Wells was also appointed Surveyor–General.

_The Creation of the Animal Industry Branch, 1946_

Prior to the War, not only were there few Lands staff in the Territory, so too there were insufficient veterinary officers, apart from the position of a Chief Inspector of Stock, first occupied in 1912. Attention was usually only given to the interstate movement of cattle, and little regard was paid to matters involving the control of disease, animal husbandry and educative matters. When the Army took over veterinary functions from the civil administration in 1942, it assembled a team comprising a Chief Veterinary Officer and six veterinary officers. Such staff were required after the War, and the Commonwealth recognised the need for a designated branch within the Administration. The Animal Industry Branch was created in July 1946, with Lionel Rose as its Director. It took control of stock routes and bores, and was resourced to provide a range of veterinary and research services. Stock route inspectors were recruited to manage the stock routes, and to monitor the activities of drovers. This latter task was especially needed as there are numerous references in Commonwealth documents to the damage caused by careless drovers as they took cattle to market, including fires, soil erosion, destruction of fences, and maltreatment

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74 In 1950 the Minister, Phillip McBride, told pastoral representatives that the Commonwealth was having difficulty recruiting surveyors in Canberra; NAA Canberra: A431, item 1950/1296, Pastoral industry, conference of NT pastoral lessees associations with Minister for Interior, 29 April 1950.

75 NAA Canberra: A518, item J852/7/4 part 1, Lands and Survey Branch.

76 NAA Canberra: A2700, volume 14, submission 792, NT medical and veterinary services, 14 February 1945.

77 NTAS Darwin: F1439, item 1950/143, Organisation and establishment Animal Industry Section.
of bores leading to substantial water losses. An annual droving program was also introduced from 1947 to regulate the movement of cattle along the stock routes.  

Northern Australia Development Committee, 1945–1949

In October 1944 Prime Minister Curtin said it was essential to the future security of Australia that renewed efforts be made to develop the north. With the agreement of the Queensland and Western Australian Governments, the Northern Australia Development Committee was established in September 1945. The Committee’s role was to examine proposals to increase northern Australia’s population, improve the welfare and development of native inhabitants, increase the value of production in the area, and ensure the best utilisation of the land and its resources.  

It functioned for the next four years, but its activities were ultimately overtaken by the arrival of the first British Food Mission in 1948, and it ceased to operate in 1949.

Of particular interest to this dissertation was a report presented by the Committee in February 1947 which highlighted previous failures by the Commonwealth and pastoralists that had contributed to the Territory’s lack of development. The report referred to the Commonwealth’s lack of continuity of development policies, and the inability or unwillingness of previous governments to finance transport and other public services and utilities which were essential if settlement in the Territory were to progress beyond the pioneering stage. Against the pastoralists it said that many lessees, especially large companies, had failed to respond to repeated attempts on the part of governments to stimulate development. Any future development programs would be ineffective unless pastoralists were prepared to do their part by developing their leases, improving the quality of their herds, and by introducing better methods of station management.

78 In December 1951 Rose prepared a document that summarised veterinary services in the Territory both before and after the establishment of the Animal Industry Branch; NAA Darwin: F1, item 1951/747 part 2, Cattle industry Northern Territory.

79 NAA Canberra: AA1972/841, item 11, Northern Australia Development Committee development of northern Australia.

80 The Committee was essentially superseded by the Meat Production Development Committee created in May 1949, discussed later in this chapter.
**N.T. ADMINISTRATION**

**TENTATIVE DROVING PROGRAMME, 1953**

**DISTRICT**

**INSTRUCTIONS:** This programme is for the convenience of drovers and stock owners and is subject to Government control. The issue of permits will be subject to the discretion of the Minister for Agriculture and the Minister for the Northern Territory. The programme is based on the assumption that the country will be in a healthy condition, that stock will be in good condition, and that there will be no serious drought or disease. The programme is subject to change at any time without notice.

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**Owing to the heavy growth of feed this year, devastating fires will occur unless all persons using public roads and stock routes absolutely extinguish their camp fires.**

The Committee recommended that the Commonwealth develop a ten-year funding plan that would involve considerable expenditure by governments, private companies, and individuals. Just as Johnson had stressed the notion of joint responsibility for any future development following his return from the Territory in November 1945, the Committee also acknowledged that it was unrealistic to expect either the Commonwealth or private enterprise to undertake expenditure unless there was some mutual understanding that both parties played their part. The Committee said that the Commonwealth should make clear that the implementation of its proposals was dependent on pastoralists being prepared to cooperate by expanding their investments, introducing improvements in station management, and taking steps to stimulate development of their industry.81

**The First British Food Mission, 1948**

The administrative changes initiated by Johnson, and the activities of the Northern Australia Development Committee, began to coalesce in February 1948 when the first British Food Mission, led by William Turner, visited Australia.82 Turner explained that the United Kingdom needed larger quantities of beef from Australia than it had imported previously – 400,000 to 500,000 tons of beef, instead of 200,000 tons – due to the loss of its Argentine markets. The United Kingdom Government was offering to purchase Australian beef at an agreed price for a fixed period. In return, Australia would have to improve facilities in the north of the country, including the Territory, to ensure that those supplies could be delivered.83

Following a series of meetings in Canberra and Melbourne in early 1948, the group visited the Territory in April. Apart from the British members of the delegation, the group also included F A Brodie, who was a member of the Australian Meat Board and the President of the Pastoral Lessees Association, together with Arthur Bingle, who represented Vesteys. It was clear that Vesteys was exerting its influence, and

81 NAA Canberra: A431, item 1947/1255, Formation of the Northern Australia Development Committee.

82 This was the first of three British missions to visit the Territory. The other two visits were in March 1949 and June 1953.

83 NAA Darwin: F1, item 1948/142, British Food Mission investigations.
Lionel Rose remarked that the Mission’s members appeared to have a greater understanding of Vesteys’ future plans in the Territory than did Territory officials. When Turner later produced his report and recommendations the influence of both the Pastoral Lessees Association and Vesteys were apparent, as the recommendations were similar to those presented to Ministers in previous years by the Association. Among other things, the Mission called for the construction of a series of railways throughout the Territory, while other recommendations included the granting of long-term leases, provision of additional waters on stock routes, and the provision of a meat works at Alice Springs. The Commonwealth Railways Chief Commissioner, George A Gahan, later wrote that the proposed railways would cost £32.5 million.  

The Northern Australia Development Committee had called for a series of surveys, one of which involved a study of the extent to which stock losses were occurring as a guide to any future development of the region. The study was begun by J H (Jack) Kelly in April 1948 on behalf of the Bureau of Agricultural Economics. Kelly was asked to conduct personal visits to all major pastoral properties, seeking information on the quality of cattle, the economics of droving on each property, and the probable effect of improved transport facilities as an incentive to future property improvements and increased annual turn–off. Kelly visited many pastoral stations in 1948 and subsequent years. He was later to say of his experiences that they created ‘a profound impression on me as to how the country, how badly it had been treated by absentee holders preferably those of oversea origin’.  

The Johnson Agreement, 1948

The proposed introduction of long–term pastoral development leases, and the likelihood of increased demand for Australian beef created by the British Food

84 NAA Darwin: F1, item 1948/142, British Food Mission investigations.
85 NTAS Darwin: F1439, item 1950/1566, Movement and investigations J H Kelly.
86 Kelly was later to write prodigiously about his experiences in the Territory and the state of the cattle industry.
Mission, led to a series of negotiations between Johnson and representatives from both Vestey's and Bovrils. Each company sought new leases in exchange for an agreed program of property improvements; however, Johnson made it clear that each company would have to surrender some of its current holdings.

The negotiations with Bovrils began in 1946 and continued through to 1948, and an agreed program of improvements for the company’s Victoria River Downs property was finalised by June 1948. Negotiations with Vestey's began in January 1948. The new Territory Administrator, Arthur Driver, attended one of the early meetings with representatives from Vestey's and later wrote that Johnson requested all parties place their cards on the negotiation table but, he said, ‘I doubt whether Vestey's laid all cards down, or if they did some cards were face down’. Vestey's wanted their leases extended for fifty years, but refused to surrender any land. Driver insisted that the company had to surrender at least a reasonable portion. Vestey's offered to spend £50,000 on improvements on their properties over the first seven years of a new lease, and an additional £50,000 in the next seven years. At this time Vestey's properties totalled over 23,000 square miles and Driver later wrote that the nominated amount represented only £3/3/9 per square mile, while new leases then being offered by the Administration required a minimum of £5 per square mile for improvements. By the end of July 1948, the company had agreed to surrender 8,595 square miles of land, in exchange for new leases which, unlike their current leases, contained no resumption clauses. Johnson briefed Parliament concerning the proposed arrangements with Vestey's and Bovrils, however, two weeks later Prime

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88 The negotiations with Bovrils' representatives are discussed in detail in Chapter 9.

89 NTAS Darwin: F1439, item 1950/788, Administrator’s discussion with Minister and Lord Vestey. The meeting took place on 16 January 1948, and Driver’s memo was dated 4 March 1948.

90 NTAS Darwin: F1099, Folder of information regarding holdings of the Vestey group of companies. Driver’s memo was dated 7 July 1948. The negotiations were also reported in newspapers: ‘Big holdings in Northern Territory surrendered’, Sydney Morning Herald, 17 September 1948, p. 2; and ‘Cuts in big N.T. leaseholds’, The Age (Melbourne), 17 September 1948, p. 2.

Minister Ben Chifley told Parliament that he was not satisfied with the proposals put forward by Vesteys, and negotiations were continuing.\textsuperscript{92}

The negotiations with Vesteys and Bovrils were known colloquially as the ‘Johnson Agreement’. While both companies agreed to surrender portions of their land, it must be said that the improvement conditions imposed on them under the agreement were relatively light, a point noted by Paul Hasluck six years later when he advised Parliament in 1954 that new leases with Vesteys had been agreed to by the then Menzies Government. While Vesteys would still surrender a portion of land, the sum specified for improvements had increased to £250,000.\textsuperscript{93}

At this point the delay in initiating new pastoral development leases requires an explanation. The government had implemented a new Crown Lands Ordinance which came into effect in March 1949. The Ordinance recreated the Land Board, which had been abolished in 1938.\textsuperscript{94} It provided for a Land Court, which ultimately did not take effect until 1954. It also formalised the concept of pastoral development leases, however, regulations controlling the new form of lease were never gazetted, so this part of the Ordinance had no effect. This begs the question why the government failed to gazette the new regulations? Three years had passed since Johnson had obtained Cabinet’s approval in 1946 for development leases, and while he had moved quickly to implement other recommendations approved by Cabinet, for example, the restriction of new pastoral leases to a maximum of 5,000 square

\textsuperscript{92} Commonwealth Parliamentary Debates, House of Representatives, volume 198, 30 September 1948, pp. 1024–1025.

\textsuperscript{93} Commonwealth Parliamentary Debates, House of Representatives, volume 3, 7 April 1954, pp. 88–89. There was a curious postscript to the Johnson Agreement. In 1952 Johnson alleged that during the negotiations he had threatened Vesteys and Bovrils that if matters were not resolved satisfactorily, and if the Labor Party was still in office when the companies’ leases expired in the 1960s, the government would seize their land; ‘Development of Northern Territory, MP asks for change in leasing rights’, Sydney Morning Herald, 21 August 1952, p. 2. Commonwealth documents provide no evidence of Johnson making such a threat.

\textsuperscript{94} The new Land Board comprised Hugh Barclay, as the Territory’s Director of Lands, Reginald Odlum, Crown Law Officer in Darwin, and Glen Crossing, a pastoralist from northern New South Wales. The Board’s first hearings involving applications for new pastoral leases took place in Alice Springs in May 1949.
miles,\textsuperscript{95} there seemed to be no urgency in legislating in order to provide the full legal basis for this new type of lease.

Historian F G G Rose suggested that it was because the 1949 Ordinance stipulated that all applications for development leases had to be considered by the Land Board, whose hearings would be held in public, and that this might have proved embarrassing to the government; at that time negotiations were held in camera.\textsuperscript{96} Hugh Barclay in his unpublished memoirs, ‘He Measured the Land’, said that Cecil Lambert (from the Department of Post–War Reconstruction), had sidetracked approval of the regulations and ‘I could never understand his reasons, though I had certain suspicions’; he hinted at interference from Vesteys.\textsuperscript{97} There may, of course, have been other reasons. Negotiations with Bovrils were not finalised until mid 1948, and those with Vesteys were still continuing, and by that time negotiations were also under way with the United Kingdom Government over the proposed long–term beef contract, following the arrival of the British Food Mission the previous February. It is probable that neither the Commonwealth nor the pastoral companies wanted to commit themselves to long–term leases without knowing the full impact of the contract that was on offer from the United Kingdom and which had yet to be finalised.\textsuperscript{98} Finally, there may have been an even simpler explanation for the delay. On 3 May 1949 Administrator Driver wrote to Alice Springs solicitor, R C Ward, advising him that the regulations for the new Ordinance had not yet been prepared due to congestion of work in the Darwin office of the Attorney–General’s Department.\textsuperscript{99}

\textsuperscript{95} The limitation of 5,000 square miles was achieved through Crown Lands Ordinance 5 of 1946.

\textsuperscript{96} Rose, ‘The Pastoral Industry in the Northern Territory’, p. 166.

\textsuperscript{97} NTAS Darwin: NTRS267, Hugh Barclay, ‘He Measured the Land’, circa 1980, pp. 195–196. It is unlikely that Lambert could have delayed the implementation of the new regulations, as the Ordinance and regulations were the sole responsibility of the Department of the Interior. Lambert was with the Department of Post–War Reconstruction, and did not join Interior until May 1949, when he was appointed as Director of Northern Territory Affairs.

\textsuperscript{98} In 1950 the newly elected Menzies Government moved to implement a new Ordinance which would have included pastoral development leases, but concerted opposition from the pastoral associations (discussed in Chapter 5), meant that it did not take effect until September 1953. By this time negotiations with companies such as Vesteys had to be repeated, and were not finalised until April 1954. Vesteys were the first company to obtain a new pastoral development lease in May 1954.

\textsuperscript{99} NTAS Darwin: NTRS2500, item L163, Permit to search for water.
In April 1949, Cabinet agreed to establish a sub-committee comprising senior Ministers to coordinate negotiations with the United Kingdom Government. Cabinet also created a Meat Production Development Committee. The two committees were in many respects a direct successor to the Northern Australia Development Committee. The latter Committee was responsible for coordinating investigations, plans and programs for consideration by the Cabinet sub-committee.

The Meat Production Development Committee presented the government with a series of recommendations in June 1949. The objective in the Northern Territory was, it said, to increase beef production by 50,000 tons per annum. To achieve this objective, more stock routes and more bores on stock routes would be required. Pastoral development leases with definite improvement conditions should be the only type of lease granted in the future, though the Commonwealth should also ensure that pastoralists were provided with credit facilities. The Committee noted the low rents then in effect, which it said were considerably below economic rents, but suggested they continue in order to induce pastoralists to expand developmental programs for their properties. In this context the Committee was simply confirming the views expressed in a report by the Department of Post-War Reconstruction the previous March which chastised the Commonwealth for charging low rents on pastoral properties, saying that such rents should have been set at economic levels.

The Ministerial sub-committee met in July 1949 to consider the recommendations and agreed that the immediate objective was the development of pastoral stations by improvement work with the aim of increasing beef production. To meet this

100 NAA Canberra: A2700, volume 38, submission 1585, Development of the beef industry North Australia, 7 April 1949. The Meat Production Development Committee comprised William McLaren, who had recently replaced Joseph Carrodus as Secretary of the Department of the Interior, Cecil Lambert as executive member, and representatives from the Departments of Commerce and Agriculture, Works and Housing, and Treasury.

101 NAA Canberra: A688, item 15, Notes, minutes, agenda and background papers for meetings of the Meat Production Development Committee.

102 NAA Canberra: A688, item 15, Notes, minutes, agenda and background papers for meetings.

103 NAA Canberra: A9816, item 1949/237 part 1, Regional planning Meat Production Development Committee, 31 March 1949.

104 NAA Darwin: F425, item C22 part 2, Development of Northern Australia.
objective the Commonwealth would provide water supplies and credit for leaseholders to carry out approved plans of development, adopt an active policy for the procurement and distribution of materials required by lessees for improvement work, and for the procurement and training of suitable labour for station work. Cabinet also agreed that a progressive policy would be put into operation for the education, assistance and encouragement of pastoralists in station development work and management, and animal husbandry. This latter task was generally referred to as ‘extension services’, something the Commonwealth had basically failed to do prior to the War (as discussed in Chapter 2).

The fall of the Chifley Labor Government in December 1949 changed little as far as the future development of the Territory’s pastoral industry was concerned. Jack Kelly, a Labor supporter, lamented the demise of the Chifley Government and later argued that many changes made by the incoming Liberal Government were damaging to the Territory’s pastoral industry. In reality, the Menzies Government proved more demanding on pastoralists than both Chifley and Johnson. Negotiations with the United Kingdom Government continued, though an agreement was not finalised until July 1952. The Meat Production Development Committee was abolished in October 1950, and its work was subsequently undertaken by the Department of Commerce and Agriculture.

4.6 Conclusion

As in earlier years, the Commonwealth’s administration of the Territory was once again greatly affected by international issues, in this case World War II. At the national level there was finally some stability within the Commonwealth, with few changes in government and fewer changes in Ministers than was previously the case.

105 NAA Canberra: A2700, volume 38, submission 1585B, Development of meat production, 15 August 1949. The submission was approved on 19 August 1949.

106 Kelly, Beef in Northern Australia, p. 68.

107 NAA Canberra: A987, item E141, Meat Production Development Committee.
In late 1945 the Commonwealth appointed an interdepartmental committee to examine the future development of the Territory. The committee produced a number of reports, including one entitled ‘Interim Report on the Economic and Commercial Development of Darwin and the Northern Territory’. The document noted that previous reports, such as the one prepared by Payne–Fletcher in 1937, had indicated that the Territory could be substantially developed, provided there was sufficient capital expenditure to overcome its disadvantages, and provided sufficient inducement was offered to settlers in the form of remission of taxes and tariffs. It was impossible to prove this and, lacking proof, governments had hesitated and were afraid to take the risk.

The Commonwealth was highly susceptible to criticism by southern taxpayers over funding allocated to the Territory. There is documented evidence of concerns by Ministers and other politicians, typical of which were the comments by George Pearce in 1922 when he told Parliament that ‘so much money having already been spent upon the Territory the taxpayers are opposed to any further expenditure, especially seeing that the revenue from that country does not anything like meet the interest on the money invested nor meet current expenditure’. This attitude, coupled with the stultifying effects of the Great Depression in the 1930s, partly explains the Commonwealth’s reluctance to provide the funding needed to develop the Territory before the War, and why it relied on corporate pastoralists to the extent that it did. The War effectively broke the nexus, proving that with sufficient capital the Territory could be developed.

The interdepartmental committee’s report said that extensive development called for an ingenious and unorthodox approach, and something more than a policy of general encouragement was required. Although the report did not say so directly, what was needed was a change in attitude by both the Commonwealth and pastoralists. The pastoral industry could only be developed if there were a true partnership between the Commonwealth and private enterprise. This fact was recognised by Johnson

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following his visit to the Territory in late 1945, and later confirmed by the Northern Australia Development Committee. As is demonstrated in succeeding chapters, the Commonwealth began to do its part, and some pastoralists did too, but others did not. Some corporate pastoralists, and many smaller pastoralists, still sought to avoid their responsibilities, while blaming the Commonwealth for any misfortune.
CHAPTER 5, AT LAST SHE MOVES, 1949–1965

Drop the old cliché “Neglect of the North”…take the more positive slogan “North is on the Move”.¹

5.1 Introduction

In December 1949 the Menzies Liberal Government was elected, and Philip McBride was appointed as the Minister responsible for the Northern Territory. A new Crown Lands Ordinance was passed by the Legislative Council in December 1950, however, following strenuous opposition, particularly from the Pastoral Lessees Association, it was allowed to lapse, and negotiations continued over future pastoral lease terms and conditions.

From 1951 three new Commonwealth principals were involved with the administration of the Territory. There was a new Minister in Paul Hasluck, who was the Territory’s longest serving Minister, a new Administrator in Frank Wise, while Cecil Lambert was appointed as Secretary of the Department of Territories.² There were changes in the Northern Territory Administration, including the creation of a Land Court in 1954 to deal with disputes involving pastoralists, as well as new Water and Agriculture Branches. There were marked changes in transportation, particularly with the evolution of road transport, culminating in the beef roads program begun in 1962.

This chapter primarily covers the period when Hasluck was the Territory’s Minister. He was very supportive of the Territory’s development and fought many skirmishes in Cabinet over increased funding. It was Hasluck who said that the purpose of government ‘is not to produce a bigger and better public service but to bring about a


² William McLaren succeeded Joseph Carrodus as Secretary of the Department of the Interior in 1949. In 1951 the Menzies Government created the Department of Territories and Lambert was appointed as its first Secretary.
better society supported by the economic development of resources. It is shown that from the early 1950s the Territory’s pastoral industry entered a period of extensive growth, and much of that development was directly attributable to Hasluck. The Commonwealth implemented a major program of expansion; nevertheless it still had to deal with entrenched pastoral interests, both large and small. Corporate pastoralists went to great lengths to defeat the new Ordinance of 1950, while clinging to their excessive holdings. Smaller Centralian pastoralists refused to accept responsibility for overstocking their properties, which exacerbated the effects of a major drought. Those same pastoralists resisted administrative control by the Commonwealth, but paradoxically demanded substantial financial assistance to remediate the effects of their own actions.

5.2 The Crown Lands Ordinance of 1950

In December 1950 the Legislative Council passed a new Crown Lands Ordinance. Its implementation proved a major test for the Commonwealth over the next three years, and highlighted pastoral associations’ tactics to protect their own interests. The anti-Ordinance campaign was waged primarily by the Pastoral Lessees Association, which argued for greater security of tenure for its members. The Ordinance paved the way for pastoral development leases (as recommended by Payne–Fletcher in 1937), but only for companies which agreed to improvement programs for their properties. The Ordinance also provided for pastoral homestead leases granted in perpetuity; they were intended for resident landholders. The strategy was a direct counter to absentee landlords and was meant to encourage landholders to reside in the Territory.

The Ordinance was infuriating to the Pastoral Lessees Association, which argued that if lessees were required to provide funding for improvements they should receive greater security in return. It asserted that conditions imposed by Ordinances could be amended in the future, perhaps to the detriment of its members. Consequently, it requested the introduction of legislation that would be binding not only on the

4 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 15, paragraph 111].
present Parliament, but on future Parliaments.\(^5\) Such legislation would of course have been unconstitutional.

The Association’s fear of future legislative changes was feigned, as it was generally the case that such changes were not retrospective. Freehold usage of agricultural lands was introduced in 1926 and revoked by the Curtin Government in 1943; although freehold rural land usage in the Territory was contrary to the government’s policy, it made no attempt to abolish existing leases.\(^6\) Again, in 1946, when a new Ordinance limited the size of pastoral leases to a maximum of 5,000 square miles, any holdings that already exceeded the limit remained intact.\(^7\) Hugh Barclay, Director of Lands, said that the Association’s concerns lacked a real appreciation of the history of pastoral leases throughout Australia as well as the general responsibility of governments on land administration. Barclay said that:

pastoral leases merely give the holder the right to graze stock on the area concerned—nothing more. I consider that no Government can tie the hands of its successors…over long periods. Circumstances change, new developments take place, and it is essential that where large areas are concerned, power should remain in the hands of the Government to review the terms and conditions of leases...The lessee enjoys the privilege of a lease, not the right of one. The rights must remain in the hands of the Crown to administer for the general good of the people as a whole.

As far as the Association’s claim that terms and conditions of existing leases might be varied by a future Administration, Barclay said ‘this has never been done in the past, I know of no case of it having happened in Australia’ \(^8\)

In January 1951 the Association wrote to Prime Minister Menzies saying that:

a very large area of Northern Territory pastoral leases is now held by incorporated companies. Despite the popular prejudice against companies it is true that these company lessees have in the past made the

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\(^5\) The Association obtained a legal opinion from Garfield Barwick, 18 March 1952; NAA Canberra: A432, item 1952/2066, NT Pastoral Lessees Association security of tenure in leases under Crown Lands Ordinance, NT, opinion of Mr G Barwick, QC.

\(^6\) Crown Lands Ordinance 4 of 1943 abolished the 1926 Ordinance.

\(^7\) Crown Lands Ordinance 5 of 1946 stipulated that new leases would be limited to 5,000 square miles.

\(^8\) NAA Darwin: F1, item 1950/747 part 3, Crown Lands Ordinance, 31 October 1952.
greatest contributions to the past development of the Territory… and they were and still are a form of commercial organisation best suited to undertake the heavy financial commitments involved in the development of the pastoral industry in the Territory.

At the same time the Association produced a statement which said that:

if the Government wishes to develop the Northern Territory and increase its production it should assist the present lessees and avoid entering upon new land settlement schemes in demonstration of some social theory. If the Government policy is to force the present lessees off their present holdings it should say so and not resort to obscure amendments to the Ordinances which will have the same effect.9

The two documents are most illuminating. First, the reference to companies having made the greatest contribution to past development: there are many references in Commonwealth documents to the lack of development on many pastoral properties. Second, the repeated reference to ‘present’ lessees, clearly to the exclusion of new settlers, revealed the Association’s self–interest. Finally, the reference to ‘some social theory’ is ironic as the Association was dealing with the Menzies Liberal Government, not the former Chifley Labor Government. The Association’s letter was forwarded to Administrator Driver for comment. He in turn referred it to Barclay who wrote that:

the letter offers very little constructive criticism, and is really a general protest from a body containing powerful financial interests which can see their domination being challenged seriously in the Northern Territory.10

Nevertheless, the Commonwealth agreed to allow the Ordinance to lapse for want of assent, and draft a new Ordinance in its place; even so, the Association continued its opposition.11 An interdepartmental committee was formed to consider the issues. The

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9 The Association’s letter to the Prime Minister is located on NAA Canberra: A462, item 193/2/4, NT development and administration, 9 January 1951. A similar letter was sent to the Minister for the Interior and is located on NAA Darwin: F425, item C14, Pastoral leases general policy. This latter file also contains the statement; the Canberra file does not contain the statement.

10 NAA Darwin: F1, item 1950/747 part 1, Crown Lands Ordinance, 8 February 1951.

11 All Ordinances, even when passed by the Legislative Council, were reserved for the Governor–General’s pleasure before they could take effect. If an Ordinance was not referred to the Governor–General within six months of being passed by the Council, it lapsed automatically.
committee reported that the principal objective of the legislation was to encourage development of Territory lands and to achieve the most efficient use of pastoral resources. The committee supported homestead leases with their residential conditions, noting the inefficient management of large properties, and it argued that the proposal was also socially desirable. The committee felt that a system which allowed absentee companies to control large areas of land and profits was socially much less desirable than one which encouraged resident proprietors and closer subdivision with its consequential wider distribution of the land. The committee also noted that the Pastoral Lessees Association represented existing landholders, not future land seekers.12

In February 1952 Hasluck met a delegation from the Association, and Cecil Lambert was also in attendance. A few days later Lambert wrote that ‘I have found from experience that it is necessary to be very wary in dealing with representatives of the Northern Territory Pastoral Lessees Association’.13 Later that same year Wise suggested what he thought was truly behind the Association’s actions to defeat the Ordinance:

I think that the present opposition to the new Bill…is just a small indication of what would happen if the large holdings were developed to the stage where they could be subdivided. The large interests have had a considerable period of undisturbed possession to bring their existing leases to this desirable stage and at present are far from that goal. I am quite sure that if we ever reach the stage where subdivision of large holdings, which are fully developed, becomes Government policy, there will be even greater opposition to the proposal.14

Wise’s statement that corporate interests had had considerable time to develop their holdings, and had failed to do so, was significant when compared with the Association’s earlier comment that those same interests had made the greatest contribution to past development.

12 NAA Canberra: M331, item 163, Crown Lands Ordinance NT, 6 December 1951. The committee comprised officers from the Departments of Territories, and Commerce and Agriculture.


14 NAA Canberra: A452, item 1952/140 part 1, NT security of tenure in leases, 28 October 1952.
Unable to achieve any headway with Hasluck, the Association sought a meeting with Prime Minister Menzies, which took place on 22 October 1952.¹⁵ The delegates argued that they were willing and eager to invest in their properties in return for greater security of tenure; however, given their history of minimal property expenditure, one wonders how willing and eager they truly were.¹⁶

It was at this time that Hasluck received several letters of support from the Centralian Pastoralists Association, which represented smaller, resident pastoralists in the Alice Springs District. It sought longer lease tenures, with residential conditions, and the new Ordinance gave them this. It wrote that it was satisfied with the legislation, and

¹⁵ As was noted in earlier chapters, it was one of the Association’s standard ploys that when it could not achieve its goals through the Minister responsible for the Northern Territory, it then bypassed that Minister and lobbied other Ministers, or the Prime Minister.

¹⁶ NBAC Canberra: 42/13, Correspondence with the NT Pastoral Lessees Association, 22 October 1952, pp. 1–2.
wished to divorce itself from further discussions. The letter referred to the ‘obvious diversity of interests of this Association and the NTPLA [Northern Territory Pastoral Lessees Association]’. It urged the government to pass the revised legislation, and it was passed in the Legislative Council on 20 January 1953, and implemented later that year. Like the Ordinance of 1950, it contained provision for fifty–year pastoral development leases, and pastoral homestead leases with residential conditions.

The Pastoral Lessees Association was not done with yet, and it sent a highly emotive letter to the Prime Minister, and to other Ministers, which in part read as follows:

The present Federal Government land policy in the Northern Territory is likely to jeopardise future beef production of that area…The Government’s performance…does not match with the Government’s stated policy of encouraging primary production…members of my Association have risked large amounts of capital…They have pushed ahead with development despite unsympathetic administration…The Association has so far refrained from bringing these matters before public attention…your Government has failed to honour either its own promises or those the responsibility for which it accepted from the Chifley Government…We have been silent not because we believe our case to be weak or our cause unjust, but because we did not want to embarrass a Government whose spokesmen were advocating an increase in Territory beef production…We can, however, no longer in the national interest, adhere to this course if the Government persists in following its present policy.

There are several points in the Association’s letter that require comment. The reference to members having risked large amounts of capital and having pushed ahead with development were exaggerated, as Wise had earlier highlighted the lack of development on most properties. Indeed, during the meeting with Menzies in October 1952 the Association admitted that more could have been done, but simply

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17 NAA Canberra: M331, item 163, Crown Lands Ordinance NT, 5 November 1952.

18 The subsequent new Ordinance proved to be similar in many respects to the disallowed one.

19 NAA Canberra: M331, item 163, Crown Lands Ordinance NT. The letters were sent on 6 February and 9 February 1953. The Association argued that the government had broken a commitment to consult with it over future legislative changes. It stated that the then Minister, Philip McBride, had promised it accordingly at a meeting held on 29 April 1950. The minutes of the meeting show that McBride did agree to future consultation; NAA Darwin: F1, item 1952/362, NT Pastoral Lessees Association, p. 22.
blamed the Commonwealth for the failure of its members to achieve such development.\(^{20}\) It offered nothing to suggest why the Commonwealth was at fault.

The Association’s reference to refraining ‘from bringing these matters before public attention’, and being silent in the past so as not to ‘embarrass a Government’, with the implication that this was a tactic not previously employed, was entirely disingenuous. It was one of the Association’s standard practices to use the media as a campaign tool to achieve its objectives, and it had done so for thirty years. A few examples will demonstrate this point. First, at a conference with C L A Abbott on 30 January 1929, the Association submitted a list of demands; a copy of that list was subsequently published in *Country Life and Stock and Station Journal* on 1 February 1929.\(^{21}\) Second, as part of its campaign to undermine the work of the Pastoral Leases Investigation Committee in 1933, the Association contacted various newspapers including the *Sydney Morning Herald*; the contents of a letter sent to the Minister for the Interior on 13 April 1933 were published in the *Herald* on 21 April.\(^{22}\) Finally, following the previously mentioned meeting with Menzies, a front page article appeared in the *Northern Territory News* the next day.\(^{23}\)

The Association’s vitriolic letter should be compared with a personal letter sent to Hasluck by Eddie Connellan, from the Centralian Pastoralists Association, who wrote:

I feel that this is one of the greatest steps forward in the development of the pastoral industry in the Northern Territory. I would like you to know that I and many others deeply appreciate the part you personally played in bringing about the…monumental change on Northern Territory land laws.\(^{24}\)


\(^{21}\) NAA Canberra: A1, item 1929/210, NT Pastoral Lessees Association conference on development of the NT, and ‘Policy for the Northern Territory prepared by the Pastoral Lessees Association discussed with the Federal Minister’, *Country Life and Stock and Station Journal*, 1 February 1929, p. 17.

\(^{22}\) ‘Northern Territory inquiry: further protest by lessees’, *Sydney Morning Herald*, 21 April 1933, p. 7.


\(^{24}\) NAA Canberra: M331, item 163, Crown Lands Ordinance NT.
It is noteworthy that Connellan’s letter was sent on 6 February 1953, the same day that the Pastoral Lessees Association sent its derogatory letter to Menzies. The strong divergence of opinion between the two associations dispels the notion, cited by McLaren and Cooper, that the Pastoral Lessees Association enjoyed the full support of the Centralian Pastoralists Association in its stance over the new Ordinance.25

A second critical letter was sent on 24 February, on this occasion by the Scottish Australian Company which leased the Austral Downs property on the Barkly Tableland. The Commonwealth’s reply noted that while the company criticised the government, it ignored all that had been done, such as improved roads and stock routes. Most importantly, the letter said that ‘a Government must have regard to the public interest and must weigh sectional interests against public interest, and where there is conflict the latter must prevail’.26 This was a direct counter to the Pastoral Lessees Association’s earlier assertion that it was working in the national interest. The Association in fact had fewer than sixty members, and its opposition to the new Ordinance simply demonstrated its self-interest above all else.

Contrary to the Association’s claim, the future of beef development in the Territory was not jeopardised, and production increased considerably in the ensuing years. Pastoral development leases proved very successful; lessees were given five years (until 31 August 1958), to apply for new leases, and in 1959 W B Simpson, Assistant Director of Lands, reported that 95 per cent had done so.27

Pastoral homestead leases, however, did not live up to expectations. Only five were issued, before they were phased out from 1967. In personal interviews with Vern O’Brien, a former Director of Lands, and Graeme Hockey, a former Senior Pastoral Inspector, both said that their failure was caused by the inability of pastoralists to

25 McLaren and Cooper, Distance, Drought and Dispossession, p. 144. The authors cite a reference by the Association’s President, F A Brodie, in March 1951 as evidence for their claim.

26 NAA Canberra: M331, item 163, Crown Lands Ordinance NT. The company’s letter is not on the file; however, the draft departmental reply, which is on file, refers to it. It is unclear if the reply was sent as the file copy was not signed.

27 NTAS Darwin: NTRS2500, item L657 part 1, Lands Office organisation, 18 March 1959.
mortgage them in order to raise additional finance, and it was also difficult for pastoralists to sell them, if they desired, to other resident pastoralists.\textsuperscript{28}

5.3 Legislative and Administrative Changes, 1954–1963

With the finalisation of the new Ordinance, the Commonwealth was able to focus on other matters. A series of legislative and administrative changes were made, which had the effect of both improving and strengthening its administration of the pastoral industry.

\textit{Stock Routes and Travelling Stock Ordinance and the Stock Diseases Ordinance, 1954}

The first change was the implementation of two Ordinances relating to the control of cattle on the way to market. Before the War the Commonwealth had taken little active interest in stock movement control and, according to Lionel Rose, given that there were 200,000 cattle on the move annually, ‘lawlessness and disorder were rife’.\textsuperscript{29} In January 1946 Administrator Abbott cited the need for a Stock Routes Ordinance to enable the appointment of stock route inspectors, permit the licensing of drovers, and impose penalties for the interference of government property, such as bores, which were the subject of regular vandalism. Abbott also suggested that fees be levied to cover the costs of providing water on stock routes.\textsuperscript{30} While Rose subsequently acknowledged the need for such an Ordinance, staff shortages within the Administration delayed its drafting and implementation.\textsuperscript{31}

\textsuperscript{28} Interview with Vern O’Brien conducted by the author on 12 February 2007; interview with Graeme Hockey conducted by the author on 7 June 2008.

\textsuperscript{29} NAA Darwin: F1, item 1951/747 part 2, Cattle industry NT; report prepared by Lionel Rose entitled ‘Basic data designed to indicate value of Animal Industry Organisation in Northern Territory beef production’, 14 December 1951.

\textsuperscript{30} NAA Canberra: A431, item 1946/707, Crown Lands Ordinance, proposed amendments, 10 January 1946. Abbott had called for a Stock Routes Ordinance in July 1944 following a tour of inspection that revealed damage to bores and associated facilities on some stock routes caused by drovers, as well as a number of obscene drawings on water storage tanks, some of which were of Abbott himself; NAA Canberra: A659, item 1943/1/6124, Bores on stock routes.

\textsuperscript{31} NAA Darwin: F1, item 1952/106, Stock Routes Ordinance.
In November 1954 the Stock Routes and Travelling Stock Ordinance and the Stock Diseases Ordinance were both passed, and took effect in early 1955. The former Ordinance placed the stock routes on a more controlled basis, and provided for inspectors of stock routes and stock. The legislation provided for the construction and control of stock routes, their maintenance, and the complete control of stock. The Ordinance authorised the charging of fees for the use of water, and it was noted that the Territory was the only domain where such fees did not apply. Administrator Wise had already made his intentions clear about the imposition of stock route charges when he said:

I am really not concerned with what might be the reaction of the pastoral industry to increasing charges to a reasonable and justifiable rate. Stock owners are better served in the Northern Territory in regard to services rendered from the Government than they are in most parts of Australia. They pay no Local Government rates, no watering fees, or travelling stock rates.

The Stock Diseases Ordinance provided for more stringent quarantine measures if cattle were found to be diseased. It was recognised that existing legislation (the first Stock Diseases Ordinance was passed in 1918), was of little use in controlling the spread of disease under modern conditions, as the Administration lacked the power to regulate the movement of diseased stock. Rose said that the Administration had previously dealt with the issue through bluff and the cooperation of owners, managers and drovers, but those methods were ineffective when it came to protecting one portion of the Territory from the introduction of disease from another portion. This was, he said, because certain influential persons would be certain to contest the action for their own private gain. The Ordinance was rewritten to bring it into line with similar legislation throughout Australia, and provided for the establishment of protected areas where cattle could be quarantined.

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32 NAA Darwin: F1, item 1955/159, Stock Routes Ordinance.

33 NAA Darwin: F1, item 1952/106, Stock Routes Ordinance. Wise’s comments were not dated but appear to have been written in July or August 1953.

34 NAA Canberra: A452, item 1956/1185, Movement of cattle NT.

35 NAA Darwin: F1, item 1951/1055 part 1, Beef transport and marketing conference, Adelaide, 7 January 1954. Rose gave no indication who the ‘certain influential persons’ were.
The Land Court of the Northern Territory, 1954

In their 1937 report Payne–Fletcher recommended the appointment of a land tribunal to hear appeals by pastoralists over decisions made by the Administration.\(^{36}\) Although not admitted publicly, in a letter to Administrator Abbott in May 1945 Payne said that such a body ‘would be an effective way of side–tracking the Lessees’ Associations and all their dangerous propaganda in the years ahead’.\(^ {37}\) Cabinet approved the Court’s creation in May 1939, but the War delayed its implementation.\(^ {38}\)

In 1946 Abbott said a court or tribunal was needed, and suggested that such an agency would remove allegations of influence or favouritism on the part of Commonwealth officials.\(^ {39}\) Departmental Secretary Joseph Carrodus later said that there was insufficient demand to justify the creation of a separate court, and he suggested the Queensland Government be asked to provide the services of its Land Court. The Queensland Premier declined due to the pressure of that State’s own requirements. The South Australian Government then agreed to make available the services of its Pastoral Board.\(^ {40}\) The Court’s establishment was included in Crown Lands Ordinance of 1949 but that Ordinance never took effect. It was ultimately included in Crown Lands Ordinance of 1953.\(^ {41}\)

\(^{36}\) [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 24, paragraph 125]. Payne–Fletcher were by no means the first to suggest a land court for the Territory; in 1912 Edward Millen argued in Parliament for the creation of a Land Appeal Board which would hear appeals by pastoralists against decisions made by the then Director of Lands; Commonwealth Parliamentary Debates, Senate, volume LXV, 1 August 1912, p. 1532.

\(^{37}\) NLA Canberra: MS4744, box 11, folder 5, Correspondence, 30 May 1945.

\(^{38}\) NAA Canberra: A431, item 1946/924, NT Committee re land administration Northern Territory, including Lands and Titles Office Darwin; Cabinet submission 38, Land Policy, Northern Territory, 18 May 1939.

\(^{39}\) NAA Canberra: A452, item 1955/642, Land Court NT, 10 January 1946.

\(^{40}\) NAA Canberra: A452, item 1955/642, Land Court NT. The letter to Queensland was dated 14 April 1949; Queensland’s reply was dated 20 May 1949. The letter to South Australia was dated 20 July 1949; South Australia’s reply was dated 3 November 1949.

\(^{41}\) Effectively the Pastoral Board of South Australia was designated as the Land Court of the Northern Territory.
Carrodus thought the Court would have insufficient work to justify a full–time body, and initially he was correct. In its first decade the Court dealt with thirty–eight appeals, all involving rent reappraisals, the last of these concluding in 1958 – eight appeals were allowed in their entirety, eighteen partially allowed with a lesser rent increase, and seven were disallowed. 42 By 1959, however, the Administrator, James Archer, was lamenting that the Court’s proceedings were costing £2,700 per annum. 43 That same year there was a lull in its activities; indeed it usually only received a perfunctory mention in the Administrator’s Annual Reports, with a single paragraph describing its functions. 44 The lull led to its scope being widened to include appeals involving property valuations, and it was subsequently redesignated as the Land and Valuation Tribunal in February 1964, which was tasked with hearing appeals in relation to all land and valuation matters arising under Territory Ordinances. 45

The Court’s creation was intended to remove suggestions of favouritism or bias on the part of Commonwealth officials, effectively neutralising the ‘propaganda’ of pastoralists and their associations, and to encourage further investment by pastoralists in their properties by providing them with greater protection of their interests. Yet how well it did those things was a moot point because, as was the case with the Commonwealth generally, it was occasionally forced to deal with misrepresentation of its activities. In 1963 a pastoralist publicly criticised the Court over the matter of appeals for drought relief, resulting in the Administrator, Roger Nott, issuing a press release refuting the allegations. 46 Further allegations were made in the Centralian Advocate, which earned the ire of J L Johnson, the Court’s

43 NAA Darwin: F1, item 1958/1712, Establishment of Land Court in NT, 17 June 1959.
44 The lull in the Court’s activities was due to the fact that its primary function was to hear appeals against rent reappraisals, and those reappraisals only took place every ten years, in accordance with the Ordinance.
45 The Tribunal was established in accordance with s21 of the Valuation of Land Ordinance 1963. It continued for the remainder of the Commonwealth era, but was ultimately redesignated as the Pastoral Land Appeal Tribunal in 1992.
Chairman. Nott ultimately decided to let the matter rest, informing Johnson that ‘further statements on my part would merely provoke fresh outbursts of falsehood’.48

*Water Use Branch, 1955*

The period following the War saw a marked upsurge in the size and structure of the Territory’s administration. Apart from the creation of the Animal Industry Branch in 1946 (discussed in Chapter 4), a Water Use Branch was created in 1955. Phelts argued that underdeveloped water supplies were one reason why settlement and primary industries took so long to develop in the Territory.49 In the early years while the Commonwealth provided some funding for bores on stock routes, it generally did not assist pastoralists undertake boring on their properties. It did, however, enter into a series of contracts with several companies for them to drill bores on stock routes, while it met part of the costs. Contracts were let with Wave Hill in 191650 and Newcastle Waters in 1917.51 The agreement with Wave Hill, however, was later condemned by the Administrator, Frederic Urquhart. Citing lax supervision, Urquhart said the contract was a waste of money, and it ‘should be denounced at once and all further liability repudiated’.52

George Pearce recognised the significance of water to the Territory’s pastoral industry, and the Commonwealth’s responsibility to provide it. He wrote that:

I am desirous of encouraging in every legitimate way the development of the pastoral industry in the Northern Territory, and it seems to me that in the instance under review the Northern Agency Limited

49 Phelts, ‘Water and the Economic Development of the Northern Territory’.
[Wave Hill, Vesteys] was induced to carry out work of considerable importance to the interests of the Territory which the Government itself might reasonably have been expected to perform.53

No doubt smarting from the experience with Vesteys, the Commonwealth assumed responsibility for the provision and maintenance of all bores on stock routes in May 1924.54 The number of bores increased, albeit slowly, from sixty–three in 1911 to eighty–seven in 1939.55 The number further increased during the War and afterwards, and by April 1959 there were 174 bores, extending over a series of nineteen stock routes.56

In pre–War years most pastoralists relied on surface waters as there was little support by the Commonwealth for the provision of bores on individual properties, and the high cost of bores meant that few were established.57 After his visit to the Territory in 1935, Thomas Paterson introduced a series of concessions to encourage the construction of additional bores, which included 50 per cent of the cost of bore materials and their freight to the Territory. The Payne–Fletcher Inquiry described the concessions as ‘exceptionally generous’, and they were abolished in 1939.58

Following his visit to the Territory in late 1945, Herbert Johnson acknowledged the importance of water to future pastoral expansion, and the role that the Commonwealth had to play in providing it, and he introduced a developmental bore scheme in 1946, by which the Commonwealth provided two bores on all new leases, with pastoralists repaying the cost over twenty years.59


54 NAA Canberra: A659, item 1942/1/7640, NT water bores on stock routes.

55 The 1911 figure was provided by George Pearce in a speech to Parliament; Commonwealth Parliamentary Debates, Senate, volume XCIX, 12 July 1922, p. 308. The 1939 figure was provided by Phelts, ‘Water and the Economic Development of the Northern Territory’, p. 85.

56 NAA Darwin: E125, item 1976/1251, Boring and stock routes NT history.

57 The 1922 Newland report (discussed in Chapter 2), recommended that the Commonwealth provide bores and wells on all new pastoral holdings, with the cost added to the lessees’ rental, but the recommendation was not implemented.

58 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 18, paragraph 92].

59 NAA Canberra: A2700, volume 24, submission 1093, Bores on stock routes, 27 February 1946. Phelts later stated that the Commonwealth’s financial assistance for the establishment of bores on
was also introduced in 1952, whereby the Commonwealth provided bores on drought affected properties on a similar financial arrangement.\(^{60}\)

Ultimately it was recognised that the significance of water to the Territory’s expansion was such that a separate administrative branch was needed, and the Water Use Branch was created in 1955 under its own Director, Robert Eden.\(^{61}\) The Branch was responsible for surveying, planning, development, regulation, control and general administration of water resources, and continued for the remainder of the Commonwealth era.\(^{62}\)

The Commonwealth was indeed slow to recognise the importance of water to assist the expansion of the pastoral industry, and its role in providing it, but it ultimately compensated for this, through various bore schemes introduced from 1946 onwards. The two schemes were amalgamated via a new Ordinance, the *Water Supplies Development Ordinance 1960*, which took effect in April 1961. Under the terms of the new Ordinance the Administration provided pastoralists with technical advice and construction facilities relating to water development, and met the cost of both successful and ‘dud’ bores. Between 1961–1962 and 1971–1972 a total of 555 successful bores were established, and the Commonwealth also funded 569 unsuccessful bores; the latter costing $1.2 million.\(^{63}\)

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\(^{60}\) NAA Canberra: A4905, volume 11, submission 267, Drought relief NT pastoral industry, 1 May 1952.

\(^{61}\) A separate Agriculture Branch was also established in 1955; it was amalgamated with the Animal Industry Branch in March 1966.

\(^{62}\) A brief history of this Branch will be found in [Northern Territory. Water Resources History Committee. *Water Resources Forty Years On, A History of the Northern Territory Water Resources Division* (Darwin: Department of Lands, Planning and Environment, 1998)].

5.4 Transportation – Railways, Planes and Road Trains

One of the major handicaps to the Territory’s pastoral industry in the early years was the lack of transport and the means of getting stock to market. Transportation was an issue raised many times, particularly during meetings between Ministers and pastoral associations. Little was achieved in the period prior to World War II, other than several extensions to existing railways, and a gradual program of stock route expansion.

Railways

For most of the Commonwealth’s administration of the Territory there were frequent calls for the construction of railways, with requests usually involving three rail lines. The first was a direct line from north to south, connecting Darwin with Alice Springs, and then to Adelaide. The South Australian Government parochially lobbied for this railway after it relinquished control of the Territory. When meeting a delegation of pastoralists in 1923, George Pearce said that railways should be built to suit the demands and best interests of the Territory, not merely to meet South Australia’s requirements.64 Other proposed lines included an eastern link extending from a point on the Barkly Tableland to Queensland, usually Dajarra or Camooweal, or a western link from a point in the Victoria River District to the Wyndham meat works. In 1914 Patrick Glynn issued a policy paper which included a network of rail lines costing £10 million. Glynn intended that funding would be provided by advances to be repaid in the future, although some costs would be met by landowners, lessees and others who directly benefited from the works.65

Although pastoral associations regularly lobbied the Commonwealth to fund railway construction, at times it seemed that they were not entirely sure which rail lines they wanted. In August 1935 the Pastoral Lessees Association argued for a railway from Mt Isa to the mouth of the McArthur River, and said that ‘the construction of a connecting line of railway…is regarded…as of national importance for the saving of

64 NAA Canberra: A431, item 1946/868, Proposed land policy, 23 February 1923.

65 Glynn, ‘Outlines of Policy’.
cattle and for their transport to markets’. The Association wrote again in January 1936 about the same railway, which it said ‘would not solve the question of successfully developing the Northern Territory or even the Barkly Tableland’. Land officer William Hicks noted the contradiction and said that the views were ‘dramatically opposite’ to those expressed previously.66 At the time it was estimated that the McArthur River line would cost over £3.5 million. Joseph Carrodus remarked that ‘from a development point of view, the proposed line into the Territory would be valuable, but it seems highly improbable that it will ever pay’.67

Roberts referred positively to ‘railways of betterment’ built in some southern States, meaning that respective State Governments received the increased value of property due to railway construction and made the lines pay for themselves.68 In 1928 the North Australia Commission considered imposing a betterment tax on pastoralists whose properties adjoined a proposed Barkly Tableland railway, asserting that they would substantially benefit from the line, so should help pay for its cost. The Commission noted that such a tax had been used previously in the southern states and had proved unworkable, as some property holders gained more benefit from the rail lines, while others gained no benefit, yet still paid the tax.69 The Commission’s plan never proceeded, no doubt given the small number of property holders located on the Tableland.

The Payne–Fletcher Inquiry recommended two railways – one eastern, and one western.70 It is noteworthy that Alfred Martin, manager of Victoria River Downs, a property that would have directly benefited from the proposed western railway, said

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66 NAA Canberra: A431, item 1946/1240, Extension of railway Queensland to Barkly Tableland, 7 February 1936.


69 NAA Darwin: F20, item 88, ‘Betterment tax’.

70 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 30, paragraph 157].
that it would not pay its way. In 1948 the British Food Mission recommended a series of rail lines which George Gahan, the Commonwealth Railways Commissioner, costed at £32.5 million. By the early 1950s the Queensland Premier, Vince Gair, was lobbying the Commonwealth to build an eastern line to Dajarra, which was later estimated to cost £19.3 million. Cabinet ultimately deferred any decision on the matter, particularly as doubts were raised whether the development of properties along the proposed line would occur if the railway was built.

It was clear that railways were costly, would serve only a small number of pastoralists, and would not recoup their costs. Both the North Australia Railway and the Central Australia Railway usually ran at a loss; indeed Donovan argued that the line from Darwin was a ‘financial embarrassment to the government’. The Commonwealth’s reluctance to proceed with railways was best summarised by the Treasurer, Arthur Fadden, when commenting on the proposed eastern line to Queensland:

I have set my face against yielding to these pressures because I have come to the very firm conclusion, after much study on the subject, that the time has not yet arrived for costly capital investment and heavy operational subsidies on new railway lines in the north.

**Commonwealth Air Beef Advisory Panel, 1954–1955**

The Glenroy air beef scheme was a small operation established in the north of Western Australia in 1949 to provide rapid transport of processed beef from a series of cattle properties to markets. The scheme was intended to support the development of the cattle industry in the north-west of Western Australia.

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71 NBAC Canberra: 119/9, Land resumptions, 7 July 1937. Martin’s comments were contained in his company’s response to the questionnaire issued by the Payne–Fletcher Inquiry.

72 NAA Darwin: F1, item 1948/142, British Food Mission investigations.

73 NAA Canberra: A463, item 1957/2946, Advisory Council on air beef transport.

74 NAA Canberra: A4905, volume 12, submission 288, Railway from Dajarra to Newcastle Waters, 17 June 1952; volume 17, submission 416, Railway from Dajarra to Newcastle Waters, 17 March 1953; volume 20, submission 564, Railway from Dajarra to Birdum, 19 October 1953.

75 Donovan, *At the Other End of Australia*, pp. 98–99.

of inland properties to the Wyndham meat works.\textsuperscript{77} The Western Australian Government provided financial support, as did the Commonwealth.

Based on the scheme’s progress, in September 1954 the Commonwealth approved the appointment of a committee to inquire into the economics of air transport of beef in northern Australia.\textsuperscript{78} A departmental briefing note to Prime Minister Menzies freely acknowledged that the panel was a diversionary tactic to deal with Gair’s demands for the eastern railway to Dajarra.\textsuperscript{79} The government deferred consideration of the railway pending receipt of the panel’s report, which was submitted in September 1955. The eight–member panel was evenly divided on the matter. Four members felt that despite the unfavourable economic aspects of the Glenroy scheme, air beef had a part to play in the development of the cattle industry, and the scheme should be given a further trial with government support. Other members felt that the cost of financial assistance required to secure the support of pastoralists was not justified by the benefits obtained, air beef could not make a significant contribution to the development of the north, and attention should be directed to improving other forms of transport including stock routes and roads.\textsuperscript{80}

The high cost of railway construction, and the divided nature of the Panel’s report, ultimately led the Commonwealth to eliminate these two forms of transport from future consideration. Menzies wrote to Queensland’s Premier, Francis Nicklin, advising him that ‘at this stage we are by no means satisfied that the answer to the transport problem of the Territory (including those of the beef cattle industry) lies in

\textsuperscript{77} A brief historical overview of the scheme was published by the company’s chief executive, Ian H Grabowsky; \textit{The Air Beef Scheme: A Summary} (Sydney: F H Johnstone, 1952).

\textsuperscript{78} NAA Canberra: A4906, volume 3, submission 95, Expert panel air transport of beef.

\textsuperscript{79} NAA Canberra: A463, item 1957/2946, Advisory Council on air beef transport. The briefing note to Menzies was not dated.

\textsuperscript{80} The panel’s findings were summarised by H G Raggatt, Secretary of the Department of National Development, in a briefing to his Minister, William Spooner, 22 September 1955; NAA Canberra: A987, item E1005 part 5, Air beef Commonwealth air beef interim report. It is noteworthy that those Panel members that recommended the continuation of the trial included Hudson Fysh who was closely involved with the aviation industry through Qantas, while the members that wanted the scheme suspended included Arthur Bingle, Vesteys’ principal representative, whose company traditionally moved their stock eastward towards Queensland for fattening and marketing, not westward, the direction favoured by Glenroy.
new railway construction…before committing ourselves to a railway we would need to be satisfied that there was no practicable and economic alternative”.  

*The Beef Roads Program*

As part of its commitment to a long-term meat agreement with the United Kingdom, the Commonwealth agreed to fund a program of road construction. The evolution of the road train meant that large numbers of cattle could be transported economically. Road transportation trials had taken place in northern New South Wales in December 1934 as part of the Barkly Tableland Cooperative proposal discussed in Chapter 3, and in 1948 the Australian Meat Board conducted a series of trials from Anthony’s Lagoon to Alice Springs, a distance of 542 miles. Kurt Johanssen briefly operated a road train service from 1949 to 1951, but closed the business due to high operating costs.

Rather intuitively, the Territory’s Administrator, Arthur Driver, advised that road construction should be considered not only in the context of carrying cattle, but as part of a full developmental communication system. Driver’s comment proved to be prophetic, as a later Cabinet submission noted that roads, while supporting pastoral, mining and tourist interests, also provided important social benefits.

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81 NAA Canberra: A452, item 1957/481 part 2, Advisory panel air beef transport NT, 11 December 1957. The Glenroy scheme ultimately folded in 1965, by which time the Commonwealth had spent over £100,000 in subsidies; NAA Canberra: A987, item E1005 part 5, Air beef Commonwealth air beef interim report.

82 NAA Canberra: A2700, submission 1585B, Development of meat production, 15 August 1949. The submission was approved by Cabinet on 19 August 1949.

83 NAA Canberra: A461, item, H412/1/3, Barkly Tableland railway.

84 NAA Canberra: AA1972/841, item 12, Road transportation of cattle, trials, 1948.


86 NAA Darwin: F425, item C22 part 1, Development of Northern Australia, 16 June 1949.

87 NAA Canberra: A5915, submission 1111, NT development roads, August 1974.
Driver’s successor, Frank Wise, favoured roads,\textsuperscript{88} and so did Lionel Rose.\textsuperscript{89} Other Commonwealth officers noted that roads had several advantages over other forms of transport: their cheaper cost meant there would be less opposition from Treasury, and costs would be shared, that is, if the Commonwealth provided the roads, private industry would provide the vehicles to use them, whereas with railways the Commonwealth provided both rail lines and rolling stock.\textsuperscript{90}

By the mid 1950s it was clear that roads were the Commonwealth’s favoured solution to the Territory’s transport problems. Hasluck declared his plan for a ten-year program of road improvements in February 1956, and Lambert told him that ‘the policy you have laid down with regard to pushing on with the comprehensive road construction programme, is the only sound course of action to take’.\textsuperscript{91} In 1959 the Bureau of Agricultural Economics prepared a report on the economics of road transport. It found that cattle could only be transported on roads that were of good quality and well maintained. Commenting on a draft of the report, Hugh Barclay said:

there is no doubt in my mind that, with the provision of a suitable road system constructed and maintained to a satisfactory standard, the amount of beef which can be supplied by the Northern Territory will be appreciably increased and that there will be a corresponding increase in the present herds and in the efficiency of station management.\textsuperscript{92}

In December 1960 the government appointed a committee of departmental secretaries to examine major development projects that might increase Australia’s export income. Hasluck told Lambert that the time was opportune to prepare a Cabinet submission on road development for the Territory, Western Australia and

\textsuperscript{88} NAA Canberra: A452, item 1957/481 part 1, Advisory panel air beef transport NT.

\textsuperscript{89} NAA Darwin: F1, item 1951/1055 part 2, Beef transport and marketing conference, Adelaide, 1957.

\textsuperscript{90} NAA Canberra: A452, item 1957/481 part 1, Advisory panel air beef transport NT. Memo by departmental officer E J Wood, 5 May 1956.

\textsuperscript{91} NAA Canberra: A452, item 1957/481 part 1, Advisory panel air beef transport NT. Hasluck’s views were dated 10 February 1956; Lambert’s comments were dated 30 May 1956.

\textsuperscript{92} NAA Darwin: F1, item 1965/1737, Investigation, Bureau of Agricultural Economics, economics of road transport of beef in the NT, 8 March 1960.
Queensland. He asked Lambert to instigate a series of proposals based on a clear economic justification for increasing production of cattle. The following February the Commonwealth announced that it would look sympathetically at a range of projects to develop the north provided those projects contributed to Australia’s overall export potential. This effectively marked the formal beginning of the beef roads scheme, which began in the Territory in 1962 with a series of five roads estimated to cost £4.57 million.

The scheme was expanded throughout the 1960s and 1970s. By 1974 a total of $32.7 million was spent on beef roads, while another $24.5 million was spent on developmental roads; the latter intended for mining and tourism purposes. The scheme’s success was amply demonstrated by the volume of cattle transported by road, which increased from 3.3 per cent in 1956–1957 to 99.34 per cent in 1973. As the program accelerated, there was less need for the stock routes, and they were progressively closed down. Lewis cited 1967 as the last year that cattle travelled over the western Murranji stock route. D L Napier, Superintendent of Stock Routes, later wrote that ‘stock routes are now rarely, if ever, used, due to the almost complete takeover of road transport as the method of travel for stock’.

Yet while the Commonwealth continued with its accelerated program of Territory expansion, some pastoral properties still remained undeveloped. In 1965 a Cabinet submission looked at the economic justification for continuing with the road development program, which it said was dependent on the cattle industry significantly increasing turn–off, and this in turn was dependent on the degree of

93 NAA Canberra: A452, item 1961/27, Policy relating to development of roads in north Australia, 13 December 1960.
94 NAA Canberra: A463, item 1965/3493, Beef road development.
97 Lewis, The Murranji Track, p. 94.
property improvement and level of managerial efficiency. The submission noted that there was no clear evidence that some cattle interests holding large areas of land would carry out development programs necessary to achieve the level of turn–off required to justify future road funding. While some properties had reached a high level of improvement, others had not. The submission effectively gave the lie to the Pastoral Lessees Association’s assertion to Prime Minister Menzies during their meeting in October 1952 when it maintained that its members were willing and eager to undertake expenditure and investment on their properties in return for greater security of tenure. Pastoralists now had fifty–year leases, together with an extensive network of transport and communications, which they had sought since the 1920s, yet some of them still refused to play their part in Johnson’s partnership, while holding onto their large estates and inefficient management practices.

5.5 The Great Centralian Drought, 1957–1966

By 1957 a serious drought was enveloping Central Australia. While conditions improved for a year or two, the drought returned, and proved to be the worst the area had experienced. The fact that part of the region was overstocked only exacerbated the problem. Concerns over stock numbers, and the damage to soils and pastures they caused, had been raised previously. Prior to taking up his appointment as the Territory’s first pastoral inspector, William Clough wrote to the Minister, John McEwen, saying that stocking conditions should be imposed in Central Australia, and stock should be prevented on some properties if necessary, with rents suspended at the same time. Clough said that ‘I have in mind the prevention of soil erosion in the southern end of the Territory.’


100 NBAC Canberra: 42/13, Correspondence with the NT Pastoral Lessees Association, pp. 1–2.

101 NAA Canberra: A659, item 1939/1/6931, Reports by field officers Northern Territory, 20 January 1939. In its 1947 report, the Northern Australia Development Committee also recommended that restrictive clauses be added to all new pastoral leases to prevent over–grazing and the deterioration of pastures. Against the recommendation was a hand–written annotation ‘not needed’. The author was unknown, but whoever it was would soon rue the fact that they had made such a comment; NAA
In January 1948 the Centralian Pastoralists Association voiced its concern over the leasing of new properties in the district. While leases carried predetermined stocking levels, there were no residential conditions. The Association felt that absentee landlords would exploit their properties, with the result that the ‘twin evils of overstocking and overcapitalisation would denude the area’. The irony with this claim was that most properties in Alice Springs were operated by resident families, some of whom regularly overstocked their properties. Indeed, Hugh Barclay wrote to the Association asserting that ‘pastoralists will materially assist in soil conservation if they refrain from overstocking, especially during times of drought’. Cecil Lambert had earlier voiced the Commonwealth’s frustration with the actions of some pastoralists when he said that ‘the Crown cannot sit down and watch people ruin the land for years and years by overstocking’.

*Land Board Investigation and Report, 1964*

As the drought continued the Commonwealth considered legislation to control stock numbers. The *Northern Territory News* reported that Centralian pastoralists were strongly opposed to any limitations; they argued they had a lifetime of experience of the country, which was not denuded they said, and it would recover after several good seasons.

The crisis intensified, and in May 1964 the Land Board was instructed to investigate and report. As part of its investigations the Board heard widely differing views...

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103 NAA Darwin: F1, item 1959/3125, Central Australian Pastoral Lessees Association, 30 December 1959.

104 NAA Canberra: A431, item 1950/1296, Pastoral industry, conference of NT pastoral lessees associations with Minister for Interior, 29 April 1950.


106 The Board was commissioned to undertake the work on 11 May 1964; s39A(2) of the 1953 Crown Lands Ordinance authorised the Administrator to direct the Land Board to investigate stock numbers, and if they were too high and were thought to result in permanent injury to the land, direct the lessee concerned to reduce their stock.
from Commonwealth officials and pastoralists as to the level of overstocking and the damage caused. Don Mentz, Acting Director of Agriculture, said there was ‘a large body of evidence to suggest that permanent erosion damage has resulted in many of these areas where the natural vegetation has been effected’.107 The Board presented its report, ‘Centralian Pastoral Industry under Drought Conditions’, in December 1964.108 It said that overstocking had led to serious and permanent degeneration of native pastures. While pastoralists expressed the view that given good rains the industry would recover, the Board did not agree. Nor did it agree with opinions that there should be minimal controls over management. Apart from minimal improvement conditions specified in leases, the Board felt that pastoral management was already subject to few controls, and such freedom had not resulted in the maintenance of a viable industry, but rather, in its deterioration. The Board said that controls over management were essential to ensure that Centralian pastoral lands were not damaged beyond repair, and the future preservation of the industry. With wry amusement the Board also noted that while pastoralists were anxious to be left unhindered from administrative control, at the same time they insisted upon substantial increases in financial assistance for drought relief. The Board noted that the industry was already heavily subsidised, with most subsidies paid in the Alice Springs District.

Yet the Board also criticised the Administration, saying it had failed to provide adequate and objective guidance to pastoralists in aspects of conservation and management techniques. The Board recommended a change in attitude by pastoral management, guided by government agencies. It suggested the establishment of a Conservation Board and a Conservation Ordinance and that, in the interim, the Soil Conservation Service of New South Wales be asked to investigate the deterioration of soils and pastures and propose remedial action.109 Following the release of the Board’s report, the Northern Territory News asked the question:

107 NTAS Darwin: NTRS2500, item L985 part 1, Investigation into drought conditions, erosion, etc.
108 NTAS Darwin: NTRS2500, item L985 part 1, Investigation into drought conditions, erosion, etc.
109 The Soil Conservation Ordinance was enacted in 1970 under the administration of a Soil Conservation Commissioner and a Soil Conservation Advisory Committee.
should cattlemen owning long-term titles over huge areas of Australia be permitted to do what they like on the basis that individual freedom was all-important no matter what the overall detrimental effect to the land and its people?.\footnote{110}

Some Centralian pastoralists thought so, and the following comments were typical. David Smith, the lessee of Mt Allan station, wrote to the Administrator, Roger Nott, asserting that he could not recall any case of overstocking in Central Australia and stocking levels should be left to pastoralists as they were skilled enough to control overstocking and consequential damage. He said that pastoral undertakings were extremely complex, and could only be successfully operated by the skill and judgement of pastoral management, together with sympathetic understanding from the Administration.\footnote{111} An anonymous author wrote to \textit{The Inland Review} asserting that cattlemen had not damaged the land.\footnote{112} Gill later quoted Bernie Kilgariff as saying that ‘we know the good of Central Australia’.\footnote{113} Yet clearly some pastoralists did not know the good of their land, and its recuperative powers were overstated. The \textit{Northern Territory News} acknowledged that overstocking had damaged pastoral lands ‘mostly in ignorance, but in some cases done wilfully in the classic couldn’t care less tradition Australians sometimes seem to be proud of’.\footnote{114}

The Administration accepted the Land Board’s recommendation that the Soil Conservation Service investigate and propose remedial action. Officers from the Service visited the area, and submitted a final report in August 1967.\footnote{115} The report confirmed that soils and pastures had indeed been damaged, though it also

\footnotetext{110}{‘No punches are pulled’, \textit{Northern Territory News}, 14 December 1964, p. 6.}

\footnotetext{111}{NTAS Darwin: NTRS2500, item L985 part 1, Investigation into drought conditions, erosion, etc, 18 September 1964. Smith was a former Commonwealth official who served on the Pastoral Leases Investigation Committee in the 1930s.}

\footnotetext{112}{‘Who said the Centre was dead?’, \textit{The Inland Review}, volume 1, number 1 (December 1966), pp. 17–20, 26–27.}

\footnotetext{113}{Gill, ‘Outback or at Home?’, p. 191. Kilgariff’s statement was actually made in 1996, long after the drought discussed here. Gill also noted that some Centralian pastoralists regularly overstocked their properties, while other pastoralists would not speak out against them for fear of ostracism; pp. 277–278.}

\footnotetext{114}{‘No punches are pulled’, \textit{Northern Territory News}, 14 December 1964, p. 6.}

acknowledged that only one-third of pastoralists had substantially overstocked their properties. The report noted that prior to the drought stock numbers in the district were 346,000 and suggested that this number was 80 per cent above what it considered to be a safe grazing capacity of 192,000.\footnote{Soil Conservation Service of New South Wales Report, summary, p. 3.}

The attitude of some pastoralists at this time was striking, when compared with earlier comments expressed in November 1951 by representatives from the Centralian Pastoralists Association at a meeting with Commonwealth officials. During that meeting the question of overstocking was raised. Eddie Connellan, representing the Association, said that the most effective method of combating soil erosion and the destruction of feed caused by overstocking was scientific education, presumably by Commonwealth officials.\footnote{NAA Canberra: A452, item 1951/1713, NT Centralian Pastoralists Association deputation to Minister, 8 November 1951.} This was a curious statement because if, as they later argued, pastoralists supposedly knew the good of their land, one wonders why Connellan felt they needed any form of education regarding the care of that land.

The manager of Hamilton Downs, W Prior, said that publicity about overstocking in Central Australia was ridiculous, rentals were too high and should be reduced or abolished for ten years, while the present freight subsidy should be increased from 50 per cent to 100 per cent until the drought had broken.\footnote{NTAS Darwin: NTRS2500, item L985 part 1, Investigation into drought conditions, erosion, etc. Prior’s comments were recorded in a note to the Land Board which was not dated, but appears to have been written in July 1964.} Ironically, in July 1950 Commonwealth officers reported that Hamilton Downs was itself ‘badly overstocked’,\footnote{NTAS Darwin: NTRS2500, item L18 part 1, Return of important events, July 1950.} although the lessee, Pat Davis, was one of several pastoralists who at the time publicly rejected suggestions of overstocking and any damage it caused, describing such allegations as ‘irresponsible, inaccurate and thoughtless’.\footnote{‘Cattlemen irate at statement on country – described as “inaccurate, irresponsible”’, Centralian Advocate, 5 May 1950, p. 1.} Curiously, in November 1964 Davis admitted that Central Australia was overstocked.
and an area of 90,000 square miles should be cleared of cattle for three to five years. He said that ‘no amount of rain will revive the area until stock are taken out’.\footnote{121}

Despite pastoralists’ actions, the Commonwealth was indeed sympathetic to their plight, and provided a range of financial measures to assist them. A program first introduced in 1950 during an earlier drought was reinstituted by Hasluck in 1957, whereby the transportation of cattle away from the district for agistment, or the purchase and delivery of fodder to maintain drought affected stock kept on properties, was subsidised by 50 per cent. The scheme was continued and expanded by Hasluck’s successor, Charles Barnes, who told Parliament that freight concessions would be increased from 50 per cent to 75 per cent, and a range of other financial measures would also be provided.\footnote{122}

Throughout the crisis Commonwealth officials grappled with several issues when assessing applications for subsidies. The first involved the question of whether pastoralists were entitled to concessions if hardship resulted from their own mismanagement. In 1959 one official said that it was not possible to tell whether the sale of cattle was a normal marketing procedure or an expedient forced by drought. There are a number of references in Commonwealth documents to prudent lessees and gamblers. Tom Hare, Administrative Officer with the Animal Industry Branch, said that ‘the good manager or sensible lessee will start to move stock before losses commence, whilst the others wait until losses are heavy and then expect the Commonwealth and everyone else to assist them’.\footnote{123} Frank Rideout, a Deputy Veterinary Officer, said that subsidies should be regarded as a joint business venture by the Commonwealth and pastoralists; by saving cattle that would otherwise have died, and become valueless, pastoralists were actually contributing to the national

\footnote{121} ‘Clear centre of cattle’, \textit{Country Life and Stock and Station Journal}, 20 November 1964, p. 3. It appears that Davis was ridiculed for these views as by now he had left his property and employed Prior to care for it; ‘Feed in Centre’, \textit{Hoofs and Horns} (February 1965), p. 9.


\footnote{123} NTAS Darwin: F1439, item 1959/41 part 1, Drought freight concessions for cartage of stock and fodder. Hare’s memo was dated 24 May 1962. This file contains several references to prudent lessees who moved their stock during early signs of danger, and gamblers who kept stock on their properties, and then applied for financial relief from the Commonwealth to move their stock as the crisis deepened.
income. He said that pastoralists should realise that subsidies were paid to assist them to move cattle that would have died on the stations. Instead, Hare noted that subsidies were accepted by pastoralists as a ‘substitute for good management’.124 Lest this last comment be regarded as having been made by a disgruntled Commonwealth official, Holmes noted that there was a general attitude within the Alice Springs District of letting the government take action for all matters, or ‘the Government should subsidize us in this venture’.125

The decision–making process was made more difficult because of a directive issued by Hasluck, who in 1961 instructed his officials not be to be too rigid when assessing applications for subsidies. He said that ‘our objective is to prevent cattle from dying on the run and we should keep clearly in mind that that is the only objective we are trying to serve in drought relief’.126 The issue for officials was whether pastoralists were entitled to subsidies if their own mismanagement had created the problem. It was apparent that some pastoralists, whose properties were not affected by drought, were exploiting the scheme and relocating their cattle as part of normal marketing practices. More than once officials described the system of subsidies as a ‘racket’.127

Rent Levels in Central Australia

The issue of rent levels for Centralian properties deserves special mention. While Prior felt they were too high, and while numerous pastoralists were claiming rental relief, the Commonwealth had an entirely different perspective. Tom Hare had earlier advised Jim Whittem, Director of the Animal Industry Branch, that Centralian rentals

124 NTAS Darwin: F1439, item 1959/41 part 1, Drought freight concessions; McConnell’s memo was dated 27 May 1959; part 2, Rideout’s memo was dated 25 July 1962; part 2, Hare’s memo was dated 10–11 July 1962.

125 J McDonald Holmes, Australia’s Open North, p. 424.


127 Barry Hart, from the Animal Industry Branch, used the term in a memo to the Assistant Administrator, Economic and Social Affairs, 22 December 1964; NTAS Darwin: F1439, item 1959/41 part 2, Drought freight concessions. B V Muldoon, Branch Manager for the firm Goldsborough Mort, said that ‘the subsidy has been a racket right from the start’; NTAS Darwin: F1439, item 1959/41 part 2, Drought freight concessions, 5 January 1962.
were insignificant and, he said, ‘if lessees are going to go broke through the amounts they pay in rent of their leases they might as well give up now’. 128

It was during this period that the usually supportive Northern Territory News grew weary of Centralian pastoralists and chastised them.129 The paper said it was a great admirer of outback men who had built ‘this backbone industry’; however, they were now driving expensive cars and taking overseas tours. The paper asked had something gone wrong with the pioneering spirit; had pastoralists forgotten that only a few years previously they enjoyed complete exemption from taxation, and yet the savings were not returned to the industry? The paper alleged that £2 per week for a 1,000 mile property could hardly be called an imposition, and there would be many who considered that rentals were much too low. The editorial had little effect and pastoralists continued to claim rent remissions, citing financial hardship. In 1965 the Centralian Pastoralists Association wrote to the Administrator, Roger Dean, arguing that ‘although rents may not represent such a large proportion of the running expenses of a property, the fact is that when the money for rental has to be borrowed from the financial institution to which the pastoralist is committed, any relief from such extra borrowing is in itself a considerable help’. 130 Dean was sympathetic and advised that remissions then in effect would continue for another year. 131

Perhaps to head off further criticism, the Northern Territory Cattle Producers Council wrote to Barnes suggesting that the Bureau of Agricultural Economics undertake a survey of the economics of cattle production in the Territory. 132 The Bureau began the survey in July 1965, assessing all costs over a four–year period. It found that

130 NAA Darwin: F1, item 1972/3720, Centralian Pastoralists Association, 8 July 1965.
132 NAA Darwin: F1, item 1972/1943, NT Cattle Producers Council, 10 December 1964. The Council was formed in 1963 to represent the interests of the Territory’s individual cattlemen’s associations.
rents accounted for between 1.3 per cent and 1.7 per cent of a typical property’s operating costs.\textsuperscript{133}

Throughout the 1960s many pastoralists in the Alice Springs District applied for rent relief, usually for a number of years, even though in some instances they were actually receiving considerable financial returns from the sale of their stock. As drought conditions eased Senior Pastoral Officer Daniel McInnes undertook a survey of the district. He later wrote that seasonal conditions were excellent, and the shortage of money cry was being overplayed. McInnes recommended remissions be discontinued, and they were phased out from 1967.\textsuperscript{134} In August 1969 Senior Pastoral Officer Parker Marson wrote in a similar vein:

rentals are ridiculously low in the Alice Springs district for the very reason of its susceptibility to drought [and] it is impossible to consider hardship would be caused by the payment of rentals.\textsuperscript{135}

Having received financial assistance from the Commonwealth to relocate their stock during the drought, when it began to break pastoralists then sought further assistance to restock their properties. Barnes sent a submission to Cabinet seeking funding for more freight subsidies, though he added a cautionary note that the Commonwealth should monitor the acquisition of new cattle as a safeguard against excessive restocking.\textsuperscript{136} Barnes’ call went unheeded, and it appears that there was little or no monitoring.

As a postscript to this event, in February 1970 A G W Greatorex introduced a private member’s bill to the Legislative Council to remove minimum stocking conditions

\textsuperscript{133} [Australia. The Northern Territory Beef Cattle Industry: An Economic Survey 1962–63 to 1964–65 (Canberra: Bureau of Agricultural Economics, 1968), p. 39]. As late as 1978 Commonwealth officials noted that the average annual rent for a typical property in the Alice Springs District was only $500; NAA Darwin: F1, item 1976/700, Pastoral leases policy, 16 February 1978.

\textsuperscript{134} NTAS Darwin: NTRS2500, item L1106, part 2, Remission of rent on leases, 31 May 1967.

\textsuperscript{135} NTAS Darwin: NTRS2500, item L1106 part 1, Remission of rent on leases, 18 August 1969. Daniel McInnes retired in July 1968, and Parker Marson succeeded him as Senior Pastoral Officer.

\textsuperscript{136} NAA Canberra: A5841, submission 139, NT drought relief, 15 April 1966.
from pastoral leases.\textsuperscript{137} Greatorex argued that they were unnecessary, and the procedure whereby the Land Board could enter a property and request the lessee to lower stock numbers or remove their stock in order to protect soil and pastures was sufficient. As Greatorex was Secretary of the Centralian Pastoralists Association, one has to question his motive for seeking such legislation. Leonard Scott, Assistant Director of Lands, subsequently wrote to his Director saying that:

the abolition of stocking conditions, even though they are difficult to police, would remove one of the few levers available to us to force lackadaisical lessees to develop the land and for that reason, I would prefer to see the conditions retained for the current leases, if only as a safeguard for extreme cases.\textsuperscript{138}

Centralian pastoralists learned few lessons from the great drought, apart from blaming the Commonwealth for what in some cases was their own mismanagement. They demanded to be left free of all administrative control, but if difficulties arose they sought immediate financial relief from the Commonwealth. A decade later excessive stock numbers in the district would have a similar detrimental effect on the industry, yet on this occasion the crisis was precipitated not by drought, but by a world–wide recession in the beef industry (discussed in Chapter 6).

### 5.6 Paul Hasluck, Minister for Territories, 1951–1963

Paul Hasluck was the longest serving Commonwealth Minister responsible for the Territory and his impact was considerable. While references have been made to him in this chapter, and in other chapters, it is appropriate to consider the overall effect he had on the Territory’s development. He was appointed Minister in May 1951, and was very supportive of the Territory, and each year presented Cabinet submissions seeking ever–increasing funding, not just for the pastoral industry, but for the Territory generally. He was usually successful, much to the chagrin of Commonwealth Treasurers. Cabinet documents show the concerns expressed by


\textsuperscript{138} NAA Darwin: F1, item 1970/796, Crown Lands Ordinance, 2 April 1970.
Arthur Fadden, Harold Holt and William McMahon at the increasing levels of spending in the Territory. At one point Holt was moved to write:

may I say generally that I think we have done remarkably well over the years by the Northern Territory Administration…I can perfectly well understand the genuine difficulties of administration in the Northern Territory, but…I wonder whether it would be timely for us to take stock of where we are headed.139

During Hasluck’s term as Minister, the Territory’s budget increased from £6.12 million in 1951/52 to £25 million in 1963/64,140 however, Hasluck himself later

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140 [Australia. *Northern Development: Progress in the Northern Territory*, statement by the Minister for Territories (Canberra: Department of Territories, September 1962)].
argued that the effectual contrast was not the increase in funding, but the removal of waste; the provision of basic services and public utilities more extensively and at a higher standard; improved administrative efficiency; and the creation of conditions in which both private enterprise and public undertakings could be planned and operated effectively.  

Under Hasluck’s guidance the Commonwealth introduced the beef roads program in 1962, and provided improved and more extensive veterinary services to pastoralists. Travelling stock were kept under close surveillance by stock inspectors to control disease, and quarantine reserves were established for holding diseased animals. An Animal Research Institute was established at Alice Springs as a central diagnostic and research laboratory. Additional watering places, either bores or catchment dams, were constructed on stock routes as part of a policy to facilitate the marketing of stock from all pastoral areas of the Territory. Hasluck was one of the driving forces behind the Crown Lands Ordinance of 1953, which introduced pastoral development leases with their improvement covenants. He was also very supportive of pastoral homestead leases with their residential conditions, asserting that ‘the Government prefers to extend better conditions to the resident land–owner, who occupies a family living area than to the large company’.

In Hasluck’s early Ministerial years the Commonwealth continued negotiations with Vesteys and Bovrils over new, long–term leases. The negotiations with Vesteys concluded in 1954, and Hasluck informed Parliament that while the company then held 23,727 square miles of land under lease and licence, it had agreed to surrender almost 14,000 square miles, and would spend £250,000 on improvements. While the Menzies Government honoured the terms of the Johnson Agreement (discussed in Chapter 4), the amount of land surrendered by Vesteys, and the level of funding committed for improvements, were now greater than before.

142 NAA Darwin: E1531, item 2, Development of the NT–Department of Territories.
Hasluck promoted a new mindset in the way Commonwealth officials viewed the Territory. He said there had been many inquiries on beef cattle in the past and the present government decided to break away from this pattern and ‘turn some of the suggestions into action plans and try to produce beef instead of words’.

When officiating at the opening of a power station in Darwin in 1962, Hasluck wished that writers and speakers would drop the cliché “Neglect of the North” and adopt a more positive slogan, the “North is on the Move”.

Hasluck was keen to establish civic pride on the part of Territorians. He encouraged the formation of societies, for example, historical and photographic, in order to have Territorians participate in the working of these societies, and to receive prizes for essays, journal articles, and photographic contributions. He asked his department to seek £1,000 for this purpose. Treasury rejected the request, with the explanation that there should be one standard of amenities for Canberra as the national capital, and a lower standard for more remote territories. Hasluck did not take the rebuff lightly, and wrote a personal letter to Treasurer Arthur Fadden in which he said:

I would myself have thought that the claims of the people in the Territory, who are more remote from the main centre of population and more deficient in opportunities for recreation, would be rated far higher than the claims of the sheltered, pampered and unproductive inhabitants of the national sanatorium that is called the national capital.

Fadden approved the request.

During his term as Minister, Hasluck appointed three Administrators, two of whom were Labor politicians – Frank Wise and Roger Nott. Wise’s appointment was all the more remarkable as he was a former Labor Premier of Western Australia and, in May 1951, Leader of the Opposition. Rumours were circulating that the current Administrator, Arthur Driver, was to be replaced. Wise wanted the position, and

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147 NAA Canberra: M331, item 164, Cultural development NT, 17 March 1953.
despite the fact that a Liberal Government was in office in Canberra, he wrote a personal letter to Hasluck in which he said that ‘the ambition of a lifetime has been, and still is, to have the administrative responsibility of the parts of Australia which, though empty, are not destined to remain empty’.\footnote{NLA Canberra: MS5274, box 34, item 17, Appointment of F J S Wise, 27 May 1951.} In his memoirs Hasluck later recorded that he discussed the issue with Menzies. They both agreed that Wise was an ideal candidate,\footnote{Wise had undertaken a survey of pastures in the Territory in 1929, the results of which were published as ‘Report on the Possibilities of Growing Fodder Crops in the Kimberley and Eastwards to the Victoria River in the Northern Territory’ (Wyndham, July 1929). He had also written a report on the pastoral industry in Western Australia in 1939.} and Menzies told Hasluck to bring the appointment before Cabinet and he would support it.\footnote{NLA Canberra: MS5274, box 38, The Northern Territory 1951–1963; Introduction, p. 7.} Cabinet approved Wise’s appointment and he held the position until 1956.\footnote{NAA Canberra: A4909, item 28, Administrator of NT, 19 June 1951.} When the appointment was announced the Melbourne Argus said it was a ‘sign of grace,…it is recognition accorded to the talents and merit of an individual, giving the latter an opportunity to do for the benefit of all something that he has in him to do well. And Mr Wise is such an individual…he is the right man for this big job’.\footnote{‘Sign of grace’, Argus (Melbourne), 28 June 1951, p. 2.}

At the height of the Centralian drought Doreen Braitling, from the Mount Doreen property, defended cattlemen against allegations of overstocking, and then proclaimed that ‘we await a leader bold enough and imaginative enough to create and carry out something really worthwhile’.\footnote{‘Doreen Braitling defends cattlemen’, Centralian Advocate, 1 October 1964, p. 10.} It could be argued that Hasluck was the bold and imaginative leader Braitling wanted for the Territory.

5.7 Conclusion

The period 1951 to 1966 began with a new Crown Lands Ordinance, and the introduction of pastoral development leases. Pastoralists were given fifty–year tenures in exchange for an agreed program of property improvements. It was clear that the days of occupying vast tracts of land with minimal development were
coming to an end. Doubtless it was this reason that prompted the extreme opposition from the Pastoral Lessees Association to the new Ordinance; its actions demonstrating the Association’s self-interest above all else. It was also during this period that Bovrils sold their lease on Victoria River Downs and withdrew from the Territory. Makin later argued that the company did so in order to ‘let someone else worry about the weather, Government and cattle prices’;\(^{154}\) but it could equally be argued that the company realised that it would no longer be able to neglect its land, and it would either have to develop its property at considerable cost, or surrender it.

The program of development begun by Herbert Johnson in 1946 accelerated, and there was substantial expansion to the Northern Territory Administration with the creation of the Water and Agriculture Branches. Two new Ordinances were also implemented to control the movement of cattle on their way to market. Perhaps the greatest change during this time was the commencement of the beef roads scheme in 1962. Though undertaken at considerable cost, the scheme meant that large numbers of cattle could be moved more efficiently than before. Its success was amply demonstrated by its rapid acceptance by pastoralists.

The Commonwealth provided considerable funding to develop the Territory and its pastoral industry, effectively honouring its role in Johnson’s partnership. While some corporate pastoralists accepted their role in the partnership, for example, Alexandria and Brunette Downs, the Commonwealth still faced recalcitrant pastoralists, as evidenced by the opposition to the new Ordinance in 1950, and the failure of a number of Centralian pastoralists to accept responsibility for their role during the great drought. These latter pastoralists wanted to be free of administrative controls because they supposedly knew the good of their land, but still called for Commonwealth financial support. A few years earlier Hugh Barclay had written that ‘lessees will realise that it is sound policy for them to conserve a national asset in their own interests’.\(^{155}\) It would seem that Barclay’s confidence was misplaced.

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\(^{155}\) NAA Darwin: F425, item C27 part 2, Land Board, 29 July 1955.
During this period pastoral associations argued for greater security of tenure over their holdings, but this was deceptive, and was in reality an excuse for some of them to avoid developing their properties or improving the quality of their cattle. Frank Wise’s statement that ‘large interests have had a considerable period of undisturbed possession to bring their existing leases to this desirable stage and at present are far from that goal’ was clear evidence of this. The situation had not improved on some properties when a 1964 Cabinet submission noted that in some areas of the north, animal husbandry practices were among the most backward in the world.

156 NAA Canberra: A452, item 1952/140 part 1, NT security of tenure in leases, 28 October 1952.

CHAPTER 6, ROLLING ON TOWARDS SELF–GOVERNMENT, 1965–1978

The Commonwealth has a responsibility not only to encourage development of the pastoral industry at the present time but to assure that the future use of pastoral areas is protected…the Commonwealth cannot afford to set up an uncontrolled industry no matter how confident it is at this stage that past lessees will manage their properties to the best advantage.¹

6.1 Introduction

In 1965 a departmental inquiry, known as the Study Group, was commissioned to review rural land policy and legislation in the Northern Territory. Its report culminated in a new Crown Lands Ordinance and the introduction of rolling leases, whereby pastoralists could renew their leases on a continuous, or rolling basis, thus meeting their demand for greater security of tenure.

It was during this period that more emphasis was given to environmental measures to ensure the long–term preservation of soils, pastures and water, particularly after damage to pastoral lands in the Alice Springs District and the Victoria and Ord River regions caused by overstocking and uncontrolled grazing.

The Commonwealth was keen to continue the development of the pastoral industry, though it still adhered to its objective of closer settlement when it introduced a series of mini pastoral leases, which involved more intensive use of land, in the northern part of the Territory. The leases were opposed by pastoral associations, but for contradictory reasons. It was also during this time that a series of crises arose in the industry, including intense reaction to foreign acquisition of some pastoral properties, and a recession in the industry. This chapter discusses these, and other, events leading up to 1978 when the Territory achieved self–government. The chapter also includes a short postscript on events that took place after the Commonwealth

era, considering some of the changes made by the Northern Territory Government to the pastoral industry.

It is shown that as in previous years the Commonwealth, while continuing with an intensive program of Territory development, still faced opposition from pastoralists and their associations. Some corporate pastoralists clung to their oversized estates, which were poorly developed, while smaller pastoralists in Central Australia, having refused to accept responsibility for overstocking their properties during the great drought, proceeded to follow the same course of action, thus contributing to a recession that began in 1975. The Commonwealth was the target of derision from pastoralists and local politicians, some of whom misrepresented the facts, and ignored the Commonwealth’s achievements. Their actions confirmed the views of Commonwealth officials that the pastoral industry could not be trusted to manage and regulate itself, nor could freehold title be granted for pastoral properties, and administrative controls provided by leasehold needed to be maintained.


The Study Group was a departmental inquiry established to review rural land policy and legislation in the Territory. In March 1964 Charles Barnes met with representatives from the Pastoral Lessees Association who argued for greater security of tenure over their properties and sought freehold title, or at least conditional perpetual leases. A subsequent departmental paper rejected the request.2 In response to these representations, in June 1965 the Territory’s Administrator, Roger Dean, suggested the formation of a committee to undertake a comprehensive review of land policy and legislation. Dean’s request led to the formation of the Study Group in September.3 The Group was asked to ascertain whether the basic objectives of land tenure in the Territory promoted the maximum development of

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2 NAA Darwin: F1, item 1962/2061, Pastoral leases policy [part 2]. The paper was not dated but appears to have been written in June 1964.

3 NAA Darwin: F1, item 1962/2061, Pastoral leases policy [part 2], 11 June 1965. The Group comprised A W Richardson (Director of Lands), G R Howard (Lands and Mining Section), and L W F Huston (Primary Industries Section).
land and encouraged landholders to make the most productive and economic use of that land.

The Group presented its report in May 1966. It rejected both freehold tenure and perpetual leasehold, recommending that fixed-term leases remain. It argued that ‘the Commonwealth has a responsibility not only to encourage development of the pastoral industry at the present time but to assure that the future use of pastoral areas is protected…the Commonwealth cannot afford to set up an uncontrolled industry no matter how confident it is at this state that past lessees will manage their properties to the best advantage’. The Group clearly mistrusted pastoralists and noted that experience had shown that some overstocked their properties, resulting in pasture deterioration and soil erosion. It acknowledged that overstocking should be prevented, and recommended that increased power be given to the Land Board to regulate and control stock numbers. In this context the Group supported the Land Board’s recommendation included in its 1964 report (discussed in Chapter 5), that a conservation ordinance be implemented. The Group also recommended that new pastoral leases contain covenants involving erosion control, pasture management and regeneration.

When reviewing the length of pastoral leases the Group recognised that they needed to be of sufficient duration to encourage and protect investments. The Group noted that Western Australia had only recently increased its pastoral lease tenure to fifty years, bringing it into line with Territory leases, and felt that this period was sufficient. It concluded that ‘the ultimate purpose of the legislation should achieve the best economic use of the pastoral land of the Territory with continued

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6 The Group’s investigations took place in the last days of the Centralian drought, discussed in Chapter 5, where there was clear evidence of overstocking and the damage it caused.

7 A report prepared by A W Richardson in November 1965 noted that this was the current practice in Western Australia; NAA Darwin: F1, item 1962/2061 [part 2], Pastoral leases policy.

8 NTAS Darwin: NTRS2500, item L985 part 1, Investigation into drought conditions, erosion, etc; ‘Centralian Pastoral Industry under Drought Conditions’, 4 December 1964.
development while preserving the national heritage’. Yet the Group acknowledged that even fifty–year leases would lose their value as pastoralists were reluctant to commit to developmental works in the final years, and it recommended that they be able to renegotiate their leases between the twentieth and fortieth years. The Group felt that provision should also be made for the insertion of new development covenants at that time, as well as allowances for reducing property areas, if necessary.

The New Crown Lands Ordinance and Rolling Leases, 1967

The Group’s recommendations culminated in Barnes presenting a Cabinet submission in February 1967 in which he proposed a series of changes to the leasing system designed to promote further development of the Territory’s pastoral industry. He recommended the introduction of rolling leases, with pastoralists using portions of their land for agricultural purposes; the abolition of pastoral homestead leases; and greater powers to the Land Board to control stocking and destocking of properties. Cabinet approved Barnes’ proposals on 23 February 1967, and they culminated in Crown Lands Ordinance 33 of 1967, which was the principal Ordinance for the remainder of the Commonwealth era.

The Study Group was the last Commonwealth review of pastoral land policy in the Territory. Rolling leases were testament to the Commonwealth’s willingness to meet pastoralists’ continued demand for greater security of tenure and, given that they were renewable on a regular basis, they were in effect de facto perpetual leases. Nevertheless, few leases were ever issued and later departmental references noted that pastoralists were not utilising the facility. It was suggested that they would delay their applications for new leases until close to the forty–year mark, and that

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10 NAA Canberra: A5842, submission 59, NT pastoral and agricultural lands, 3 February 1967.
11 Former Senior Pastoral Officer Graeme Hockey said that Alexandria was one property that did acquire a rolling lease in the 1970s; interview with the author conducted on 7 June 2008. The Northern Territory Government abolished rolling leases in favour of perpetual leases in 1983.
this stemmed from their desire to retain control over as much of their land as possible, particularly in view of current rising land values.¹²

### 6.3 Overseas Acquisition of Pastoral Properties

The late 1960s witnessed an emerging trend whereby a number of Territory pastoral leases were acquired by overseas interests; indeed, as early as October 1965 the *Northern Territory News* reported that 20 per cent of the Territory’s pastoral lands were foreign controlled.¹³ There was nothing new in this, as throughout the Commonwealth era British companies – Vesteys and Bovrils – had leased pastoral lands. This time, however, the interests were primarily American and, to a lesser extent, Japanese. They were attracted by liberal investment provisions, particularly following the Ordinance of 1967, and the rapidly expanding nature of the pastoral industry. Although the Study Group recommended against statutory limits on foreign companies holding pastoral leases, there was considerable discussion in the media and Parliament about the acquisitions. In response to a request for information on the composition of pastoral holdings, the Administration noted that American lessees had made a substantial contribution to the development of large–scale clearing and sowing of improvement pastures; they were buying leases which Australian lessees were incapable of developing, and in many cases former lessees were in debt and behind with their lease covenants.¹⁴

Matters came to a head in February 1970 when an article appeared in the *Wall Street Journal* implying a sell–out of pastoral lands to American interests.¹⁵ Considerable media comment followed, and more questions were asked in Parliament.¹⁶ Yet not

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¹² NTAS Darwin: NTRS2500, item L3021, Daly regional development plan, 1974.


¹⁴ NTAS Darwin: NTRS2500, item L1482 part 1, Foreign investment NT pastoral leases, 19 August 1966. Initially the draft report referred to some lessees being ‘hopelessly’ in debt, but the word was deleted from the final document.


¹⁶ Various Australian newspapers also dealt with the issue, for example, ‘American interest in NT land stepped up’, *Northern Territory News*, 13 February 1970, p. 1. *The Australian* also covered the *Wall Street Journal*’s article on 11 February 1970 when it said ‘They own 60 pc [per cent] of our Top End’.
everyone was concerned; in an interview with the Australian Broadcasting Commission entitled ‘Government disinterest’, Les Macfarlane, a member of the Legislative Council, and a pastoralist from the Moroak property near Katherine, welcomed the Americans saying that:

the north of Australia has continually been neglected by continuing Governments…over the last twenty years, appeals have been made to the Australian people and the Australian Government, to take some part in the development of the north of Australia. These appeals have been ignored.17

Image 17: Political cartoon satirising the foreign acquisition of Northern Territory pastoral properties, Sydney Sun, 14 October 1971, p. 4.

They actually owned nothing as the land was leased, and the figure was substantially less than 60 per cent. Typical of the questions that were asked in Parliament was that of Les Johnson who asked for details of the proportion of pastoral holdings held by overseas companies, under what covenants the land was held, and the expiry date of each lease; Commonwealth Parliamentary Debates, House of Representatives, volume 70, 30 October 1970, pp. 3175–3177.

17 NTAS Darwin: NTRS2500, item L1482 part 1, Foreign investment NT pastoral leases. The transcript was not dated, but the interview was held in 1970. Macfarlane’s comments demonstrated either his complete ignorance of the facts, or a disingenuous desire to ignore all that the Commonwealth had contributed to the Territory’s development, particularly over the previous twenty years.
When asked for further advice on the extent of foreign occupancy of pastoral lands, the Territory’s Administration prepared a statistical report, tabulated here for ease of reference:

**Foreign Investment in the Northern Territory’s Pastoral Industry**

<table>
<thead>
<tr>
<th>Total area of Northern Territory pastoral leases</th>
<th>286,648 square miles</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total area of leases with some foreign investment (also includes some Australian equity)</td>
<td>74,727 square miles</td>
<td>26.1%</td>
</tr>
<tr>
<td>Total area of leases with solely foreign investment</td>
<td>49,857 square miles</td>
<td>17.4%</td>
</tr>
<tr>
<td>For those leases solely under foreign control:</td>
<td>49,857 square miles</td>
<td>17.4%</td>
</tr>
<tr>
<td>leased by British interests</td>
<td>28,485 square miles</td>
<td>9.9%</td>
</tr>
<tr>
<td>leased by American interests</td>
<td>18,060 square miles</td>
<td>6.3%</td>
</tr>
<tr>
<td>leased by Asian interests</td>
<td>3,312 square miles</td>
<td>1.2%</td>
</tr>
</tbody>
</table>

In response to persistent media and Parliamentary criticism, the government appointed a Senate Select Committee on Foreign Ownership and Control in December 1971. It was charged with investigating the extent of foreign ownership and control of Australian commerce, industries, land and resources. Anticipating a request for information by the Committee, the Northern Territory Administration was asked for further information on the extent of foreign acquisitions of pastoral properties. Vern O’Brien, Director of Lands, advised the Administrator that there had been an upsurge of American interest in pastoral properties after liberal land tenure amendments were introduced in 1967 (this was the aforementioned Crown Lands Ordinance). He said that leases were still subject to controls, inspections and reviews by the Land Board, and the Commonwealth could resume land that was not actively developed. O’Brien emphasised that pastoral lands were leased, not owned; there had always been overseas interests, mainly British; and recent American interests were spending far more than other interests had previously done. O’Brien said there were

18 NTAS Darwin: NTRS2500, item L1482 part 1, Foreign investment NT pastoral leases, 14 October 1971.

19 In its first report, presented in October 1972, the Committee recommended that the government determine key strategic or sensitive areas where foreign investment should be limited or excluded.
no alarming statistics which would support the notion of a sell–out of the Territory’s pastoral lands to foreign control.20

In September 1972 the Prime Minister, William McMahon, informed Parliament of the government’s intentions concerning foreign ownership of Australian business assets.21 This led to new legislation, the Companies (Foreign Takeovers) Act 1972, and the formation of an independent authority, the Committee on Foreign Takeovers, to investigate whether takeovers were in the national interest, particularly if such takeovers involved ‘sensitive questions of national interest’, and it was agreed that foreign acquisitions of Territory pastoral properties fell within this category; the Administration in Darwin noted that ‘these transfers have been singled out in press, Parliament and Ministerial correspondence for often strong comment’.22 Ironically, from this moment foreign ownership of pastoral leases rapidly ceased to be an issue. The onset of the recession and the collapse of the beef industry in 1975 (discussed later in this chapter), meant that investment in pastoral properties was no longer financially attractive.

There are several points about this issue, however, that require comment. First, there was the Administration’s reference to the liberal provisions of the 1967 legislation, and the Commonwealth’s continuing desire to encourage development within the pastoral industry, despite the misinformation concerning the Commonwealth’s lack of interest espoused by pastoral associations, and by pastoralists such as Les Macfarlane. Second, the fact that overseas interests were providing more funding for their properties than many Australian interests was noteworthy. The Administration’s reference to some Australian lessees being well behind with their lease covenants was evidence that although they had been given liberal lease conditions, which they and their representative associations constantly sought, some pastoralists were still

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20 NTAS Darwin: NTRS2500, item L1482 part 2, Foreign investment NT pastoral leases. O’Brien’s submission to the Administrator was not dated, but appears to have been written in March 1972. O’Brien had earlier publicly stated that American interests only held twenty–seven pastoral properties; ‘American interest in NT land “stepped up”’, Northern Territory News, 13 February 1970, p. 1.


22 NTAS Darwin: NTRS2500, item L1482 part 2, Foreign investment NT pastoral leases, 1 December 1972.
not developing their properties. It was clear that Commonwealth officials were satisfied that overseas interests were developing and improving their properties, even if some Australian interests were not. In a departmental memo Vern O’Brien said that overseas investment mainly bothered politicians; it did not bother administrative officers or local people.\(^{23}\)

6.4 **Mini Pastoral Leases**

By the 1960s most pastoral lands throughout the Territory had been surveyed, classified and leased, the one exception being land in the Darwin and Gulf District. This area had predominantly been unproductive due to poor soils and pastures, and the incidence of disease. Following extensive research and redevelopment, the Commonwealth reacquired much of the land in the 1960s and subdivided it for reissue as new, smaller leases.\(^ {24}\) The Minister, Peter Nixon, described the Commonwealth’s plans via press releases issued in October and November 1969, in which he said that subdivision into smaller blocks would proceed, together with the development of roads and services required to support an increased population.\(^ {25}\)

The Commonwealth was looking to move away from open range grazing to a more intensive form of development, and was clearly pursuing its objective of closer settlement, though Nixon did not use the term. There was immediate opposition from the Northern Territory Cattle Producers Council.\(^ {26}\) While stating, somewhat obsequiously, that it did not deny the advantages of closer settlement, it said that the size of the leases was best related to management capacity, ‘rather than to a social philosophy which seeks to settle the largest number of landholders’. The Council

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\(^ {23}\) NTAS Darwin: NTRS2500, item L1000 part 9, Pastoral land enquiries, 25 September 1972.

\(^ {24}\) The land was reacquired from former lessees via the *Land Tenure (Transitional Provisions) Ordinance 1966*, which came into effect in 1967. The legislation provided for the transition from older forms of tenure to new grants of pastoral leases under ‘preferred rights’ involving smaller economic areas to existing lessees, and further allowing the release of some 3,000 square miles of land for further development.

\(^ {25}\) NAA Darwin: F1, item 1969/1094, Pastoral leases policy [part 4]. The blocks were originally referred to as land for intensive animal production, but quickly became known as ‘mini leases’. They were much smaller than traditional open range leases; the first leases being approximately twenty–five square miles in size.

argued that the cost advantages possessed by the Territory from current scales of enterprise should be preserved and, when it came to determining suitable areas for leasing, a generous margin above what might be regarded as an economic unit should be allowed to meet changing circumstances.27 When shown the Council’s comments, John Auty, the Administration’s Chief Agronomist, noted that it was simply a lobby group representing large landholders who were historically inimical to government sponsored closer settlement. They were opposed to what they considered their best interests, while the government, he said, had to proceed in the best interests of the nation. Auty said that experience in the Territory had shown that bigger was not necessarily better, and the input most required was management of the right calibre.28

The first three mini leases were advertised in March 1970 and attracted eighty-one applicants.29 Concerns were soon raised, however, whether the size of the blocks were suitable for persons with a moderate amount of capital to earn a reasonable living and, at the same time, suitable for lending institutions to provide developmental finance. Following advice from the Commonwealth Development Bank, the Commonwealth insisted that all future applicants needed 50 per cent equity before they would be considered. This led to further objections, on this occasion from smaller cattlemen, and their representative associations. The previously mentioned Les Macfarlane complained that:

>a lifetime of experience and an obvious preference for life in the Top End counts for little. The ability to amass $300,000 and to be guided by a pastoral consultant – after an accountant has recommended investment in the north as a good tax dodge – counts for more than practical knowledge with limited capital.30

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27 NAA Darwin: F1, item 1969/1094, Pastoral leases policy [part 4]. The Council’s first letter of protest was dated 1 October 1969. It kept up the pressure over the next year and met with Nixon in mid 1970, and wrote to him in a similar vein on 23 November 1970.


29 Northern Territory Gazette, number 11, 18 March 1970, pp. 75–77. The successful applicants were not announced until 31 December 1970. The first blocks were located in the Tipperary land system, north of Katherine.

Goff Letts, a member of the Legislative Council, and former Director of the Animal Industry Branch, criticised the Commonwealth for its insistence on minimum levels of equity, slow release of land, and the lack of policy concerning development in the area. Responding to the criticisms, the Administration prepared a ‘Statement of Rural Land Policy in the Northern Territory’, which was debated in the Council in February 1972. The paper did nothing to dampen the criticism, particularly by Letts and Ronald Withnall.31

The matter was referred to the Commonwealth’s Agricultural Development Advisory Committee, which presented its report Closer Settlement in the Northern Territory in October 1972. It concluded that as $200,000 to $300,000 capital would be required to develop each property and bring them into production, and given the small nature of the blocks, applicants needed 50 per cent equity.32 Letts criticised the Committee’s report and argued that cattle numbers in the Territory had been stagnant for forty years, and he blamed the Commonwealth for its ‘inefficient administration of the land and the financial resources necessary for development’, though he offered nothing substantial to support the claim.33 Other Council members argued that the report was too pessimistic and did not take into account recent increases in cattle prices; they called for an independent committee of inquiry into rural land settlement.34

31 [Northern Territory. Legislative Council, Parliamentary Debates, Eleventh Council–First Session, Second Sittings, volume 2, 15 February 1972, pp. 115, 197–205, 280–283]. Ronald Withnall was the former Commonwealth Crown solicitor based in Darwin. At this time both Letts and Withnall were elected Council members, representing Victoria River and Port Darwin respectively, who clearly sought to further their public stature by criticising the Commonwealth. A copy of the Statement, which was not printed in the Parliamentary Debates, will be found at NAA Darwin: F1, item 1971/7507, Rural land policy.

32 NAA Canberra: A463, item 1973/3909, Committee of inquiry into rural land settlement. The Committee was established in 1962 to advise the Administrator on all aspects of agricultural research and development in the Territory.

33 Letts’ claim about stagnating cattle numbers over forty years was incorrect. In 1933 there were 859,868 cattle; Official Year Book of the Commonwealth of Australia, number 28, 1935 (Canberra: Commonwealth Government Printer, 1936), p. 680, while by 1973 there were 1,237 million cattle; Official Year Book of Australia, number 61, 1975–1976 (Canberra: Commonwealth Government Printer, 1976), p. 803, an increase of almost 44 per cent.

criticised the report too, however, he argued that its budgetary statements should have been more conservative.35

The Commonwealth ultimately bowed to the pressure and rescinded the 50 per cent equity requirement in 1974. It said that while it did not deny that substantial equity was needed to develop the blocks, and they were not ‘battlers blocks’, it did realise that at a time of increased prices for cattle an applicant experienced in the pastoral industry could, by careful management, make a success of the venture with less than 50 per cent equity.36

*The Letts Committee, 1974*

The calls continued for a committee to review and define policy concerning the use of land in the Darwin and Gulf District.37 The Minister, Ralph Hunt, initially rejected the request, asserting that ‘it is up to this Department including NTA [Northern Territory Administration] to put basic policy issues to him for consideration and not to leave it to an outside committee to carry out an independent check’.38 Treasury too was opposed due to the high cost, and because it felt that the principal purpose of the inquiry was merely to placate sectional interests. It recommended that the Agricultural Development Advisory Committee update its earlier report taking into account later costs and developments.39 The influence of sectional interests was clearly demonstrated when the Cattlemen’s Association of North Australia (which represented about twenty pastoralists in the Katherine area), rejected the Committee’s report, which it said was very negative and lacked foresight, yet at the


36 NAA Darwin: F1, item 1975/3508, Pastoral leases policy [part 5]. A Ministerial press release rescinding the 50 per cent equity requirement was issued on 31 January 1974.

37 NAA Darwin: F1, item 1971/7507, Rural land policy. Apart from the Legislative Council, Letts also voiced his criticisms on the Australian Broadcasting Commission’s program ‘Lateline’ on 16 May 1972.


same time was pleased to note that the report had recommended long–term finance for pastoralists in the form of a State–type development bank.40

Letts alleged that there needed to be a change of attitude by the Commonwealth, and that it needed to get ‘fair dinkum’ about development.41 This was yet another example of pastoralists and some local politicians simply ignoring all that the Commonwealth had done. Letts asserted that the Territory was capable of producing four million cattle, at a time when there were 1.6 million, though he offered nothing to support the claim.42

The Commonwealth ultimately agreed to the Legislative Council’s request that it conduct an inquiry under Letts’ direction. The Letts Committee was established on 20 February 1974, and presented its report in September.43 It recommended that the government publish a clear policy covering all aspects of the future development and settlement of rural areas in the Territory. The report also advocated more flexibility with lease covenants and suggested that lessees should choose which options best suited them from year to year. Finally the report said that there was a need for a State–type rural bank to assist pastoralists with the provision of finance.44 Letts later

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41 ‘The NT can produce more cattle’, Northern Territory News, 14 January 1974, p. 8. Ironically, in April 1971 Letts acknowledged the need for an orderly release of land and agreed that this would take time. His views changed after his election to the Legislative Council in October 1971, and he quickly became a staunch Commonwealth critic over land release delays. In 1972 Vern O’Brien, the Director of Lands, confirmed the need for a cautious approach. NAA Darwin: F1, item 1971/2435, Sub–coastal plains occupation development licences policy.

42 Official Year Book of Australia, number 61, 1975–1976 (Canberra: Commonwealth Government Printer, 1976), p. 803, shows that there were 1.6 million cattle in the Territory at the time. For Letts to argue that the Territory could support four million cattle was rash. It is noteworthy that even today (2009), there are only 1.7 million cattle in the Territory.


44 [Northern Territory. Select Committee appointed to Inquire into the Development of Rural Land, Legislative Council for the Northern Territory, ‘Report–Rural Policy in Australia’, Commonwealth Parliamentary Papers (1974), paper 92, p. 9, paragraph 1.19; p. 23, paragraph 2.19; and p. 31, paragraph 5.9]. The report argued that a published policy statement had not been produced by any government to date (p. 9, paragraph 1.19), but this was incorrect; policy statements were published in 1914, 1917, 1922 and 1938.
asserted that the Territory could sustain five million cattle (instead of the four million previously mentioned), if the Commonwealth spent $20 million on development.\textsuperscript{45}

The Commonwealth rejected most of the report’s recommendations. The Minister, Rex Patterson, disagreed with the need for a policy statement, preferring to see greater indication from Council members of what they wanted. Patterson was also opposed to the proposal for a State rural bank.\textsuperscript{46} The Department of Northern Development was opposed to the recommendation concerning flexible covenants; while it noted that flexibility was desirable, it argued that if this was permitted without some form of control it would be difficult to induce pastoralists to follow a stable program of property development.\textsuperscript{47}

One of the difficulties the Commonwealth faced at this time, apart from general criticism by the Legislative Council, was that the Letts report called for an accelerated program of rural land development, while the Aboriginal Land Rights Commission, which had presented its report in May 1974, recommended a postponement of land allocation until January 1976 to permit Aboriginal land claims to be resolved.\textsuperscript{48} The Woodward freeze was removed in December 1976.

The Letts report effectively came to nothing. Within a year of its release the cattle industry was in a state of collapse, and those same representative associations and Territory politicians who had called on the Commonwealth to hasten development, remove the equity requirement for mini leases, and provide greater support to pastoralists with minimal administrative controls, now demanded substantial funding

\textsuperscript{45} ‘Plans to boost the Top End’s future’, \textit{Northern Territory News}, 31 October 1974, p. 21. At this time the Commonwealth’s financial outlay for the Territory was just under $285 million; the following year it increased to almost $413 million; \textit{Year Book of Australia}, number 62, 1977–1978 (Canberra: Commonwealth Government Printer, 1978), p. 720. It could hardly be accused of being niggardly when it came to resourcing the Territory.

\textsuperscript{46} NAA Darwin: F1, item 1974/1441, Legislative Council Select Committee on rural land settlement. Patterson’s views were recorded in a memo prepared by Vern O’Brien after a meeting with his Minister on 30 October 1974.

\textsuperscript{47} NAA Darwin: F1, item 1974/1441, Legislative Council Select Committee on rural land settlement; departmental memo to the Minister dated 25 November 1974.

from the Commonwealth to prevent the ruination of the industry. The release of mini leases, however, continued throughout the 1970s and they were eagerly sought after.

The issues involving mini leases demonstrated a series of conflicts between the Commonwealth and pastoralists, both large and small. Large landholders, concerned with protecting the size of their own estates, were no doubt threatened by the small size of the new lease concept and the Commonwealth’s continued pursuance of closer settlement; small landholders objected to the equity requirement needed to develop those same leases. The Commonwealth faced continuing criticism of its actions, and the misinformation espoused by individuals such as Macfarlane and Letts, who simply ignored all that was achieved in recent years.

Nevertheless, there was one valid criticism of mini leases. In a personal comment to this author, Vern O’Brien said that the conditions attached to early leases, and the focus solely on pastoral operations, were too stringent to ensure complete success, and it was for this reason that their scope was widened in the late 1970s to allow pastoral, mixed farming, or agricultural operations.49

6.5 Recession in the Beef Industry, 1975–1978

In Chapter 5 it was argued that the Centralian drought in the 1960s was made worse by the pastoralists’ practice of overstocking, while they in turn refused to accept responsibility for their contribution to the crisis, and sought financial assistance from the Commonwealth in the form of reduced rents and freight subsidies. As drought conditions eased pastoralists sought further assistance to restock their properties. The Minister, Charles Barnes, was concerned that the assistance provided by the Commonwealth did not lead to overstocking which could further damage pastoral lands.50


50 NAA Darwin: F1, item 1966/1011, Assistance to pastoral lessees in time of drought–policy and development. Barnes issued a press release to this effect on 20 May 1966.
Many Centralian pastoralists learned little from the experience, and after a series of good seasons, by 1975 overstocking was once again rife in Alice Springs, indeed it was actually described as ‘critical’. On this occasion another crisis was precipitated, not by drought, but by a world–wide recession in the beef industry. The recession meant that it was not cost effective to take cattle to market, yet if they remained on the properties, and drought conditions returned, most would die. Pastoralists having earlier argued against the need for administrative control by the Commonwealth, while using Commonwealth freight subsidies to restock their properties, then resorted to the same method to solve the new crisis. In May 1975 Patterson received a request for freight subsidies totalling $1.5 million to remove cattle from the District. He was sympathetic and sought Cabinet’s approval, but for an amount of $1 million. Treasury reviewed the request and argued that subsidies only favoured larger companies and, once introduced, were difficult to remove. It recommended that Patterson’s request be rejected, and it was on 24 July 1975.

Typical of the pastoralists’ unwillingness to accept culpability for their own actions was an incident involving the Palmer Valley property, which was one of three specifically criticised for overstocking by the Soil Conservation Advisory Committee. In a meeting with Commonwealth officials in October 1975, representatives from the Centralian Pastoralists Association acknowledged that the property was overstocked, but they blamed the Commonwealth for giving cattle producers what they said was the wrong impression about the future of the beef industry two years earlier. They provided no evidence to support the claim. They also argued that the lessee was new to the Alice Springs District and would not have known about the report by the Soil Conservation Service of New South Wales following the earlier drought, and its recommendations concerning stock numbers (discussed in Chapter 5). While this may have been true to a limited extent, the

51 NAA Canberra: A5915, submission 1831, Freight subsidy cattle transport NT, 13 June 1975.

52 The ghosts of Payne and Fletcher could be heard laughing loudly in the Cabinet room that day. It will be recalled from Chapter 3 that the 1937 Board of Inquiry conducted by William Payne and John Fletcher argued against the use of subsidies, asserting that they merely led to spoon feeding an industry and, once introduced, that industry would look to subsidies everlastingly. Their prophecy had now come to fruition.

53 NAA Canberra: A5915, submission 1831, Freight subsidy cattle transport NT, decision 3815.
Association omitted to mention that the lessee concerned had had extensive experience on other pastoral stations, and would clearly have been cognisant of the damage overstocking could cause. The Commissioner for Soil Conservation, Anthony Hooper, was not dissuaded by these arguments and wrote to the lessee suggesting that he reduce stock numbers. The lessee in turn complained to the Association, which rose to the challenge, and sent an indignant telegram expressing its concern at Hooper’s actions.

The incident with Palmer Valley illustrated a typical pattern of action by some pastoralists. They would ignore their lease covenants, and when called to account would instinctively blame the Commonwealth, providing an array of reasons for their actions; most having little currency. When still called to account, they would complain to their representative association, which would be suitably outraged and indignant on their behalf. Finally, if those actions failed to achieve the desired outcome, the pastoralist concerned ignored the issue. It is noteworthy that Palmer Valley was still overstocked two years later.

There were a number of contradictions in the attitude of both the Centralian Pastoralists Association and its members. First, it will be recalled from Chapter 5 that in February 1970 the Association’s Secretary, A G W Greatorex, introduced a bill to the Legislative Council to remove minimum stocking conditions from pastoral leases. Greatorex argued that they were unnecessary, and the procedure whereby the Commissioner for Soil Conservation could enter a property and request a reduction of stock numbers to protect soils and pastures was sufficient. This was

54 NTAS Darwin: NTRS2500, item L2306 part 2, Soil Conservation Advisory Council. A briefing note prepared for a meeting of the Soil Conservation Advisory Committee held on 10 October 1975 referred to the Alice Springs District being ‘on the brink of a catastrophe’. That same meeting also noted that Palmer Valley stock numbers were 236 per cent above the assessed safe carrying capacity.

55 NAA Darwin: F1, item 1954/351, Centralian Pastoralists Association general correspondence, 21 December 1954. In 1954 Hugh Barclay had told Administrator Wise that there was a ‘wilful disregard’ by some Centralian pastoralists of the provisions contained in their leases.

56 The incident between the Palmer Valley property and the Soil Conservation Advisory Committee is described in NTAS Darwin: NTRS2500, item L2306, parts 2 and 3, Soil Conservation Advisory Council.

precisely what occurred at Palmer Valley, and the subsequent hostile reaction by the Association to the Commissioner’s request for the station to reduce its stock numbers gave the lie to Greatorex’s argument.

Second, the Association blamed the Commonwealth for allegedly giving cattle producers what it said was the wrong impression about the future of the beef industry two years earlier. Yet it will be recalled (from page 193), that the report produced by the Agricultural Development Advisory Committee in March 1973 erred on the side of caution with respect to cattle prices and equity requirements by prospective lessees, and was criticised by pastoralists, local politicians, and the Cattlemen’s Association of North Australia, as being too pessimistic and for failing to take into account recent price increases. Indeed, as early as 1972 the Administrator, Fred Chaney, had told the Cattle Producers Council that ‘the Government’s decision concerning equity was made in the light of rising costs and falling returns, and also to ensure that development took place and the enterprise reached a viable state of operation within a reasonable time’.58 Those same individuals and associations, who effectively argued to have the report watered down, and insisted that the 50 per cent equity requirement for mini leases stipulated by the report be removed, now just two and a half years later were blaming the Commonwealth for the recession in their industry.

Despite the rejection of funding in July 1975, the Centralian Pastoralists Association was not deterred and a year later, with a newly elected Liberal–Country Party Government in office, it wrote to the Minister, Evan Adermann, asserting that the industry was in a desperate situation. Showing no contrition for the actions of its own members or acknowledging any degree of responsibility, the Association adopted the accustomed ‘blame and martyrs’ approach, and insisted that the current crisis was:

largely contributed to by Government neglect over the years and not because of inefficiency or neglect in the industry itself. In retrospect it is appalling to see the aftermaths of mistakes made by Governments (no doubt) on advice from their expert Public Service advisers.59

58 NAA Darwin: F1, item 1971/7507, Rural land policy, 31 August 1972.

In a briefing note to Adermann, Martyn Finger agreed that the industry was indeed in a desperate situation. He noted, however, that Central Australia was overstocked by 250,000 cattle and large losses and serious pasture degeneration could be expected in the near future. Finger also stated that:

it is our view that this has been brought about by the oversupply results from a nationwide investment in the industry, the general good seasons and the increased efficiency within industry stemming from Commonwealth investment in transport facilities, diseases control and ground water development.\(^6^0\)

Adermann subsequently sought Cabinet’s approval for a program of freight subsidies to remove cattle from the District, though he was not as generous as Patterson, and only asked for $500,000. Treasury expressed the same objection as before, but Adermann argued that the need was great and Cabinet agreed to provide $400,000 for the remainder of 1976.\(^6^1\)

The crisis continued into 1977 and the Cattle Producers Council sought a further continuation of subsidies. It conceded that there were 500,000 cattle in Central Australia and acknowledged that the figure was 40 per cent above the optimum number (it was in fact substantially more than this), yet like the Centralian Pastoralists Association the year before, the Council failed to give even the most basic acknowledgement that its own members had contributed to the crisis. Instead it argued that increased cattle numbers were ‘the result of financial incapacity of many owners to maintain normal management, the disappearance of the store cattle market and the level of cow prices which has prevented turnoff of females except at a cash loss’.\(^6^2\) While noting that the position was critical, as a sop to the Minister the Council argued that when conditions improved the Commonwealth could recoup its expenditure on subsidies through increased taxation. The Council requested $1.2

\(^{60}\) NAA Darwin: F1, item 1972/3720, Centralian Pastoralists Association, 14 May 1976. Finger was the First Assistant Secretary, Resource Development, Department of the Northern Territory.

\(^{61}\) NAA Canberra: A12909, submission 347, Freight subsidy cattle transport NT, May 1976; decision 975, 8 June 1976. Assistant Departmental Secretary J Malaith advised Adermann that to counter Treasury’s opposition he should emphasise that the funding sought was an isolated occurrence and would not be repeated, yet the request was repeated less than one year later; NAA Darwin: F1, item 1975/3161, Concessions to pastoralists. Malaith’s advice was dated 19 July 1976.

\(^{62}\) NAA Canberra: A12909, submission 1339, Cattle freight subsidy NT, June 1977; Attachment B to submission, letter to Minister, ‘Freight subsidy on movements of Northern Territory cattle’, 1 June 1977.
million in financial support. Adermann felt that the amount was excessive and agreed to seek Cabinet’s approval for $817,000. He wrote that ‘I am most concerned about the overstocking, especially in the Alice Springs district’, which he felt could turn into a disaster with the return of inevitable drought conditions. The newly created Department of Finance argued against the request, but did concede that if the scheme were extended it should be limited to a maximum of $400,000 (the same amount as approved the year before). Cabinet approved the request on 18 July 1977.63

The recession was caused by an international downturn in cattle prices, combined with the oil crisis that began in 1973. It was not caused by the Commonwealth, despite the accusations of pastoralists and their associations. The crisis effectively demonstrated the unwillingness of the associations and their members to accept responsibility for their actions, yet they had indeed contributed to it. After the 1960s drought ended many Centralian pastoralists proceeded to overstock their properties during a series of good seasons, and when the recession began they were unable to remove their stock. This was a recurring trend noted by Commonwealth officials. As early as 1965 E J Wood, from the Department of Territories, wrote that:

it seems necessary to educate pastoralists in this drought prone area that an above normal season is not a signal to increase stocking rates and turn–off rates to make abnormal profits, but rather a signal to use any increased profits under conservative stocking to increase drought reserve funds which can be used in below normal seasons to take proper drought relief measures, that is, they should practice income stabilisation based on conservative stocking rates.64

Although Wood’s suggestion was an admirable one, any attempt by the Commonwealth to regulate cattle numbers on pastoral properties was met with continued resistance by pastoralists. Yet those same pastoralists regularly called on the Commonwealth to provide them with ‘sympathetic understanding’ and financial support, effectively to redress issues to which they had largely contributed.

63 NAA Canberra: A12909, submission 1339, Cattle freight subsidy NT; decision 3328, 18 July 1977.
64 NAA Canberra: A452, item 1967/2739, Relief measures for NT droughts, 24 March 1965.

On 1 July 1978 the Northern Territory achieved self-government, and the Commonwealth’s responsibility for the Territory’s pastoral industry effectively ceased. It was at this time that conditions in the industry began to improve, as the recession gradually came to an end.

In 1978 there were 232 pastoral leases and nine grazing licenses. The primary legislation then in force was the Crown Lands Ordinance of 1967, with subsequent amendments. All pastoral lands were held under lease or licence, and all for a fixed period. No lands were held under freehold, and none were held in perpetuity, other than a few remaining homestead leases. Once the Northern Territory achieved self-government and had its own Parliament, it could pass legislation in the form of Acts, rather than Ordinances. The Northern Territory Crown Lands Act 1978 effectively replaced the former Crown Lands Ordinance.

From the outset, the Territory Government grappled with several key issues that had vexed the Commonwealth throughout its period of administration, that is, freehold versus leasehold, and perpetual leases versus fixed-term leases. At this time the Territory was governed by the Country Liberal Party, and almost immediately the cattlemen’s associations began lobbying for freehold title to their lands as they had done in the Commonwealth era, even though the matter had been thoroughly investigated and rejected by the Commonwealth. In February 1980 the government commissioned Brian Martin to report on the most appropriate form of tenure for the Territory’s pastoral lands. Martin’s report was presented in October 1980 and he recommended the implementation of perpetual leases for corporate pastoralists,

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65 Information provided by Northern Territory Department of Planning and Infrastructure to the author, 22 July 2008.

which began in 1983. Rolling leases, introduced by the Commonwealth in 1967, were abolished.

Martin also addressed a request by the cattlemen to increase the maximum size of their holdings, which since 1946 were limited to 5,000 square miles (1.29 million hectares). Pastoralists had frequently argued against the restriction. When the Pastoral Lessees Association met Charles Barnes in 1964, it too argued for an increase to the maximum limit, a request which was rejected. Martin recommended that the present restriction should stand but that the Minister should be authorised to approve variations in specific cases up to 7,722 square miles (two million hectares), similar to provisions then under consideration in Western Australia.

In August 1987 the Northern Territory Government commissioned a second study into pastoral land usage when it asked the Rural Land Use Advisory Committee to report on freehold usage for pastoral purposes. That Committee’s report was presented in October 1988, and while it recommended pastoral freehold, the Territory Government rejected it, as it had always been rejected during the Commonwealth period. It is a fact that today (2009), no pastoral lands are held on freehold in the Northern Territory. There are currently 217 pastoral leases, of which 182 (84 per cent) are perpetual, and thirty–five (16 per cent) are fixed–term leases.

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67 [Northern Territory. Inquiry into Pastoral Land Tenure in the Northern Territory (Darwin, October 1980)]. The Martin report also noted that in 1980 there were fifty–two grazing licences, though it did not explain the increase from nine in 1978; p. 23.

68 The Commonwealth effectively carried out four reviews of freehold and perpetual lease tenure between 1959 and 1966, and one wonders why the Territory Government felt the need to conduct another review in such a short time. Presumably the Country Liberal Party’s predisposition towards rural matters worked in the cattlemen’s favour, however, the records dealing with the creation of the Martin Committee will not be publicly accessible until 2011. Graeme Hockey, who commenced as a pastoral inspector in September 1977, said there was intense lobbying by pastoral associations for freehold at this time. Hockey said that Martin’s subsequent recommendation for perpetual leases was effectively a compromise between freehold and the status quo; interview with Graeme Hockey conducted by the author on 7 June 2008.

69 [Northern Territory. Rural Land Use Advisory Committee, Report to the Minister for Lands and Housing on ‘Pastoral Freehold’ (Darwin: Department of Lands and Housing, October 1988), pp. 37–45].
It has been suggested that Commonwealth lease covenants were stringent, yet in this dissertation it is argued that they were not overly harsh.\textsuperscript{70} In any event, many pastoralists went to considerable lengths to evade or simply ignore them. In 1992 the Territory Government introduced new legislation in the form of a Pastoral Land Act which moved away from covenants involving stock numbers and property improvements, and provided a focus of land management and a collaborative approach to addressing land condition issues. It is too early to say whether these new covenants will prove more successful than those adopted by the Commonwealth, however, it is noteworthy that in 1996 a newspaper report referred again to overstocking in Central Australia, highlighting accelerated erosion, while concluding that the ‘leases are completely and utterly flogged’.\textsuperscript{71}

In the Commonwealth era the Territory was divided into four pastoral districts – Darwin and the Gulf, Victoria River, Barkly Tableland, and Alice Springs. In recognition of its widely varying topography, today there are eleven districts – Darwin, Katherine, Roper, Sturt Plateau, Gulf, Victoria River, Barkly, Tennant Creek, Northern Alice Springs, Southern Alice Springs, and Plenty.

The Land Board created in 1949 continued throughout the remainder of the Commonwealth era, but was replaced by the Pastoral Land Board in 1992. Likewise, the Land and Valuation Tribunal, created in 1964, was replaced by the Pastoral Land Appeal Tribunal. The Pastoral Land Act of 1992 remains in force today.

6.7 Conclusion

The last decade of the Commonwealth’s administration of the Northern Territory witnessed a further review of rural land tenure, and the introduction of rolling leases to meet pastoralists’ calls for greater security of tenure. They were in effect de facto perpetual leases. Despite having achieved the security they sought, and the

\textsuperscript{70} Anthony, ‘The Ghost of Feudalism’, p. 156.

\textsuperscript{71} ‘Overgrazing making wastelands of leases’, \textit{Centralian Advocate}, 31 May 1996, p. 9. Pastoralist Jo–Anne Bloomfield, from the Andado property, refuted the claim, and said it was in the pastoralists’ own interest to maintain their properties in order to sustain the environment, and thus their own economic future; ‘In our interest’, \textit{Centralian Advocate}, 7 June 1996, p. 9.
provisions provided by the Commonwealth, few Territory pastoralists took advantage of the new type of lease before they were abolished in 1983.

Generous lease conditions attracted overseas investment (some American interests made substantial use of the terms offered), but also encouraged speculators into the industry; the latter were not concerned with developing their properties, but with making quick profits, through subsequent sales of their leases.

The Commonwealth looked to build on the period of growth begun under Hasluck, and the beef road program continued, while overall funding for the Territory substantially increased from $54 million in 1966–1967, to $379 million in 1977–1978. The number of cattle increased from 1,097,000 in 1967, to 1,674,000 in 1978, although the increase was partly attributable to the recession because of which pastoralists were unable to remove stock from their properties.

One of the key factors to emerge from this period was the need for greater preservation of soils, pastures and waters, and the role that the Commonwealth played in protecting the pastoral environment. In the aftermath of the Centralian drought the Study Group highlighted the Commonwealth’s role in ensuring the preservation and efficient use of pastoral lands not just for the present, but the future. The damage that the pastoral industry had caused over a period of many years (at least with respect to the Victoria River District), was succinctly summarised by Lewis who said:

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76 A report prepared by the Department of National Development in June 1965 had also noted extensive damage caused by uncontrolled grazing in the Victoria–Ord River region; NAA Canberra: A463, item 1965/3493, Beef road development. This file contains excerpts of the report, but not the report itself; the reference to the Victoria–Ord River region is taken from paragraph 435.
in spite of recurrent losses of thousands of head of cattle at the end of each dry season and the obvious damage the uncontrolled herds were inflicting on the land, the owners of most of the stations were content to maximise the profits from investment while the very basis of these profits, the land itself, was being washed and blown away.⁷⁷

Prior to this period the Commonwealth had not taken an active role in conservation, effectively allowing pastoralists to manage this function. Indeed, Vern O’Brien was later to say that ‘very little detailed thought has been given to conservation…in past years’.⁷⁸ The Study Group’s report led to the Conservation of Soil Ordinance in 1970 and the creation of the Soil Conservation Advisory Committee. From this moment covenants were inserted into new pastoral leases to ensure greater protection of pastoral lands.

The Commonwealth faced continued hostility from pastoralists and their representative associations. Some larger interests pursued their program of self-interest as they had done throughout much of the Commonwealth era, as witnessed by their opposition to the introduction of mini leases, no doubt fearing that this signalled the break-up of large estates, together with their continued calls for security of tenure. Some smaller pastoralists overstocked their properties, as they had done during the 1960s drought, and blamed the Commonwealth for the recession that afflicted their industry from 1975, while accepting no responsibility for their own actions.

There is one final point that requires comment. Throughout the Commonwealth era there were many claims concerning the maximum number of cattle that the Territory could sustain. Some of these estimates were as high as five million.⁷⁹ In 1911, when the Commonwealth’s administration began, the Territory’s cattle herd stood at 3.89 per cent of the national total.⁸⁰ By 1939 it had risen to 7.05 per cent.⁸¹ Despite the

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⁷⁹ ‘Plans to boost the Top End’s future’, Northern Territory News, 31 October 1974, p. 21. On this occasion the claim was made by Goff Letts.

supposed lack of funding and support provided by the Commonwealth in the intervening years, as well as the lack of markets and transport, the prevalence of drought, and the Great Depression, the Territory’s cattle herd had almost doubled as a percentage of the national total. In 1978 at the time of self–government, the number stood at just under 1.7 million, or 5.7 per cent of the national total. As a percentage of the national total, Territory cattle numbers had declined. The decline was all the more telling because after World War II the Commonwealth provided substantial funding for transport, communications, and overall development. Pastoralists often argued that if they were provided with transportation and communications, development would follow. They also argued for greater security of tenure, which they had achieved. Despite those achievements, as a percentage of the national total, Territory cattle numbers were less in 1978 than they were in 1939. At the same time, despite conflicting pressures from Aboriginal land rights, mining and tourism, the amount of Territory lands available to the pastoral industry had increased from 31 per cent in 1911 to 55 per cent in 1980.

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83 The Northern Territory is 521,000 square miles. The Administrator’s Report of 1911 noted that just over 162,000 square miles of land, or 31 per cent, was leased or licenced to pastoralists; ‘Administrator’s Report’, 1911, p. 15; Commonwealth Parliamentary Papers (1912), volume III, pp. 595–651. The Martin Committee report of 1980 recorded that 55 per cent of Territory lands were leased to the pastoral industry [Northern Territory. Inquiry into Pastoral Land Tenure in the Northern Territory, p. 16].
PART 2 – ANALYSIS OF KEY ISSUES
CHAPTER 7, THESE ONEROUS CONDITIONS – CROWN LANDS ORDINANCES AND PASTORAL LEASE COVENANTS

The ultimate purpose of the legislation should achieve the best economic use of the pastoral land of the Territory with continued development while preserving the national heritage.¹

7.1 Introduction

In Australia all legislation is made by a Parliament or a person or body acting under the authority of a Parliament. For a territory that does not have self-government (as was the case with the Northern Territory prior to 1978), its legislation is made either directly by the Commonwealth Parliament or by the Governor-General under authority delegated by the Parliament via an Act. Legislation made in this manner is called an Ordinance. In the case of the Territory, section 13 of the Northern Territory (Administration) Act 1910 stated that:

until the Parliament makes other provision for the government of the Territory, the Governor–General may make Ordinances having the force of law in the Territory.

With the introduction of partial self-government in the Territory in 1947, Ordinance making power was conferred on the Legislative Council, with the assent of the Administrator or the Governor–General.

Crown Lands Ordinances were the principal means by which Territory lands were alienated for pastoral purposes.² They imposed certain conditions on both the Commonwealth and the landholders, known as reservations and covenants respectively. This chapter discusses the Commonwealth’s use of Ordinances as part of its administration of the Territory’s pastoral industry, with particular emphasis given to reservations and covenants, and how they evolved. It is shown that while the Commonwealth actively encouraged the development of the Territory’s pastoral


² Alienation is the process by which land is given a tenure that can be registered and controlled.
lands through lease covenants that were not generally onerous, it faced a concerted campaign by pastoralists to consistently avoid, or negate, those same covenants.

7.2 A Brief Overview of Northern Territory Crown Lands Ordinances

The first Crown Lands Ordinance was meant to be number 3 of 1912. Following objections lodged in Parliament it was never enacted. The key objection was the fact that the Ordinance granted pastoral lands in perpetuity. The Ordinance was revised, and reissued as number 8 of 1912, and leases of twenty-one years or forty-two years duration were introduced, depending on the amount of land involved. The Ordinance created a Land Classification Board whose primary role was to classify Crown lands, determine rentals, approve applications for leases, and monitor leaseholders’ compliance with the terms of their leases.

One of the early difficulties the Commonwealth faced was that leaseholders occupied their land through different pieces of legislation, including South Australian Land Acts, and the Crown Lands Ordinance of 1912, and each legislation had different terms and conditions. In an effort to encourage landholders to give up their existing rights and entitlements, and bring them under uniform legislation the Minister, George Pearce, proposed a new Ordinance in November 1922. It was set to take effect in July 1923 but, as was the case in 1912, objections were raised, mainly by Harold Nelson, the Federal Labor Member for the Northern Territory. A new Ordinance was passed in 1924.

To encourage settlers to convert to the new Ordinance liberal concessions were offered, including rights to improvements existing at the time of surrender of the old leases, compensation for any future improvements, fixed rental rates with reappraisals at definite intervals, and rights of appeal against new rental rates. There were no fencing or improvement covenants; the only major requirement, apart from paying rent, was the stocking condition, that is, pastoralists had to maintain a certain

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3 NAA Canberra: A431, item 1946/869, Crown Lands Ordinance NT. In 1911 when the Commonwealth acquired the Territory, landholders who held leases under South Australian legislation were allowed to maintain the conditions of their leases. By 1923 there were 121 leases under the South Australian Act of 1890, ninety leases under the South Australian Act of 1899, and 259 leases under the Crown Lands Ordinance of 1912 (as mentioned in Chapter 3, footnote 7).
number of stock on their properties. The new Ordinance also gave the Commonwealth the option of resuming one quarter of each lessee’s land in 1935, and another quarter in 1945. Lessees were effectively given absolute tenure over 50 per cent of their land until 30 June 1965.⁴ The Pastoral Review, a journal staunchly supportive of pastoralists Australia–wide, acknowledged that the inducements offered by the Commonwealth were satisfactory, the journal citing long–term leases at moderate rentals.⁵

The 1924 Ordinance was replaced by two separate Ordinances when the Territory was divided into North and Central Australia in 1927. When the Territory was reunited in 1931 a new Ordinance superseded those two Ordinances, and was virtually identical with the former 1924 Ordinance. The 1931 Ordinance remained the principal Ordinance until the 1950s. One change that did occur in the interim was that in 1946 the Curtin Government, concerned that some companies occupied excessive amounts of land, imposed a maximum limit of 5,000 square miles on all new leases.⁶ At the time it was noted that one unnamed company (Vesteys), occupied 23,900 square miles of land. The recommended amount, though still considered excessive by the Minister, Herbert Johnson, was in recognition of the fact that some pastoral lands were of poor quality.

In the late 1940s the Chifley Government prepared a new Ordinance to introduce pastoral development leases, whereby pastoralists would be given leases of fifty years duration in exchange for a mutually agreed program of property improvements. The Ordinance created a new Land Board, and a Land Court to hear appeals by pastoralists against rent levels and other decisions made by the Administration. When the government lost office in December 1949 regulations to govern the implementation of new leases had not been implemented, and the Ordinance lapsed.⁷

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⁴ While lessees were aware that portions of their land could be resumed, it must be acknowledged at the time they signed their leases they did not know which portions of land were involved.


⁶ NAA Canberra: A2700, volume 24, submission 1092A, Limitation of areas of pastoral leases NT, 4 April 1946. Cabinet approved the submission on 8 April 1946.

⁷ Although the Ordinance lapsed, the new Land Board was implemented, and held its first hearings, governing the awarding of new leases in Alice Springs, in May 1949. The Land Court did not commence until 1954 (as discussed in Chapter 5).
In 1950 the Legislative Council passed a similar Ordinance, however, it also included an entirely new concept known as pastoral homestead leases which provided for the allocation of pastoral lands in perpetuity, but only to resident landholders. They were designed to encourage settlement by family pastoralists, as opposed to corporate interests. The two new types of lease – pastoral development and pastoral homestead – were intended to address repeated requests for security of tenure; however, following objections from pastoral associations, the implementation of the new Ordinance was delayed until 1953.

In 1967 another Ordinance took effect which abolished pastoral homestead leases, and introduced the concept of ‘rolling’ leases, whereby leases were offered for fifty years, and lessees could renew them on a continuing or ‘rolling’ basis between the twenty and forty year intervals. The change was in recognition of the fact that in the latter years of a lease, pastoralists would be reluctant to commit any funding for improvements to their holdings. Rolling leases would allow them to renegotiate their leases earlier and provide greater encouragement for improvements and other works. This was the principal Ordinance for the Territory’s rural lands until self–government in 1978.

7.3 Pastoral Lease Reservations

Crown Lands Ordinances contained a series of reservations and covenants, which were stipulated in the advertisements when leases were offered. Reservations were the rights of the Commonwealth, and covenants were the responsibilities of pastoralists. The principal reservations were the Commonwealth’s right of entry and inspection of each property, and the power of resumption, that is, the right to resume portions of each property on future occasions.
Image 18: Map illustrating the division of the Northern Territory into four pastoral districts, 1937.
The Commonwealth’s Right of Entry and Inspection of Pastoral Properties

Although this reservation was specified from the beginning of Commonwealth administration, it was not implemented on a regular basis until 1939 with the appointment of field inspectors whose task it was to inspect and report on the manner by which lessees were abiding by the terms of their leases, make valuations of any improvements made by lessees, and give advice on the management of pastoral properties.

The 1937 Payne–Fletcher Inquiry recommended the appointment of two field inspectors. A solitary inspector’s position was created in October 1938 and awarded to William Leslie Clough, a land settlement inspector from Victoria, who commenced duty in Alice Springs in January 1939. With a number of large properties in the Victoria River and Barkly Tableland Districts due for resumption in 1945, detailed inspections were needed. The extent of the work was beyond one person, and the Queensland Government loaned two officers – Ernest Wood and Daniel McInnes. They completed their inspections in 1942 and returned to Queensland, though both ultimately returned to the Territory. Throughout the 1950s and 1960s additional officers were recruited until there were seven – a senior pastoral officer and six pastoral officers. The value of their reports into conditions on pastoral stations cannot be underestimated. Hugh Barclay, the Director of Lands, was most impressed with the quality of the reports prepared by the Pastoral Leases Investigation Committee in their 1935 report (discussed in Chapter 3), and instructed his inspectors to model their reports on those of that Committee. Recognising that station managers might not always be entirely trustworthy, Barclay cautioned his inspectors that ‘all improvements are to be personally inspected, do not take the assurance of the station manager that certain improvements exist and are of certain value’.

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8 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, p. 24, paragraph 126].

9 NTAS Darwin: NTRS2500, item L11, Field officers general file, 9 February 1948.
The reports provided the Administration with a snapshot of conditions on the stations, and in essence a wealth of information of how lessees were actually managing their properties. They described the state of the herds, improvements (or lack of them), buildings, and outstations. The reports showed the extremes, those lessees who were managing their properties well and developing them, and those who were not. Typical of those extremes were the comments by Gordon Buchanan on Brunette Downs:

Gulf Cattle Company have by a wise and sound policy brought Brunette Downs to a high state of development, and have not damaged the country by overstocking. The fact that they have had first class country does not detract in any way from their splendid effort. Other lessees too have first class country but unfortunately most of them have never had the desire, wisdom and/or ability to develop it along proper lines.\textsuperscript{10}

Conversely, Daniel McInnes’ report following his inspection of Victoria River Downs in December 1941 noted:

a very sorry state of development…the cattle herd is out of control and no attempt is being made to remedy such a state of affairs…improvements effected have not been maintained in repair, and the stock improvements such as water, yard, and fencing, are all in a tragic condition.\textsuperscript{11}

Some properties consistently earned poor reports. Properties managed by Bovrils and Vesteys were usually written down, and Bovrils’ Victoria River Downs property gained a reputation as the worst run station in the Territory.\textsuperscript{12} Yet it must be acknowledged that some properties, even larger ones under the control of the much denigrated ‘absentee landlords’, were well regarded by inspectors in the post–War years, and generally earned favourable comments. The leading example in this regard was Alexandria on the Barkly Tableland; with few exceptions, reports spoke

\textsuperscript{10} NTAS Darwin: NTRS2500, item L211 part 1, Field officer inspections Barkly Tablelands, 15 June 1953.

\textsuperscript{11} NAA Canberra: A659, item 1945/1/1088, NT land resumptions 1945, January 1942. McInnes’ report is not on the file, however, Administrator Abbott quoted from it in a memo to Joseph Carrodus, 3 December 1942.

\textsuperscript{12} There are numerous Commonwealth documents that refer to Bovrils’ poor management practices at its Victoria River Downs property. The subject is discussed further in Chapter 9.
favourably about this property. Hugh Barclay commented positively on Austral Downs, another property located on the Barkly Tableland. In his unpublished memoirs, ‘He Measured the Land’, Barclay said that it was the only property awarded a pastoral development lease in the 1950s with no improvement conditions attached, as none were considered necessary.

Of the smaller properties, which were usually operated by owner–managers, Rosewood was rated very highly for many years. It was operated by J A C Kilfoyle until 1947. After he sold the property to Melbourne businessman William Buckland, it deteriorated rapidly. In 1954 field officer Ted Wharton wrote that Rosewood was once the outstanding property in the Victoria River District, but now there was a case of ‘lack of interest on the part of the new lessee, [who] does not reside and has never visited the property. There is an almost complete stagnation in developmental work’.

The Commonwealth’s Right of Resumption

The Commonwealth’s chief device for enabling closer settlement, and one of the principal reasons why it adhered to the concept of leasehold land usage, rather than freehold, was the resumption option. Resumptions were a feature of all legislation, both South Australian and Commonwealth. Crown Lands Ordinance of 1912, for example, allowed the Commonwealth to resume land for public purposes, such as railways and roads, with three months notice; for other purposes (which would have included closer settlement), two years notice was required. Administrator Gilruth argued that such provisions hampered investment, and he said extended time periods were needed before resumptions took place, otherwise no one would apply for leases. The extended terms sought by Gilruth were introduced in 1918.

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13 The Commonwealth’s views on the management of Alexandria are discussed further in Chapter 9.
15 The term ‘owner–manager’ denotes the fact that pastoralists owned their leases; they did not own the properties which they occupied.
17 NTAS Darwin: NTRS3345, item O19, Ordinance amendment, 6 July 1918.
The Ordinance of 1924, and some subsequent Ordinances, gave the Commonwealth the option of automatic resumption at predetermined future intervals. The intention was that lessees would develop their properties, and the Commonwealth would later resume a portion of each property, so that new settlers could then occupy those lands, the Territory would continue to develop, and the Commonwealth could meet its objective of closer settlement. The automatic right of resumption was the covenant most bitterly opposed by pastoralists. Despite the large size of many holdings the pastoralists, through their representative associations, never willingly surrendered even the smallest portions of their land. Resumptions were always carried out under considerable acrimony, even though pastoralists had known from the time they took out their leases that the Commonwealth had the option to resume at least part of their land, although the precise part was not stated at the time. While objecting to the Commonwealth’s resumption rights, pastoralists continued to lobby for longer lease tenures of their lands.

**The 1935 resumptions**

The resumptions of 1935 were the first major test for the Commonwealth and pastoralists. The Ordinance required that lessees be given two years advance notice, and letters were despatched in June 1933 advising that the Commonwealth intended to exercise its resumption option. This in turn culminated in a series of objections and appeals. Cabinet considered the matter on several occasions and finally resolved that the resumptions would proceed. When informed of Cabinet’s decision, James Brackenreg wrote to Frank Shepherd telling him that ‘Cabinet decided resumptions must go on...Oh well what a row there will be’, and indeed there was a row.

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18 Crown Lands Ordinance 14 of 1918; s2 stated that resumptions could not take place on any new lease before a minimum of ten years had elapsed.

19 Section 49 of the 1931 Crown Lands Ordinance stated that the Minister could resume an area of each property not exceeding one quarter on 30 June 1935, and a similar amount on 30 June 1945, without payment of compensation, except for the value of improvements made to each property.

20 NAA Canberra: A2694, volume 13, part 2, submission 1070, Northern Territory lease resumptions, 28 March 1935.

21 NAA Darwin: F48, item 2, Correspondence with J C Brackenreg member of board, 1 April 1935. Brackenreg and Shepherd were members of the Pastoral Leases Investigation Committee (discussed in Chapter 3), and had recommended that most resumptions not proceed pending an intensive five-year survey of the Territory’s pastoral lands.
Vesteys’ principal Australian representative, C W D Conacher, complained about the resumptions in December 1933. He said that pastoralists were misled when a range of inducements were offered to encourage them to convert to new leases in the 1920s, which included major development works such as railways, coordinated by the North Australia Commission, and those works had not proceeded.\(^2\) This was not entirely true as the primary inducements to convert were long–term leases of forty–two years duration, thus meeting the pastoralists’ demand for security of tenure, and moderate lease rentals. Both of these features were acknowledged by *The Pastoral Review*, as stated earlier in this chapter.

Connor Doherty Durack was another company that objected on very tenuous grounds. The company occupied properties in the Victoria River District, including Bullita. When the Commonwealth announced its intention to resume a portion of the property the company objected, arguing that there was a need for greater security of tenure to encourage investment in the Territory. It also said that there were no resumption provisions for pastoral leases in Western Australia, where it also held leases, and concluded that ‘if you want to encourage capital you should eliminate these hampering resumption restrictions’.\(^2\) During its investigations the Pastoral Leases Investigation Committee noted that Bullita was ‘practically deserted’, and that ‘there was much evidence of indifferent management, caused by lack of finance’.\(^2\) The property had seemingly been unused for a number of years. Despite the fact that the company complained continuously throughout the 1930s about the high cost of managing its pastoral properties it refused to give up Bullita, or even a portion of it, even though its surrender would have reduced the company’s overall

\(^2\) NAA Canberra: A659, item 1943/1/2707, Willeroo and Manbulloo resumptions, 28 December 1933.

\(^2\) NAA Canberra: A659, item 1943/1/2640, Connor Doherty Durack resumptions 1935–1945, 18 December 1933. When comparing lease conditions in the Territory with those in Western Australia, the company omitted to say that leases in the latter State contained improvement covenants, in addition to stocking, which Territory leases did not; and Western Australian pastoralists paid State income tax, while Territory pastoralists did not.

\(^2\) NAA Darwin: F658, item 12, Auvergne and Bullita.
operating costs. The Land Board in Darwin later noted that the company was a large holder of Territory lands which were not fully developed or stocked and were indifferently managed, and Bullita itself had not been worked for some years. The Board noted a suggestion by the company that it be allowed to use the property for horse breeding, and wondered why this could not be done on lands held in Western Australia. The Board concluded that giving the company a long–term lease over Bullita would have defeated the whole purpose of the resumptions – closer settlement.

The Commonwealth was not unsympathetic to appeals by some pastoralists, which were generally referred to the Land Board for consideration. Rosewood’s lessee, J A C Kilfoyle, appealed on the grounds that his property was only 1,073 square miles, was currently carrying 15,000 cattle, and improvements totalling £15,000 had been implemented there. The Board upheld Kilfoyle’s appeal following a report by Frank Shepherd who commented favourably on the property’s development.

After all appeals had been resolved, the Commonwealth resumed 9,813 square miles of land from twenty–five properties. It was subsequently unable to find any new settlers to take up occupancy of those lands and, as a result, they were leased back to the original lessees until 1945, when the next resumptions fell due.

From an administrative perspective, it must be acknowledged that the Commonwealth handled the 1935 resumptions poorly. At the outset, while adhering to its objective of closer settlement, it failed to ascertain if there was interest from potential new settlers for any land that might be resumed. If it had done so, it would have realised there was no interest, primarily due to the depression conditions then

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25 NAA Canberra: A431, item 1950/2614, Connor Doherty Durack reduction of rent. Every year between 1931 and 1940, for example, Connor Doherty Durack wrote to the Commonwealth seeking rent reductions or rent deferrals for their Territory properties citing financial hardship.

26 NAA Canberra: A1, item 1938/1181, Minutes of meetings NT Land Board, 24 January 1936.

27 NTAS Darwin: NTRS2667, item PL549, Rosewood, 26 October 1934.

prevailing, and the resumptions could have been deferred to a more propitious time.\textsuperscript{29}


\textsuperscript{29} NAA Canberra: A659, item 1945/1/1088, NT land resumptions, 16 June 1943. It should be noted that in a briefing note to the Minister, Joseph Collings, Departmental Secretary Joseph Carrodus said that the then Minister, Thomas Paterson, seriously considered postponing all resumptions, as there was no interest shown by the public for the land; however, Cabinet decided that the resumptions would proceed.
Second, the terms of the leases should have specified at the outset, or at least well before the resumptions, which part of each property might be resumed. This was never done, even though as early as 1928 the Pastoral Lessees Association had suggested that when pastoralists surrendered their leases under the former South Australian legislation in favour of the new 1924 Ordinance, the resumable areas should be defined in advance.  

Third, the Commonwealth did not thoroughly survey or inspect the resumed lands beforehand, and thus failed to distinguish between different grades of land – good quality or inferior quality. The Commonwealth was effectively duped by lessees in that most of the land resumed was of poor quality. This would have been galling, but was entirely of the Commonwealth’s own making. The recently completed report by the Pastoral Leases Investigation Committee had suggested that most resumptions not proceed until a proposed five–year survey of the Territory’s pastoral lands was completed. Indeed, as early as January 1923 departmental lands officer William Hicks suggested that future resumed areas should represent a fair average portion of each property. Hicks noted that the Territory had never been adequately surveyed, and before any resumptions took place a survey of all leases was needed in order to accurately locate improvements and assess their value. To complete this task would take at least fourteen years. Hicks argued that the expense incurred, via the employment of a small number of field staff, would be offset by the additional revenue the Commonwealth received from lessees induced to surrender their leases in exchange for new ones under the proposed Ordinance of 1924. Hicks’ suggestion was not implemented.

Finally, the Commonwealth adhered to the principle of resuming 25 per cent of land, which was the amount specified in the Ordinance, rather than looking to acquire appropriately sized blocks of quality land that would be of economic value to potential new settlers. Administrative officers simply drew lines on pastoral maps to

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31 NAA Canberra; A431, item 1946/868, Proposed land policy, 17 January 1923. Hicks argued in 1934, without success, that the 1935 resumptions should be deferred.
ensure that the Commonwealth resumed the precise amount of land to which it was entitled.

**The 1945 resumptions**

To ensure that the errors of 1935 were not repeated when the time came for the 1945 resumptions the then Minister, John McEwen, sent a submission to Cabinet in October 1938 in which he recommended that if the resumptions proceeded a definite policy should be established and administrative officers should survey all leases so there would be no doubt which areas would be resumed. Cabinet endorsed the recommendation on 18 October.\(^{(32)}\)

Departmental Secretary Joseph Carrodus later prepared a briefing note for the new Minister, Hattil Foll, who succeeded McEwen in April 1939. He told Foll that when the 1935 resumptions had occurred small properties were exempted. The areas resumed were only from large holdings and were ‘really those which the companies did not want’. At the time there was little demand for land in the Territory and the price of cattle was low. Carrodus said that when the 1945 resumptions took place, the areas resumed should be those that could be developed by new lessees.\(^{(33)}\)

As stated earlier in this chapter, the Commonwealth borrowed two land rangers – Wood and McInnes – from Queensland from 1940 to 1942 to undertake detailed inspections of all major properties before the resumptions proceeded. With the completion of the inspections the then Minister, Joseph Collings, sent a submission to Cabinet recommending that the resumptions proceed for those properties located in the Victoria River, Barkly Tableland and Alice Springs Districts, but not Darwin and the Gulf.\(^{(34)}\) Collings reminded Cabinet that the intention was to promote closer

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\(^{(32)}\) NAA Canberra: A2694, volume 18, part 5, submission 477, Pastoral industry, 18 October 1938.

\(^{(33)}\) NAA Canberra: A659, item 1939/1/8665, Australian Investment Agency proposal for development lease, 24 July 1939.

\(^{(34)}\) NAA Canberra: A2700, volume 6, submission 472, Crown Lands Ordinance 1931–1939, one quarter resumption from pastoral leases 30 June 1945, 2 April 1943. The Darwin and the Gulf District was exempted because properties were generally small, and the area at that time was not favourably regarded for cattle raising.
settlement, particularly of the better class of lands included in those South Australian leases still current. Cabinet approved Collings’ recommendation on 5 April 1943. The Territory’s Administrator, C L A Abbott, met with representatives of the Pastoral Lessees Association a few days later and subsequently wrote to Carrodus telling him that ‘there will be bitter opposition by the lessees, including Vesteys and the Bovril Pastoral Company to the suggested resumption’.  

It was clear that properties leased by Vesteys and Bovrils were the Commonwealth’s principal target. In 1940 Vesteys began negotiations concerning those portions of its land that might be resumed, but broke them off in 1942 when it realised that the Commonwealth intended to take equitable areas from its leases. The Crown Lands Ordinance, however, contained a flaw in that it allowed lessees to subdivide their own properties in lieu of resumption, a feature that Vesteys now exploited.  

On 11 May 1943 Vesteys lodged an application to subdivide its resumable lands to three new companies – Birrindudu, Limbunya and Seale. Matters alternated between the Commonwealth and Vesteys for several years.

Clearly supporting the objective of closer settlement, Carrodus told Abbott that the Minister had directed that no resumed lands should be made available for leasing unless they were allocated to new pastoralists. Abbott, however, had a different view. In October 1944 he had submitted a policy statement for the Territory’s post-war pastoral development, in which he wrote that he was not concerned if companies such as Vesteys leased 20,000 square miles of land, provided they were compelled to establish smaller blocks of a maximum size of 2,000 square miles, whereby each block had a homestead, manager, and was fully developed. It was clear, however, that this was not the case with Vesteys’ subdivision proposals. Abbott later said that

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35 NAA Canberra: A659, item 1945/1/1088, NT land resumptions, 11 April 1943.

36 Section 54 of the 1931 Crown Lands Ordinance allowed pastoralists to subdivide ‘for closer pastoral settlement purposes’ an area of land equivalent to that which would have been resumed by the Commonwealth. The subdivided land could only remain in possession of the new lessee until the initial lease expired.

37 NAA Canberra: A659, item 1945/1/1088, NT land resumptions, 6 June 1944.

38 NAA Canberra: A431, item 1949/614, Land policy reports by Administrator and Director of Northern Territory Affairs, 4 October 1944.
it was obvious that Vesteys intended to use every section of the Ordinance to prevent the resumption taking effect and, he said, ‘while they are entitled to do so, I think the Crown is also entitled to take the view from a national aspect, that more new tenants and families are very necessary in the Northern Territory’.  

The Commonwealth sought additional information from Vesteys about the proposed new companies. Two of the principals for Birrindudu were F A Brodie and Geoffrey Remington. The former was the President of the Pastoral Lessees Association, and the latter was a solicitor who had handled Vesteys interests during the 1935 resumption. Both men were acting as cover for Vesteys and the Commonwealth was aware of this. Carrodus wrote to the Minister, Herbert Johnson, advising him that there was nothing to indicate that the new companies were linked with Vesteys, and it would be rather difficult to prove that they were linked, though there were reasonable grounds for suspicion. No doubt with extreme exasperation, Carrodus recommended the Minister approve the proposed subdivision. Perhaps with some sarcasm he said that the object of subdivision was after all ‘closer pastoral settlement’.  

Despite the substantial size of its Victoria River Downs holding, its poor management practices, and general lack of expenditure on improvements (discussed in detail in Chapter 9), Bovrils too resisted the 1945 resumption. The company appealed to the Supreme Court, and the matter was not resolved until October 1946, whereby the Commonwealth resumed a total of 3,095 square miles.  

Bovrils asked to remain on their property rent–free for another two years on the proviso that they remove their wild stock. The company took little action, yet still sought further extensions of occupancy. As a result, the Commonwealth was unable to complete the subdivision and reletting of the property for several years. Three new properties were ultimately created – Camfield, Montijennie and Killarney – and were advertised in June 1952.

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39 NAA Canberra: A659, item 1945/1/1088, NT land resumptions, 8 November 1944


41 NAA Canberra: A659, item 1945/1/1088, NT land resumptions.
The resumptions carried out in 1945, unlike those of 1935, resulted in substantial interest in lands subsequently offered for leasing. Pastoral companies would no longer be able to occupy their large holdings and do little to develop them, as they had done previously. This view was later summarised by Paul Hasluck when he said that there was no place in the Territory for bad management or ineffective use of resources. Hasluck said that ‘in the past some big holdings [were] seriously neglected, management was poor, this was now improving. Anyone who controls land in the Northern Territory is expected to use it and not allow it to remain idle’. 42

**Evaluation of the Resumption Option**

The resumption option gave the Commonwealth the opportunity to acquire pastoral lands for closer settlement, or to rescue the land if it were being abused or neglected. If new pastoral techniques emerged, which led to more productive industries, the Commonwealth could also take advantage of them via resumptions. For the option of fixed–time resumptions to work effectively, however, it needed to be clearly stated well in advance which portions of land would be resumed, those lands needed to be of an economic area that could be used by resident settlers, and there needed to be sufficient interest by new settlers in occupying the resumed lands. In 1924 Roberts argued that the new Crown Lands Ordinance which was about to take effect, and which created fixed–time resumptions, ‘provides for a more effective power of resumption’. 43 The Commonwealth had the same belief as Roberts, but both were proven wrong.

Pastoralists argued that resumptions created uncertainty and, given that they did not know which lands might be resumed, they were reluctant to undertake improvements for fear that they could lose the land they had developed. The argument has been cited as the reason why they did not fund the drilling of bores but is not credible. 44 The following examples demonstrate that many pastoralists had little intention of improving their properties, with or without the threat of resumption.

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42 ‘Must make use of the land says Hasluck’, *Northern Territory News*, 9 July 1953, p. 3.


improvement conditions were first stipulated prior to 1920, pastoralists such as A J Cotton later argued to have them abolished, or the requisite amounts reduced. When an improvement covenant was introduced into leases in 1918, pastoralists were soon lobbying for its removal, and were successful in 1924. It is noteworthy that following the removal of the improvement covenant, C W D Conacher wrote to fellow pastoralist John Bohning boasting ‘we got that cut out’.45 In Ministerial meetings throughout the 1930s, pastoralists argued for longer lease tenures on their properties if, in return, they agreed to spend a sum of money, usually £10 per square mile, on improvements before a predetermined date, although this was soon reduced to £5 per square mile. There was, however, an escape clause, that is, if each pastoralist could ‘satisfy the proper authority that he is making adequate use of his leases without such expenditure’.46 This clause, if it had been accepted, would no doubt have been used to ensure that pastoralists only spent minimum amounts on improvements. Holmes recorded that no bores were constructed on the Alexandria property between 1921 and 1941 due to insecurity of tenure, however, Alexandria’s lease did not expire until the early 1940s and the lessee could readily have constructed bores in the 1920s, for example, obtained substantial use of them and recouped their costs, well before the issue of property loss arose.47

In a sense resumptions did create uncertainty, though given the lengths to which pastoralists went to defeat them – while at the same time complaining about the high cost of managing their lands – one can surmise that their argument concerning uncertainty was slender at best. The resistance to resumptions was best described by W J Davidson, Chief Clerk of Lands, in 1950. He had received a request from an individual who wished to lease a portion of land at Manbulloo (near Katherine), for agricultural purposes. The land was leased by Vesteys. Davidson said that ‘vigorous opposition can be expected from any pastoralist against any attempt to deprive him

45 McLaren and Cooper, Distance, Drought and Dispossession, p. 90.

46 NAA Canberra: A1, item 1929/210, NT Pastoral Lessees Association conference on development of the NT. The issue of improvements to pastoral properties was first raised at a meeting with C L A Abbott on 30 January 1929 (pp. 21–23 of the minutes of the meeting). It was also raised at subsequent meetings held in the 1930s.

47 J MacDonald Holmes, Australia’s Open North, p. 223.
of even small areas of choice land, or for that matter any land’. This had indeed proven to be the case with the 1935 and 1945 resumptions.

In a briefing note to his Minister Philip McBride, Cecil Lambert wrote that the difficulty with fixed–time resumptions, and with pastoral leasehold generally, was that the bargain had to be made at the outset, that is, at the time leases were implemented. The essential difficulty with fixed–time resumptions was that they did not provide the Commonwealth with sufficient flexibility to take into account improvements in pastoral developments, or periods of downturn in the industry. The Commonwealth abolished fixed–time resumptions via Crown Lands Ordinance of 1967, but it did retain the resumption option. Rolling leases introduced in 1967 gave pastoralists the opportunity of negotiating new leases between the twenty and forty year intervals of their leases. In return, the Commonwealth retained the right to insist on new programs of property improvements, and the right to resume portions of land, particularly if it was under–utilised.

**7.4 Pastoral Lease Covenants**

Pastoral leases carried with them a series of covenants, or lessees’ responsibilities. The principal covenants required lessees to pay their rent, maintain a minimum number of stock on their property (traditionally known as the stocking condition), fence the boundaries of their property, and expend a nominated sum of money on improvements. Over the sixty–seven years of Commonwealth administration these covenants would appear and disappear at varying intervals. For the most part, pastoralists and their representative associations, consistently lobbied to have the covenants reduced, amended or abolished.

Following a Ministerial visit to the Territory in 1921, Alexander Poynton received a letter from C W D Conacher which argued for the removal of ‘irksome conditions in leases in order to get the country taken up’. The letter also asked the Minister for

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‘relief from these onerous conditions’. While the conditions may have been irksome, they could hardly be described as onerous. Conacher’s letter was indicative of a common theme or pattern that underlay pastoralists’ tactics in order to circumvent their lease covenants. First, they or their representative associations would complain about an existing obligation, arguing that it was costly and unnecessary, and they would propose a less costly alternative. Second, they would implement the latter alternative for a few years, but then would complain that it also was too expensive and the cost should be reduced. Third, they would often simply ignore the obligation.

Anthony referred to the stringent nature of lease covenants, and argued that rents, in particular, were deliberately set at high levels in order to acquire revenue. These statements are incorrect for a number of reasons. Pastoral rents were never high, and there are numerous references in Commonwealth documents to them being set well below economic levels in order to encourage property development, and to compensate for the remoteness of the Territory, and the lack of available markets. A 1949 Cabinet submission, for example, noted the rent levels then applicable in the Territory, which it said were consistently below economic rents. The submission argued that it would be better to maintain rents closer to economic levels as a persuasive force to compel pastoralists to be more efficient in the management of their properties. Cabinet declined the request, preferring to set rents at a low level to encourage lessees to make further property improvements.

Pastoralists themselves admitted on a number of occasions that their rents were not high. When a delegation met with Prime Minister Lyons in October 1933, it is noteworthy that Conacher himself said that rents were not a large part of a pastoral company’s operating costs.

50 NAA Canberra: A3, item NT1922/2292, Vesteys Bros permits converted to leases, conditions, 10 March 1922.


52 NAA Canberra: A2700, volume 38, submission 1585B, Development of meat production, 15 August 1949.

53 NAA Canberra: A1, item 1937/11251, NT Pastoral Lessees Association deputation to Prime Minister, 6 October 1933.
It is true that Treasury officials were keen to ensure regular rent revenues. A memo by the Attorney–General’s Department noted that ‘Treasury and Audit are thirsting for blood following the apparent loss of a substantial amount of revenue due to the failure to take steps to re–appraise rentals at the times at which they became subject to re–appraisement’.\(^5^4\) As an entity, however, the Commonwealth did not regard rents as a revenue–raiser; evidence of this appeared as early as 1932 when departmental officer Arthur Percival wrote that ‘it is considered reasonable to assert that the Government’s expectation of revenue from the leasing of lands in the Northern Territory is of secondary consideration’.\(^5^5\)

Percival’s views were confirmed years later when Hasluck prepared a Cabinet submission in which he said:

> it is my opinion that the prospects of obtaining revenue from land rents is not the basic reason for making land available under a leasehold system. The revenue derived from leasing of land should be a minor point in government land policy. The main purpose of land policy should be the establishment of a resident community on a sound basis.\(^5^6\)

As far as the stringent nature of pastoral leases was concerned, for the most part Territory pastoralists spent much of their time undermining or negating their lease covenants, even though they were fully aware of them when their leases were enacted. Anthony referred, for example, to the rigorous terms of stocking attached to pastoral leases.\(^5^7\) Many pastoralists ignored the stocking covenant, by overstocking or understocking their properties when it suited them. Indeed in the 1960s and 1970s the Commonwealth attempted to reduce stock numbers on many properties, particularly in Central Australia (discussed in Chapters 5 and 6). Some Centralian pastoralists, having overstocked their properties, when later threatened with a series of crises – either drought or recession – sought financial assistance from the

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\(^5^4\) NAA Canberra: A432, item 1969/199, Crown Land Ordinance NT, s32 (1) appraisement of rents of pastoral leases–date of second and subsequent reappraisement, 6 August 1969.

\(^5^5\) NAA Canberra: A461, item G412/1/2 part 1, NT pastoral leases, 15 September 1932.

\(^5^6\) NAA Canberra: A5818, volume 25, submission 1049, NT conversion of leasehold to freehold, 23 March 1961.

Commonwealth in the form of freight subsidies, to remove their stock, while at the same time demanding to be left free of Commonwealth administrative control.

**Rents**

All leases stipulated that lessees had to pay an annual rent, calculated on a square mile basis. Pastoral associations frequently asserted that rents were too high and should be reduced, or deferred. This was their argument in the 1920s and it continued without respite into the 1970s. It even continued during World War II, a period of extreme growth when according to Administrator Abbott pastoralists were ‘making fantastic profits, and not subject to taxation’.

A request by Centralian pastoralists for a remission of rents in 1929, due to drought conditions then prevailing, was rejected by the North Australia Commission in favour of granting lessees an extension of time in which to make their payments, on the grounds that rents were already low and presented no real burden, and could easily be met after a return to good seasons. The Commission also felt that granting rent remissions would establish a ‘dangerous precedent’.

Pastoral associations frequently asserted that rents were higher in the Territory than they were in contiguous areas in Queensland or Western Australia. In most cases these claims were simply not true; for example, in July 1932 land officer William Hicks demonstrated that Territory rents were ‘considerably lower’ than those applying in the adjacent States.

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58 NLA Canberra: MS1674, box 11, folder 5, Correspondence, 4 October 1944.

59 NAA Canberra: A1, item 1929/210, NT Pastoral Lessees Association conference on development of the NT, 10 May 1929.

60 NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister, 20 July 1932.
GENERAL

1. Lessees requiring assistance in providing waters may apply under the Water Supplies Development Ordinance for an advance to carry out work or for the Commissioner of Water Development to carry out each work under certain conditions to be agreed upon.

2. All applicants are advised to attach to their application a reference from a bank or a business house carrying on a business directly concerned with the pastoral industry, supporting any financial statement made in the application, and to note that any appearance of making a statement known to be false shall be guilty of an indictable offence.

Each successful applicant will be required to sign and return the lease instrument within twenty-eight days from the date on which the instrument is forwarded to him.

SCHEDULE

Land situated in the District of the Gulf District

<table>
<thead>
<tr>
<th>Block No.</th>
<th>Area in Square Miles</th>
<th>Annual Rental per Square Mile</th>
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<tr>
<td>1076</td>
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<tr>
<td>1079</td>
<td>1273</td>
<td>$0.50</td>
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</tbody>
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GENERAL INFORMATION AND CONDITIONS

Block 1077 (Eyesfield)

Location and Description—Situated 35 miles south of Daly Waters. The area comprises large open black and plains heavily grazed with Mitchell and Flinders extending to open forest country timbered with coolabah, blackwood, ironwood, laugawee, etc. The area is at present held under Pastoral Leases.

Annual Rainfall—Approximately 46 inches per annum.

Estimated Carrying Capacity—About 4,500 head of cattle when fully developed.

Existing Improvements—The property of the lessor valued at $15,146.

Existing Improvements—2 head per square mile in 5 years and 6 head per square mile in 10 years, and thereafter keep stock no stocked.

Improvement Requirements—

(1) Building—Within the first 3 years erect a homestead with the usual and necessary outbuildings to a value of at least $10,000.

(2) Water—In addition to any existing—

(a) Within the first 3 years sink and equip 3 bores or provide at least 500 head of stock.

(b) Within the first 3 years provide a further 2 similar aimed waters. A total of 4 waters within 5 years.

(3) Fencing—Within the first 5 years erect 50 miles of fencing.

(4) Yards—Within the first 5 years erect a cattle drafting yard complete with dip or spray. Such dip or spray to comply with the specifications laid down by the Primary Industries Branch of the Northern Territory Administration.

Fee of Preparation of the Lease—$274.90

Block 1079 (Arungee Ranges)

Location and Description—Situated about 35 miles east of Daly Waters. The area is generally level and traversed with small watercourses and depressions forming semi-floodheads with the exception of the later wooded ridgetop on the northern portion. Timbered with ironwood, box, bloodwood, ironwood and patches of tanglewood. Grazes comprise Mitchell and Flinders on the black soil and sap and kangaroo. Some edible spinifex in the scrub country.

Annual Rainfall—Approximately 40 inches per annum.

Estimated Carrying Capacity—About 4,000 head of cattle when fully developed.

Existing Improvements—The successful applicant will be required to pay half cost of existing fences on common boundary to adjoining leases.

Stocking Requirements—2 head per square mile in 5 years and 6 head per square mile in 7 years and thereafter keep stock no stocked.

Improvement Requirements—

(1) Building—Within the first 5 years erect a homestead with the usual and necessary outbuildings to a value of at least $8,000.

(2) Water—

(a) Within the first 2 years sink and equip 1 bore or provide some other made water capable of watering 500 head of stock.

(b) Within the first 5 years provide 1 further similar aimed water.

(3) Fencing—Within the first 5 years erect 50 miles of fencing.

(4) Yards—Within the first 5 years erect a cattle drafting yard complete with dip or spray. Such dip or spray to comply with the specifications laid down by the Primary Industries Branch of the Northern Territory Administration.

Amount of Deposit—First Year's Rent: $364.50

Fee of Preparation of the Lease: $53.00

R. L. DEAN, Administrator

Note: This notice appears in lieu of notice No. 180/9 which appeared on pages 40 and 46 of Northern Territory Government Gazette No. 9 of 21 June, 1968.

When a delegation of pastoralists met Prime Minister Lyons, and other Ministers, in October 1933 (referred to earlier in this chapter), C W D Conacher said that Territory pastoralists were the only ones in the whole of Australia who had not received some relief from government charges, such as rent and freight rates. When a delegation of pastoralists met Prime Minister Lyons, and other Ministers, in October 1933 (referred to earlier in this chapter), C W D Conacher said that Territory pastoralists were the only ones in the whole of Australia who had not received some relief from government charges, such as rent and freight rates. The Pastoral Lessees Association wrote a month later, and expanded on Conacher’s views when it said that ‘the Northern Territory pastoralist is the only primary producer in Australia (perhaps in the world) who has received no relief whatever from Governmental charges since the start of the present depression’. What Conacher and the Association omitted to say was that Territory rents were already below economic levels, were below comparable rents in Queensland and Western Australia, and Territory pastoralists did not pay State income tax, unlike primary producers outside the Territory.

Many pastoralists, such as Sidney Kidman who operated a number of properties in the Territory including Huckitta, were frequently in arrears when it came to making their rent payments. When Kidman died in 1935 his estate was valued at more than £300,000 and yet his Territory stations had a poor record for improvements, and Kidman was consistently in default with his rent payments. The Territory’s Administrator, Robert Weddell, had earlier written that:

> there are a few lessees [in] Central Australia whom it is considered ought to make some greater effort than has been made to pay their arrears. This applies particularly to…Sir Sidney Kidman and Son.

While it could be argued that pastoralists such as Kidman were asset rich yet cash poor, and it was for this reason that they could not pay their rents, the response to this charge is that many pastoralists simply held land that was far in excess of what they were capable of managing and, if they were short of cash, they could have surrendered some of this land, thereby reducing their overall debt level. Indeed, in

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61 NAA Canberra: A1, item 1937/11251, NT Pastoral Lessees Association deputation to Prime Minister, 6 October 1933.

62 NAA Canberra: A1, item 1937/11251, NT Pastoral Lessees Association deputation to Prime Minister, 2 November 1933. The Commonwealth ultimately agreed to a rent reduction of 25 per cent in August 1936; NTAS Darwin: NTRS2500, item L72, Pastoral lease reappraisements.

63 NAA Darwin: F20, item 75, Outstanding rentals, 17 August 1931. Weddell’s report named other lessees as well as Kidman whose rental payments were in arrears.
1931 William Hicks wrote to his Departmental Secretary suggesting that ‘lessees have the option, if they are holding too much country, of surrendering a portion of same at any time, thereby reducing their rent liability’. 64 This was something pastoralists consistently refused to do.

In 1963 Tom Hare, Administrative Officer with the Animal Industry Branch, wrote to his Director concerning the complaints the Administration was receiving from Centralian pastoralists over rents, and their requests for remissions. Hare said that rent levels were insignificant, and he added that ‘if lessees are going to go broke through the amounts they pay in rent of their leases they might as well give up now’. 65 Hare’s views were confirmed by the Bureau of Agricultural Economics when, in 1968, it completed a survey of operating costs for Territory pastoral stations, and determined that rents only represented between 1.3 per cent and 1.7 per cent of all costs. 66 The Bureau’s report merely confirmed the views of Alfred Martin, the manager of Victoria River Downs, who in 1937 admitted that rents were not a significant factor in his company’s operating costs. When responding to a questionnaire submitted by the Payne–Fletcher Inquiry, Martin wrote that ‘rents are only a small factor in the expenditure on Victoria River Downs and do not materially affect the profit and loss account in so far as turning the average balance into a profit’. 67 As late as 1987 a report commissioned by the Northern Territory Government noted that Territory pastoralists had two advantages, namely ‘access to vast areas of land at virtually no cost’. 68

As stated earlier, rents throughout the Commonwealth era were deliberately set at low levels in order to compensate for distance to markets, lack of transport and susceptibility of areas to drought. The Commonwealth gained little through rents as

64 NAA Canberra: A431, item 1950/2614, Connor Doherty Durack reduction of rent, 16 October 1931.


67 NBAC Canberra: 119/9, Land resumptions; response to Payne–Fletcher, 7 July 1937.

pastoral associations never ceased arguing that they should be reduced, or payments deferred. Many pastoralists were regularly in default of rent payments, yet the Commonwealth rarely forfeited their leases. The pastoralists’ attitude towards rent was best expressed by William Payne in a report into land administration in Queensland. He wrote that ‘how a grazier can pay another grazier sixty years rent or more in advance for the goodwill of his lease, and then object to pay the Crown a single year’s rent for each year of his occupancy, is something which surpasses all comprehension’.69

Rent Appraisals – ‘The Formula’

Pastoral leases stipulated that rentals would be appraised at future intervals, usually every ten years. Pastoral associations regularly objected to rent increases, resorting to appeals to the Land Court (and its successor, the Land and Valuation Tribunal), on a regular basis. Typical of the reaction to rent increases was that of the Centralian Pastoralists Association which wrote to Hasluck complaining about a proposed increase in February 1957. Hasluck replied that the increases were intended to raise concessional rents, which had applied since the commencement of pastoral settlement in the Territory, to a level approaching an economic rent and more nearly in line with rents in Queensland and Western Australia.70 Hasluck’s letter merely confirmed the fact that Territory pastoralists had been enjoying low rents for a considerable period, and that their rents were below the levels in adjoining States.

A typical appeal against a proposed rent increase usually involved an accompanying statement listing numerous reasons; some being tenuous at best. The appeal notices were remarkably similar, and pastoralists were clearly sharing them. A statement of appeal by Alexandria against a rent appraisal in May 1973 listed sixteen reasons, including the assertion that the notice of reappraisal was contrary to law and invalid, the reappraisal was wrong in law and contrary to law, the proposed

69 Queensland Land Settlement Advisory Commission, Report on Progressive Land Settlement in Queensland, p. 60, paragraph 357. This was the same William Payne who, together with John Fletcher, reviewed the Territory’s pastoral industry in 1937.

70 NAA Darwin: F1, item 1956/1815, Enquiry regarding pastoral homestead leases by Centralian Pastoralists Association. The Association’s letter was dated 22 February 1957; Hasluck’s reply was dated 13 March 1957.
rental was excessive and unreasonable, and the Administrator had not taken into consideration all circumstances affecting the value of the land to the lessee, and too high a value had been placed on the land. On this occasion, upon reading Alexandria’s notice of appeal, the Senior Pastoral Officer, Parker Marson, wrote to the Director of Lands informing him that the lessee’s objections were of the usual type, and ‘many of the points raised are completely irrelevant’.  

Immediately after World War II rents were determined by a range of factors including the estimated carrying capacity of each property, incidence of rainfall, and existing rentals on neighbouring properties. As a large number of rent appraisals were due in 1955 a more uniform and consistent approach was needed. This led to the development of what became known colloquially as ‘the formula’. Other States generally used unimproved capital values to assess rentals, but this was not possible in the Territory due to the very low turnover in pastoral properties, and the absence of reliable data upon which to base property values. In order to resolve the issue the Pastoral Rental Assessment Advisory Committee was formed.  

To develop a comprehensive formula the Committee had to take into account such factors as a typical property’s carrying capacity; distance from three principal export locations, that is, Wyndham, Mt Isa or Adelaide; incidence of disease; rainfall; and any other problems that might cause difficulties in the raising and marketing of cattle, such as the provision of water for stock. Ultimately the Committee arrived at a figure that became known as the ‘beast area nett value’, which was essentially the anticipated nett profit to each lessee for each animal sold from their property.

Departmental Secretary Cecil Lambert instructed the Committee that in developing its formula it should err on the side of caution and make a reasonable allowance for a margin of error, as well providing as incentives for pastoralists. He also said that future appraisals should not seek to extract full economic rents from the

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71 NTAS Darwin, NTRS2667, item PL428 part 3, Alexandria, 30 May 1973. In fairness to Alexandria it must be acknowledged that its former rent was $2.40 a square mile, the proposed increase would have taken it to $3.72 and, after appeal, the new rent was set at $2.90.

72 The Committee comprised officers from the Department of Territories, Bureau of Agricultural Economics, Commonwealth Development Bank, and Hugh Barclay, the Director of Lands.
pastoralists. This remark is cited here as another counter to allegations that the Commonwealth deliberately set rents at high levels in order to extract as much revenue as possible.

Although the intention was to develop a formula capable of uniform application, Hugh Barclay later confessed that while the Committee made some progress, it did not fully solve the problem. In the end he said ‘I plucked a figure out of the air and worked back from that’. The appraisals were completed and in 1955 a total of 344 rent reappraisal notices were despatched, which resulted in thirty-eight appeals. Crown Law Officer R J Withnall wrote that when the last of the appeals had been resolved by the Land Court in 1958, while the Court had readjusted ‘the formula’ and used some figures other than those put forward by the Commonwealth, it substantially accepted the principle of assessing lease rentals calculated on a beast value. The Administrator, James Archer, later wrote to Lambert saying that after the Court’s hearings had been resolved, reappraised rentals stood at 92.8 per cent of the original assessment. Archer also noted a difference in principle between the Administration and the Land Court, being that the Administration had undertaken an assessment of what it thought pastoral lands were capable of producing, while the Court was influenced by what the country had produced in recent years. ‘The formula’ was used by the Administration for many years, but was ultimately replaced by unimproved capital values.

In addition to appealing against proposed rent increases, pastoral associations were not above using veiled threats to avoid those same increases. In February 1975,

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73 NAA Canberra: A452, item 1955/199 part 1, Assessment of pastoral lease rentals NT. Lambert’s comments were made during the Committee’s first meeting on 27 September 1951.


75 NAA Canberra: A452, item 1962/7938, Appeals against re-appraisement of pastoral lease rentals NT.

76 NAA Canberra: A432, item 1958/410, Appeals to the Land Court, 9 September 1958.

77 NAA Canberra: A452, item 1962/7938, Appeals against re-appraisement of pastoral lease rentals, 25 March 1959.

78 ‘The formula’ was still in use in 1978, although it was then under review; NTAS Darwin: NTRS2500, item L1000 part 12, Pastoral land enquiries.
during a period of recession in the industry, the Northern Territory Cattle Producers Council wrote to the Minister, Rex Patterson, requesting the deferral of reappraisals then due because there would be objections involving ‘costly and time consuming proceedings…The Council submits that in the special circumstances of the industry this year, reappraisement of rentals should be deferred’. The threat of drowning the Administration in a sea of appeals achieved its aim, and Patterson, after consulting with departmental officers, approved the deferral on 12 March 1975. They were deferred for several years.

**The Fencing Covenant**

Crown Lands Ordinance of 1912 required lessees to fence the boundaries of their properties. Within twelve months they were campaigning to have the covenant removed, arguing that the money would be better spent on improvements to their properties. A J Cotton, from the Gulf Cattle Company which administered Brunette Downs, met the Minister, Patrick Glynn, in December 1913 telling him that ‘it is absolutely unnecessary to fence big holdings. All the money should be spent in raising water’. In a similar vein, William Vestey appeared before the Land Board in Darwin in August 1914. He too pointed out that fencing boundaries was absolutely unnecessary and the expense was not warranted. Vestey also thought the money could be better spent in other directions.

The pastoralists achieved their aim and the fencing covenant was removed from the Ordinance in 1918. Its removal allowed open range grazing practices to continue, and this action had far reaching effects, as its continuation enabled the production of poor quality stock, and led to considerable environmental damage, both of which were common features in the Territory for many years to come.

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79 NAA Darwin: F1, item 1974/2618, Pastoral leases general, 18 February 1975.

80 NAA Darwin: F1, item 1975/482, Pastoral leases general. It should be acknowledged that when Patterson sought advice from his department, Vern O’Brien, First Assistant Secretary, did not object to the deferral, citing difficulties then present in the administration of ‘the formula’, 7 March 1975.

81 NAA Canberra: A3, item NT1913/11380, A J Cotton re NT land.

With the introduction of pastoral development leases in 1953, it was a standard requirement for fencing to be included as part of all new pastoral leases, or for the extension of existing leases. In 1955 Hasluck noted that few leases had fencing, and he said that it was now recognised as an essential improvement for raising the level of pastoral production in the Territory.83

**The Improvement Covenant**

The first reference to the need for a property improvement covenant in pastoral leases appeared in 1917.84 The Administrator, John Gilruth, said he favoured leases with very definite stocking and improvement conditions. Gilruth also said he was not concerned with the question of who owned the leases, provided the properties were developed to the maximum.85 The Minister, Frederick Bamford, was very supportive:

I thoroughly approve of the action of the Administration in insisting that all leases of pastoral land granted under the Lands Ordinance should contain a covenant providing that the lessee should effect definite permanent improvements on the holding.86

Pastoralists argued that the fencing covenant should be replaced with an improvement covenant, and it was in 1918 whereby it was specified that they had to spend a certain sum, usually between £2 and £10 per square mile, on improvements to their properties.87 Many lessees spent little, and successfully argued for the removal of the improvement covenant in 1924 as part of the new Ordinance. All that remained was the stocking covenant. When agreeing to the removal of the

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83 NLA Canberra: MS5274, item 10, Notes in answer to inquiries made by a Parliamentary delegation to the Northern Territory, 16 November 1955, pp. 5–6.

84 As early as 1912 Administrator Gilruth had suggested a tax on all unimproved freehold land as a means of forcing the owners to either utilise their land or sell it to others; ‘Administrator’s Report’, 1912, p. 150; Commonwealth Parliamentary Papers (1913), Volume III, pp. 227–385. The Commonwealth did not adopt the suggestion.

85 NAA Canberra: A3, item NT1917/96, Maximum areas of leases to be held under Crown Lands Ordinance 1912 and Crown Lands Ordinance 1917.

86 NAA Canberra: A3, item NT1917/87, Improvement conditions NT leases, 8 January 1917.

87 Crown Lands Ordinance 2 of 1918 replaced the fencing covenant with an improvement covenant.
improvement covenant the Minister, George Pearce, said it was a ‘stupid’ clause, expecting pastoralists to spend £10 per square mile on improvements.\(^8\) He felt that stocking levels were all that was needed, and pastoralists would make improvements out of necessity. In this context Pearce was naïve and underestimated the shoestring mentality that prevailed on most Territory properties. Some pastoralists did not stock their stations and most spent little on improvements, willing to exploit their land, while extracting whatever profits they could from it. Walter Williams, appointed to the Land Board in 1924, recommended the reintroduction of the improvement covenant that same year, but his recommendation was rejected, and he was chastised by Departmental Secretary John McLaren.\(^8\)

Ironically, having successfully argued that the improvement covenant should be replaced with a stocking covenant, by 1938 Vesteys’ representatives alleged that the stocking covenant was unreasonable and should be replaced with an improvement covenant; they said that if lessees improved their properties they would stock them to capacity.\(^9\) The Payne–Fletcher Inquiry had already recommended that the stocking covenant be replaced with an improvement covenant; however, such a covenant only became a standard feature of pastoral leases from 1953 onwards.\(^9\)

Writing in 1924 during the implementation of the new Ordinance, Roberts asserted that ‘pastoralists approve of low rentals as a *quid pro quo* for compulsory improvements.\(^9\) The simple fact was that they did not; they wanted the benefit of the former, without the encumbrance of the latter.

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\(^8\) *Commonwealth Parliamentary Debates*, Senate, volume 103, 13 July 1923, p. 1093.

\(^9\) NTAS Darwin: NTRS3345, item O40, ‘Ordinance rulings’.

\(^9\) NAA Canberra: A1, item 1938/4963, Deputation to Minister by Pastoral Lessees Association re NT investigation committee report, 25 February 1938. Vesteys’ argument that if lessees improved their properties they would naturally stock them was the exact reverse of Pearce’s 1924 claim that if pastoralists stocked their properties they would naturally improve them. In reality, many pastoralists did neither.

\(^9\) NAA Canberra: A431, item 1946/1606, Northern Australian Development Committee pastoral industry. In August 1946 the Department of the Interior stated that lessees should not have been permitted to hold large areas of land for lengthy periods without developmental conditions being imposed. The department felt that future leases should include improvement conditions, such as residences, fences, yards, and water facilities.

The Stocking Covenant

Pastoral leases usually specified that lessees had to stock their properties to a predetermined number within a given period. In recognition of varying topographies within the Territory, the levels varied from one district to another. This covenant too was often ignored, as some pastoralists regularly overstocked or understocked their properties (as has been demonstrated).

In 1922 Frank Bishop, Chief Inspector of Stock, undertook an inspection of properties on the Barkly Tableland. In his report he wrote favourably about a number of properties, including Alexandria, Alroy Downs and Avon Downs. He was, however, critical of Eva Downs, managed by the Gulf Cattle Company, saying that there were no cattle on the property. Bishop’s report caused concern with the Administration when it was noted that Eva Downs was required to maintain a minimum of 2,686 cattle according to the lease. A letter was sent to the lessee, A J Cotton, seeking clarification and he replied that there were over 4,000 cattle on the property. One wonders how it was that Cotton argued that 4,000 cattle were present when the Chief Inspector of Stock said there were none. In this context, it is noteworthy that Horace Trower, Director of Lands, also inspected the property in 1918, and he too commented on the lack of cattle. The matter was referred to the Minister, George Pearce, who declined to take any action in view of the implementation of his new land policy and Ordinance.

In 1925 C W D Conacher wrote that ‘the most unfortunate provision of the 1912 Ordinance was the compulsion to put all the money into the land and none into the quality of the herds’. The irony with his claim was that within twelve years pastoralists had successfully removed any requirement that they develop their properties, and many failed to use the savings to improve the quality of their stock, as

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93 NTAS Darwin: NTRS3345, item D89, Annual report [Lands], year ending 30 June 1919.

94 NAA Canberra: A3, item NT1923/3088, F A C Bishop visit of inspector.

95 NAA Canberra: A431, item 1948/274 part 1, Export of live cattle NT, 27 March 1925.
evidenced by frequent references in Commonwealth documents to the poor quality of Territory cattle.

Hugh Barclay best expressed the Commonwealth’s emphasis on stocking conditions when he wrote that they were deliberate, with the idea of making pastoralists develop waters on their properties. He added that if lessees considered that their land was fully developed and not capable of carrying the number of stock required, an application for reduction would receive sympathetic consideration.\footnote{NAA Darwin: F1, item1947/476, Advisory Board–land selection, 9 January 1948.}

\section{7.5 Conclusion}

Crown Land Ordinances were the Commonwealth’s principal means of fostering pastoral development in the Territory. They contained a series of covenants that governed pastoralists’ responsibilities. The Study Group appointed in 1965 to review and consolidate rural land policy and legislation in the Territory (discussed in Chapter 6), said that the ultimate purpose of Ordinances was to achieve the best economic use of the Territory’s pastoral lands with continued development, while at the same time preserving the national heritage.\footnote{NAA Darwin: F1, item 1962/2061, Pastoral leases policy [part 2]; report by Study Group, 1966, p. 14.} This demonstrated the Commonwealth’s concern not only with the development of the pastoral industry, but also the long–term preservation of pastoral lands. This view was best exemplified by the Payne report into land administration in Queensland which stated that land was held in trust for future generations, and in all decisions ‘the permanent interests of the land comes first, the passing interests of individuals comes second’.\footnote{Queensland Land Settlement Advisory Commission, Report on Progressive Land Settlement in Queensland. The comment was part of a series of maxims printed between pages 48 and 49 of the report.} Pastoralists, whether large companies or small family units, were generally concerned solely with their own short–term interests.

Pastoralists repeatedly argued that lease covenants, such as stocking, fencing and improvements, were onerous and gradually they were whittled away or often
ignored. In 1922 C W D Conacher asked for relief from what he termed ‘irksome conditions’. The Commonwealth was not unmindful of the impact that covenants had on pastoralists; indeed, in 1912 Edward Millen told Parliament that ‘if we wish to make our land system in the Northern Territory a success, it is desirable to attach to it as few irritating and handicapping provisions as possible’. In 1920 A J Cotton argued that sufficient inducement was needed to encourage investment in the Territory’s pastoral industry. He called for leases of forty–two years duration, with low rents, with the only covenant being stocking, which should be strictly enforced. By 1924 pastoralists had achieved precisely that, and most ‘irksome conditions’ were removed from the Ordinance; all that remained was the stocking covenant. Yet despite being given the inducements they sought, many pastoralists failed to develop their properties.

The claims by Conacher and the Pastoral Lessees Association in late 1933 that Territory pastoralists had not been granted relief from their lease conditions during the Great Depression were symptomatic of a wider insular attitude. Conacher said that they were the only ones in Australia not granted relief, while the Association expanded on Conacher’s limited geography and said ‘perhaps the world’. In both cases they ignored the fact that their rents were well below what pastoralists in contiguous areas of Queensland and Western Australia were paying, and Territory pastoralists did not pay State income tax, unlike pastoralists in other parts of Australia.

The generous terms enjoyed by Territory lessees was emphasised by the Administrator, Frank Wise, in a report written after an overseas visit in 1955 in which he said that pastoralists showed ‘indifference’ and ‘selfish overstocking’, and

99 NAA Canberra: A3, item NT1922/2292, Vesteys Bros permits converted to leases, conditions, 10 March 1922.

100 Commonwealth Parliamentary Debates, Senate, volume XLV, 1 August 1912, p. 1527.

101 NAA Canberra: A659, item 1944/1/3113, Gulf Cattle Company leases, 15 June 1920. Cotton also argued that there should be no automatic resumptions of pastoral properties, but the Commonwealth rejected the request.

102 NAA Canberra: A1, item 1937/11251, NT Pastoral Lessees Association deputation to Prime Minister.
he concluded that ‘…a great disservice has been rendered the nation in the abuse of land and mismanagement of herds over vast, unfenced leases held under generous terms from the Crown’.  

That Territory pastoralists had many advantages not possessed by those in other States was noted by Jack Kelly, following a series of investigations into the industry. He said that the Commonwealth was generous with concessions; indeed they were better than anywhere else in Australia. Kelly’s views were confirmed by Philip Gibson, whose company managed pastoral investments in the 1960s. When promoting his company’s product Gibson referred to the Territory’s pastoral lands as ‘extremely cheap’, and said that the Territory had the ‘best title situation in Northern Australia’, while tax concessions were ‘significantly more attractive’ than in other States. Finally, Trish Lonsdale expressed a similar view that ‘pastoralists had everything their way’.

In has been suggested that Commonwealth lease covenants were prescriptive, or stringent. Indeed in late 1978 Marshall Perron, the first Territory Government Minister responsible for pastoral lands, voiced his concern and sought advice from Goff Letts, who replied that covenants were unrealistic and leaseholders should be provided with greater flexibility. Letts had expressed similar views in his 1974 Select Committee report; those views were rejected by the Commonwealth (discussed in Chapter 6).

Perron sought further advice from his Departmental Secretary, Ross Fountain, who told him that:

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107 Tony Fowlestone, Manager, Pastoral Lease Administration with the Northern Territory Government; interview with the author conducted on 9 May 2007.


109 NTAS Darwin: NTRS2500, item L2321, Coastal Plains new pastoral leases, 2 August 1978.
you and Dr Letts have expressed concern at the covenants, the inference being that they are mandatory and inflexible but perhaps this is more so from the lessees view point because he is least familiar with the provision in the land legislation for administering leasehold land...An important aspect to keep in mind when framing lease conditions is to ensure that in years to come the Government has sufficient power to take action to force development otherwise it will be open to criticism. This situation has arisen so often in the past and even today we are confronted with problem situations.\textsuperscript{110}

Lease covenants were indeed prescriptive, and they had to be if pastoral lands were to be developed, but they were not overly harsh or onerous, despite pastoralists’ contrary claims. Vern O’Brien, Director of Lands, best expressed this view when he said that ‘the Government’s attitude has always been one which has required reasonable development on leasehold and covenants are geared to the minimum economic situation rather than forcing the maximum’.\textsuperscript{111} O’Brien’s comments were endorsed by Senior Pastoral Officer Parker Marson who said that the policy ‘has always been to impose conditions sufficient only to bring the lease to average development’.\textsuperscript{112}

\textsuperscript{110} NTAS Darwin: NTRS2500, item L2321, Coastal Plains new pastoral leases, 1 September 1978. After self–government the Northern Territory Government removed most Commonwealth lease covenants.

\textsuperscript{111} NAA Darwin: F1, item 1971/7507, Rural land policy, 20 January 1972.

\textsuperscript{112} NTAS Darwin: NTRS246, item PL529 part 1, Wave Hill, 31 January 1975.
CHAPTER 8, LAND USAGE ISSUES — CLOSER SETTLEMENT, FREEHOLD AND LEASEHOLD, AND SECURITY OF TENURE

Pastoral leases merely give the holder the right to graze stock on the area concerned – nothing more.¹

8.1 Introduction

The Commonwealth saw the development of the Northern Territory’s pastoral industry as a two–stage process. Stage One involved occupancy of rural lands by pastoral companies with considerable resources at their disposal. They would initially develop the land and then, via the medium of Crown Lands Ordinances, the Commonwealth would resume portions of that land, the intention being that the resumed land would be subdivided and re–leased to family settlers, usually for agricultural or other purposes. With resident farmers working the land further settlement would follow, together with the development of small population centres, and ultimately the Territory’s growth. This formed Stage Two of the Commonwealth’s plan.

The Commonwealth repeatedly followed policies such as these, regardless of which political party was in office, and it was for this reason that it favoured leasehold land usage, not freehold. Yet what the Commonwealth never fully recognised was that large pastoral companies, in particular, did not regard themselves as being part of the Territory’s social development. They were there to maximise their profits, provide a financial return for their shareholders, and to resist any reduction of their lands. The Commonwealth’s policies, and especially its objective of closer settlement, brought it into frequent conflict with corporate pastoralists and their representative associations – particularly the Pastoral Lessees Association which primarily represented the interests of large companies – that were not favourably disposed

¹ Hugh Barclay, Director of Lands; NAA Darwin: F1, item 1950/747 part 3, Crown Lands Ordinance, 31 October 1952.
towards policies that supported new settlers, particularly the ‘small man’. This conflicting viewpoint was succinctly expressed by the Commonwealth’s Rural Reconstruction Commission which said that:

all the good intentions which form the justification for the adoption of leasehold are eventually swept away under pressure from the landholders and leasehold tends to become a convenient method of making concessions to inefficiency both of farmers and of holdings in relation to their size.  

This indeed proved the case in the Northern Territory. This chapter discusses the Commonwealth’s objective of closer settlement, which was entwined with issues involving leasehold and freehold land usage, and the reasons why the Commonwealth favoured the former. The chapter also examines pastoralists’ repeated calls for greater security of tenure over their land. It is shown that while the Commonwealth pursued closer settlement it had to contend with the machinations of some pastoralists and their representative associations who, while alleging that they supported the concept, did all in their power to defeat it.

8.2 Closer Settlement

The Commonwealth’s principal objective in its administration of Territory lands was closer settlement. It was championed in 1912, and it was still promoted in the 1960s; it was even considered in late 1978 after the Territory had achieved self-government. While it could be regarded as a socialistic objective, and it was indeed supported by Labor governments, Conservative governments were equally supportive. Closer settlement in the Territory was the unifying objective among all political parties. When the first Crown Lands Ordinances were debated in Parliament

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2 It was generally the case that resumptions applied to larger properties in the Victoria River and Barkly Tableland Districts. Smaller properties in the Alice Springs District, which were usually operated by small families, were mostly exempted from resumptions.

3 NAA Canberra: A6188, ninth report, Rural land tenure and valuation, 1946, p. 43.

4 The Study Group established in 1965 (discussed in Chapter 6), was asked to investigate whether the basic objectives of land tenure in the Territory would encourage closer settlement.

5 NTAS Darwin: NTRS2500, item L3394, Land legislation proposed consolidation. A departmental memo posed the question ‘is closer settlement to be fostered or the ‘open range’ method retained?’ The memo was not dated, but was written in the second half of 1978.
in 1912 Edward Millen (Liberal) said ‘we are…under the strongest of all obligations to adopt the policy which is likely to prove the most effective in bringing in as quickly as possible a considerable number of desirable settlers’.

When George Pearce (Nationalist) expressed his desire to implement freehold tenure for agricultural lands he said that ‘subdivision and closer settlement is the aim of the Government policy in the Northern Territory’.

When Joseph Collings (Labor) wrote to Cabinet recommending that the 1945 resumptions proceed, the intention was to promote closer settlement.

In 1958 Paul Hasluck (Liberal) wrote that the government’s policy was to ‘develop closer settlement in the Northern Territory and in practice the aim is to achieve the greatest possible subdivision of pastoral land in the hands of resident holders as far as is consistent with the steady development of the resources of the Territory’.

Attorney–General H V Evatt best described the aim of closer settlement, which was ‘to cause the larger estates to be so subdivided as to bring about an increase in the number of persons who will settle on, and work, the land comprised in those estates’.

It was anticipated by most governments that new settlers would be white, and they would migrate to the Territory from the southern parts of Australia.

Closer settlement was not a Commonwealth invention; the practice was developed by the Australian colonies in the nineteenth century. The Commonwealth was effectively adopting a similar practice whereby pastoral industries developed first, usually in the form of squatting beyond identified limits of land administration, and were then followed by agricultural, mixed farming, or similar industries, and larger estates were broken into smaller ones as new settlers took up occupancy. Yet the

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6 Commonwealth Parliamentary Debates, Senate, volume LXV, 1 August 1912, p. 1535.
8 NAA Canberra: A2700, volume 6, submission 472, Crown Lands Ordinance 1931–1939, one quarter resumption from pastoral leases 30 June 1945, 2 April 1943.
10 NAA Canberra: A432, item 1947/342, Waterloo Pastoral Co Ltd, subdivision for closer settlement, 7 May 1947. In its crudest form, closer settlement simply meant taking land from the few and giving it to the many.
Commonwealth was also determined to avoid errors the colonies had made. By the 1890s they had alienated vast quantities of land, only a fraction of which was actively used; large portions were predominantly idle, being held on speculation. The position deteriorated to such an extent that governments were forced to reacquire land by voluntary or compulsory means – often at considerable cost – in order to provide for more settlers. The Commonwealth’s intention was to avoid such extreme measures in the Territory by preventing pastoralists from acquiring large estates and failing to develop them. That this was foremost in the minds of Commonwealth politicians was evidenced during early Parliamentary debates when Edward Millen referred to past mistakes in colonial land administration, and Albert Gardiner said that ‘they entirely overlooked the interests and requirements of generations to follow’. Yet the determination to avoid the mistakes the colonies had made ultimately clouded the Commonwealth’s judgement, and caused an overzealous adherence to closer settlement, particularly in the period prior to World War II.

From the beginning, the Commonwealth was concerned with the size of many pastoral holdings, and their undeveloped nature. In one of his early annual reports Administrator Gilruth commented on the immense holdings on the Barkly Tableland and Victoria River Districts, and their lack of improvements. He felt that the land could be put to better use via smaller holdings. Treasury expressed similar views when it wrote to Patrick Glynn:

we cannot allow “drones in the hive” to occupy country and make no use of it when others are willing to do so. The expenditure of the Northern Territory is vast at the present time and the revenue very

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11 A series of Closer Settlement Acts was passed by most colonies between 1891 and 1901. The origins of closer settlement were described by Roberts, *History of Australian Land Settlement*, pp. 356–362; McMichael, *Settlers and the Agrarian Question*; and Waterhouse, *The Vision Splendid*.

12 *Commonwealth Parliamentary Debates*, Senate, volume LXV, 1 August 1912, p. 1524.

13 *Commonwealth Parliamentary Debates*, Senate, volume LXV, 8 August 1912, p. 1855.

small. It behoves us, therefore, to take every opportunity to make the country wealth-producing...by bona fide settlement by strong, enterprising men.\textsuperscript{15}

Initially, the Commonwealth’s options to address these issues were limited as the best lands were held under South Australian leases, and did not expire for some years. The Ordinance of 1912 attempted to curb the excessive size of future pastoral holdings by imposing restrictions, but they were removed in 1924 as part of the efforts of the Minister, George Pearce, to appease pastoralists by offering them inducements to surrender their leases, and take up new leases under Commonwealth control. As early as 1914 Patrick Glynn had foreshadowed new legislation by which all holdings would be kept to prescribed limits and, in accordance with the government’s policy of subdivision of large holdings, resumptions would be effected.\textsuperscript{16}

Corporate pastoralists frequently argued that they needed large properties to promote better management of their cattle, and the ability to move stock in times of drought, and that they needed long tenure in order to secure credit from financial institutions. Typical were the views of J W Durack expressed during a conference with Commonwealth officials in 1930:

we ask for long tenure, free and unrestricted. We do not wish to tie it up. We want capital to be encouraged to come in. I do not want you to misunderstand us, and think that we want long tenure just for the sake of tying it up. We want it primarily for the sake of getting encouragement and bringing capital into the country.\textsuperscript{17}

Despite Durack’s assertion that corporate pastoralists did not wish to occupy land indefinitely, when the Commonwealth moved to resume part of the Bullita property in 1935, his company fought against it, even though the property was deserted, as noted by the Pastoral Leases Investigation Committee.\textsuperscript{18} The Pastoral Lessees

\textsuperscript{15} NAA Canberra: A3, item NT1913/9970, Sir John Forrest form of pastoral lease NT, 20 September 1913.

\textsuperscript{16} This was the 1914 Land Bill discussed in Chapter 2.

\textsuperscript{17} NAA Canberra: A659, item 1942/1/7533, NT meat industry investigation, 24 November 1930, pp. 4–5 of the transcript of the conference.

\textsuperscript{18} NAA Darwin: F658, item 12, Auvergne and Bullita, 1935.
Association expressed similar views when it asserted that it did not ‘desire to land lock the Territory to its members or the industry’, and that ‘closer settlement should follow upon, not ahead of, the development of larger areas’.  

Pastoralists and their associations frequently claimed that they supported the principle of closer settlement. As early as 1935 James White, from the Gulf Cattle Company, said that pastoralists would ‘pave the way to closer settlement’. In 1954 F A Brodie, President of the Pastoral Lessees Association, said that ‘in the march of time, the big property will give way to the small’. Paul Cullen, from the Coolibah Pastoral Company, wrote in a similar vein when he said that ‘everyone realises that it is inevitable that in the course of time big properties will be subdivided’. Despite these sentiments, their actions showed that they vehemently opposed closer settlement.

Commonwealth plans for the subdivision of Territory lands were consistently criticised and resisted by pastoralists. The resumptions of 1935 and 1945 were the subject of considerable opposition (discussed in Chapter 7); a later example of such opposition is cited here. In the 1960s the Commonwealth undertook the redevelopment of several northern land systems for subdivision and allocation as mini pastoral leases (discussed in Chapter 6). One of those areas was the Coastal Plains land system. On this occasion the Commonwealth’s plans were attacked by the Pastoral Lessees Association, which protested to the Minister, Peter Nixon. The Association argued that the proposed areas were too small, developmental conditions were onerous and unrealistic, and property boundaries did not follow natural features

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19 NAA Canberra: A431, item 1946/1606, Northern Australia Development Committee pastoral industry, 29 March 1944.

20 ‘Northern Territory’, Sydney Morning Herald, 5 December 1935, p. 3.


22 NAA Darwin: F1, item 1962/2061, Pastoral leases policy [part 2], 24 September 1964.

23 The Coastal Plains land system was located east of Darwin. It included the area between Adelaide River and the yet-to-be-established Kakadu National Park.
and would cause practical problems. The Association concluded that ‘the history of land settlement policy in Southern Australia has been one of closer settlement for its own sake and the errors of this policy are now obvious’. In reply Goff Letts, Director of the Animal Industry and Agriculture Branch, said that ‘the history of land settlement in Australia has also been invariably marked by the resistance of early squatters and large land–holders to any form of sub–division, however reasonable the grounds’. Letts noted that none of the Association’s Executive had first–hand knowledge or experience of the Coastal Plains land system, and few if any of its members had an appreciation of the type of development proposed. It is noteworthy that in previous disputes with the Commonwealth, the Association had asserted that its members were ‘intimately acquainted with the country’ (usually denoting the entire Territory). Letts was demonstrating that this was not the case.

Despite claims that its members did not wish to occupy large holdings unnecessarily, in 1964 the Pastoral Lessees Association lobbied for the removal of the 5,000 square mile limit imposed in 1946, while at the same time calling for the introduction of pastoral freehold or perpetual leases. The Commonwealth rejected both requests, but the pastoralists were not dissuaded and tried again in 1980 when they appeared before the Martin Committee, established by the Northern Territory Government. This time they were successful, and the maximum limit was subsequently increased, and perpetual leases were introduced in 1983. Their actions effectively gave the lie to the statements by White, Brodie and Cullen; indeed Brodie’s ‘march of time’ and Cullen’s ‘course of time’ have proven to be almost funereal. Even today (2009), many large pastoral properties still remain – Victoria River Downs is 8,939 square miles, Alexandria is 8,391 square miles, and Wave Hill is 5,492 square miles.

24 The Association did not say what it meant by ‘practical problems’.

25 NAA Darwin: F1, item 1971/2435, Sub–coastal plains occupation development licences policy. The Association’s letter to Nixon was dated 29 April 1968. Letts’ comments were dated 22 May 1968. It will be recalled (from Chapter 6), that the Northern Territory Cattle Producers Council also protested in 1969 and 1970 over the release of mini pastoral leases in the Tipperary land system, north of Katherine.

26 Statistics provided to the author by the Northern Territory Department of Natural Resources, Environment and the Arts, Rangelands Management, May 2007. Victoria River Downs and Alexandria are larger now than they were in the late 1960s.
Why the Commonwealth pursued Closer Settlement

The question that needs to be addressed is why Commonwealth governments of all persuasions pursued closer settlement in the Territory. There were several reasons, all relating to the national interest. Although politicians and officials did not always use the term, it was clear that they viewed closer settlement in that context. By contributing to the development of the north through closer settlement, the Commonwealth saw its actions not just in the context of benefitting the north, but the entire nation. The future Minister, Rex Patterson, expressed this view succinctly when he said that governments had to ‘consider policies that were designed to achieve the most favourable outcome accruing to the society of Australia as a whole, rather than to the society residing in the northern portion of the continent alone’.27

The first motive for pursuing closer settlement was basic. From the beginning there were concerns that the ‘empty north’, a region populated by a small white population, represented a risk to the defence of the nation. Fletcher argued that it was for this reason that the Commonwealth agreed to takeover responsibility for the Territory.28 Events such as Germany’s annexation of New Guinea in 1884 and Japan’s defeat of Russia in 1905 compounded those fears. Parliamentary debates throughout the early years reflect politicians’ concerns with populous Asian countries to the north; Prime Minister Alfred Deakin said that ‘we must accomplish the peopling of the Northern Territory or submit to its transfer to some other nation’.29 In later years World War II (and the perceived threat of Japanese invasion), the Korean War, and the spread of communism throughout south–east Asia continued to add to fears of northern vulnerability.30 Yet ironically, Davidson would

27 Patterson, ‘The Economics of Transportation Development’, p. 168.

28 Fletcher, ‘The Commonwealth takes over the Northern Territory’, p. xii.


30 Concerns over northern defence still continue. In the latter years of the 20th Century a squadron of jet fighter aircraft was relocated to Tindal, south of Katherine, and the Robertson Army barracks were established in Darwin in 1995. The number of defence personnel in the Top End increased from 6,200 in 1992 to 13,000 in 2004; [Northern Territory Government. The Territory; www.theterritory.com.au/defence support (accessed 21 May 2009)].
later argue that a developed north was actually more attractive to a potential aggressor, whereas an undeveloped region was of little interest.\(^{31}\)

McLaren and Cooper noted that from 1929 onwards the Pastoral Lessees Association urged the Commonwealth towards greater development in the north in the form of transport and communications, emphasising the defence risks posed by an ‘empty’ region, though it still fought against resumptions of its members’ properties, which would have contributed to an increase in the Territory’s population and added to the region’s security.\(^{32}\) Indeed Vesteys opposed the 1935 resumption of its properties by arguing that ‘it is not in the national interest to make these resumptions as those who take them up are not likely to make as good use of them as the present holders’.\(^{33}\) The company ignored the fact that it was failing to utilise its own land; a point emphasised by the Pastoral Leases Investigation Committee that same year.\(^{34}\)

The second reason for the pursuit of closer settlement was more altruistic; a closely settled territory was seen as a socially desirable goal. Waterhouse noted colonial governments’ concerns with establishing an independent, virile yeomanry, although the Commonwealth did not express its objective in such terms.\(^{35}\) There was also abhorrence that large quantities of Crown land (effectively the Commonwealth’s land), were occupied without being used, while lessees paid minimal rents for those lands. An interdepartmental committee reviewing the proposed introduction of pastoral homestead leases (discussed in Chapter 5), said that a system which permitted absentee companies to control large areas of land, and associated profits, was socially less desirable than one which encouraged resident proprietors and closer subdivision with consequential wider distribution of the land.\(^{36}\)

\(^{31}\) Davidson, *The Northern Myth*.

\(^{32}\) McLaren and Cooper, *Distance, Drought and Dispossession*, pp. 117–118.

\(^{33}\) NAA Canberra: A659, item 1941/1/1072, Vesteys holdings, proposal to surrender Waterloo in lieu of resumption of other leases, 21 June 1935.


\(^{36}\) NAA Canberra: A1422, item 12/1/19 part 2, NT Ordinance 2 of 1950, 6 December 1951.
expressed similar comments when he said that ‘the main purpose of land policy should be the establishment of a resident community on a sound basis’.  

The third reason for closer settlement was the belief that a populated north could make a greater contribution to the national purse and the Commonwealth could ultimately recoup some of its development costs. During a meeting with pastoralists in 1923 George Pearce said that his new policy, which gave the Commonwealth the right to resume 50 per cent of pastoral lands over the next twenty years, was predicated on the fact that the government’s development plans would be costly, and he wanted to be in a position to give an assurance that the Territory’s population and revenue base would increase accordingly.  

There were other options for northern settlement, apart from the migration of southern white settlers. Departmental Secretary Atlee Hunt described some of them in his post–visit report in 1915.  

He said that the White Australia Policy, enacted in 1901, was meant to ensure ‘the purity of our race’, and it therefore prevented the importation of labourers from India, as the Indian Government expected that such labourers would be granted residency after they had completed their contracts. Similarly, while there was a substantial Chinese population in the Territory, additional Chinese immigrants would not be permitted entry. Although there were suggestions that settlers from southern Europe might be encouraged to emigrate, and that suggestion was favourably regarded (Hunt himself was supportive of the idea that Russian peasants be persuaded to emigrate), the devastation caused by World War I would prevent this for many years.  

Hunt noted the vast distances in the Territory, the lack of transportation, and the affect of the climate on white settlers, and said that closer settlement should not be hastened; he proposed a long–term solution whereby it should evolve by natural means and the population would gradually move northwards as the southern parts of  

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38 NAA Canberra: A431, item 1946/868, Proposed land policy, 23 February 1923.  

39 NAA Canberra: A3, item NT1916/2606, Secretary’s visit to NT, 17 November 1915.
the country became overcrowded. Upon reading Hunt’s report, Administrator Gilruth expressed his concern that if Australia did not populate the Territory, other nations might. He concluded that ‘to my mind, the importance of the Territory to Australia exists solely because it is part of the Defence problem’.  

The question may be asked what role Aborigines had with respect to closer settlement. Although they provided a substantial workforce for the pastoral industry throughout the Commonwealth era, a fact Hunt acknowledged in his report, their role regarding closer settlement was minimal. They were living in small, scattered communities, and their ‘natural tendency to rove’ introduced an uncertain element into their employment. As far as Hunt was concerned, the solution was their continued employment with menial tasks benefiting white settlers. For many years there was also the widely held perception that Aborigines were a doomed race and would gradually die out. Although such overtly racist views would be tempered over time, the result was the same. It was expected that Aborigines would support closer settlement, but not become settlers themselves. The Commonwealth’s favoured solution was southern migration by white settlers and their families. Aborigines were often allowed to continue their traditional pursuits of hunting and fishing on pastoral lands, but they had no title to that land. Even after the Wave Hill walk–off in 1966, when members of the Gurindji tribe went on strike for higher wages, Aborigines had no title to pastoral lands. This did not change until the passage of the *Aboriginal Land Rights (Northern Territory) Act 1976*. The Act allowed Aborigines to claim title to land if they could provide evidence of traditional association with that land. The Act was implemented in December 1976 (only eighteen months prior to self–government), and its impact in the Commonwealth era was minimal. A report by the Aboriginal Land Commissioner in June 1978 noted that while eighteen applications had been received at that time, all related to

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40 NAA Canberra: A3, item NT1916/2606, Secretary’s visit to NT, 22 December 1915.  
41 NAA Canberra: A3, item NT1916/2606, Secretary’s visit to NT.  
unalienated Crown lands; there were no applications for alienated (leased) Crown lands.\textsuperscript{43}

**The ‘Fetish’ of Closer Settlement**

While closer settlement was the Commonwealth’s objective in the Territory, there was no apparent methodology for achieving it, particularly in the early years, other than via the resumption of large properties, and general encouragement of small settlers. Paul Cullen later condemned the objective, asserting that:

> the fetish of small areas and closer settlement for its own sake should be abandoned and must be regarded only in relation to capacity for real development… It is a fallacy to subdivide for its own sake. Some properties can be subdivided, but not all.\textsuperscript{44}

There was indeed some truth in this statement. In its pre–World War II administration of the Territory the Commonwealth failed to recognise that a number of factors needed to be in play for closer settlement to work effectively. First, it was necessary to have a reasonable understanding of the land – its topography, climate, soil, vegetation, and water capacity, in order to appreciate which lands could sustain agriculture or other industries; for the most part, the Commonwealth did not have sufficient knowledge regarding any of these factors. If it had, its pursuit of closer settlement may have been tempered. Although some early surveys were undertaken, more work was needed. In 1923 land officer William Hicks called for a comprehensive fourteen–year survey of Territory lands, but his recommendation went unheeded.\textsuperscript{45} Detailed inspections of pastoral properties were also required in order to determine which could be subdivided, and which portions could form new estates. Apart from Horace Trower’s brief inspection of Barkly Tableland properties in 1918, and Frank Bishop’s tours of the Barkly Tableland in 1922 and Victoria


\textsuperscript{44} NAA Darwin: F1, item 1962/2061, Pastoral leases policy [part 2], 24 September 1964. Cullen did not specify which properties were capable of subdivision, and it would be interesting to know which ones he thought they were.

\textsuperscript{45} NAA Canberra; A431, item 1946/868, Proposed land policy, 17 January 1923.
River in 1927 (discussed in earlier chapters), the first detailed inspections were only undertaken by the Pastoral Leases Investigation Committee in 1933 and 1934. Some Commonwealth officials assumed that all Territory lands were of similar quality. This was clearly evident during the 1935 resumptions when they divided properties on maps with little thought as to whether they were creating sustainable areas for smaller settlers. Even a small property like Rosewood was scheduled for resumption. The lessee, J A C Kilfoyle, protested that the property was only 1,073 square miles, and if reduced would not be viable, nor would the resumed land be of use to anyone else. Common sense prevailed and the resumption did not proceed. A later report by the Bank of New South Wales said that the 1935 resumptions were ‘a farcical attempt to observe the letter of the law’. Clearly, while some properties were capable of subdivision and closer settlement, others were not.

Second, there had to be a regular demand for land by smaller settlers, but for this demand to originate they needed financial encouragement, particularly to develop properties and provide water, as well as markets for their products. Other factors involving distances and lack of communications needed to be addressed if families were to settle in the north. When Thomas Paterson sent a submission to Cabinet in 1936 recommending the appointment of the Payne–Fletcher Inquiry he said that in the early Commonwealth years it was anticipated there would be a steady demand for pastoral leases, and it was seen as desirable that large estates be broken up to provide areas for new settlers; those expectations, however, were unrealised. Although the Commonwealth introduced the Advances to Settlers scheme in 1913 it did little else in the way of providing financial support, and consequently there was little demand for pastoral lands by smaller settlers in the 1920s and 1930s.

46 NTAS Darwin: NTRS2667, item PL549, Rosewood. The Land Board upheld Kilfoyle’s appeal.

47 NAA Canberra: A688, item 7, Reports on the NT; ‘The Development of the Northern Territory’, 1949.

48 NAA Canberra: A2694, volume 16, part 1, submission 1828, Land policy in the NT, 9 July 1936.

49 NAA Canberra: A3, item NT1916/1441, Regulations under Advances to Settlers Ordinance, NT. The Advances to Settlers scheme provided a maximum loan of £800 for property improvements such as clearing, felling, grubbing, logging and rolling, ringbarking, fencing, draining, reservoirs, and permanent buildings. Funds were only provided to bona fide settlers.
The Commonwealth appeared to regard the Territory’s development as being at the same stage as the other States; it was just a larger, more distant version of them. While keen to avoid the mistakes the colonies had made in having to reacquire pastoral lands for closer settlement, this resulted in a reaction the other way. The 1937 Payne–Fletcher report said that while ‘the interests of the many against the privileges of the few’ was a laudable aim, the protection of future public interests had become an obsession, and prevented reasonable business terms being given to pastoralists.50 In this, however, they were only partly correct. The protection of future interests and the breakup of large estates were indeed pivotal in Commonwealth policies; nevertheless pastoralists were given reasonable business terms, particularly the inducements offered to them via the 1924 Ordinance (discussed in Chapter 3), together with low rents on their properties.

The warning signs challenging the pursuance of closer settlement appeared early. Atlee Hunt said that settlers needed experience and capital and should be encouraged to the Territory by liberal terms, but not bustled to occupy the land prematurely. He suggested that matters should proceed naturally, and settlers would gradually move northward as the southern regions became more populated (as stated earlier).51 Following his visit in 1920, Alexander Poynton told Parliament that the Commonwealth would not succeed in the Territory by forcing closer settlement, but by more primitive methods of stocking with cattle and sheep.52 Payne–Fletcher concluded that closer settlement would not occur in the Territory as there were four factors against it – intermittent rainfall, limited good soils, absence of markets, and the difficulty in attracting quality agriculturalists who would simply go to other States. They recommended the Commonwealth provide encouragement to settlers who were already in the Territory.53 In 1944 Administrator Abbott said that it was a mistake to think that the Territory was in the same position regarding development as

50 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, pp. 813–925].

51 NAA Canberra: A3, item NT1916/2606, Secretary’s visit to NT, 17 November 1915.


53 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, pp. 77–78, paragraphs 495–503].

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the other States; it was many years behind. The time for closer settlement in the Territory had not arrived, and it was necessary to frame a land policy which allowed for the improvement of grazing areas, but not closer settlement. Abbott agreed that the Commonwealth had to ensure that the pastoral industry flourished, but at the same time he recognised that the Commonwealth’s chief asset, the land itself, had to be put to the best use, steadily improved, and not neglected.  

While still keen to populate the Territory through resident settlers, after the War the Commonwealth’s adherence to closer settlement began to change. The 1945 resumptions proceeded as planned, however, properties were subject to inspection beforehand, and the resumptions themselves were more clearly thought out in that only selected properties were resumed. Despite this, the Commonwealth still faced concerted opposition from a number of companies.

The Commonwealth developed schemes to provide finance and credit, particularly for smaller settlers, and introduced the developmental bore scheme in 1946, whereby two bores were provided on all new properties. Pastoral homestead leases were introduced in 1953; they were perpetual leases, but only for resident pastoralists, with companies excluded. Freehold land title for agricultural purposes was reintroduced in 1962. Corporate pastoralists were offered long–term leases with development covenants. The Commonwealth’s automatic right to resume a percentage of land within a given time frame was removed from all new leases from the 1950s onwards, though the Commonwealth still reserved the right to resume land if circumstances warranted it.

In addressing Cullen’s description of closer settlement as a ‘fetish’, the question arises what the Commonwealth could have done differently, particularly prior to World War II. First, it should have acquired a greater knowledge of the land, understood which areas could sustain agriculture or other industries such as mixed farming, and accepted that only certain lands were capable of closer settlement.

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54 NLA Canberra: MS1674, box 11, folder 5, Correspondence, 4 October 1944.

55 NAA Canberra: A2700, volume 6, submission 472, Crown Lands Ordinance 1931–1939. In this submission to Cabinet the Minister, Joseph Collings, recommended that resumptions proceed in the Victoria River, Barkly Tableland and Alice Springs Districts, but not Darwin and the Gulf.
Second, it should have resumed only those lands where smaller holdings could be sustained. Third, if smaller settlers were to be encouraged to the Territory the Commonwealth should have provided financial assistance to assist them in establishing and developing their properties. Fourth, having granted corporate pastoralists the liberal terms they sought, the Commonwealth should have then employed inspectors to ensure that those pastoralists complied with their lease covenants. If they were in repeated breach of their covenants the leases should have been forfeited. If the land was not capable of subdivision, it should have been released to other companies that were willing to abide by their lease covenants.

An article published in 1962 argued that any scheme that emphasised the placement of new settlers on the land would not succeed. Future closer settlement schemes which proceeded in the traditional manner were likely to act as a brake on development.56 Several pastoralists, including Paul Cullen, sent copies to the Minister, Charles Barnes, and to administrative officers in Darwin. Barnes replied that while the article had ‘considerable meat’, nevertheless ‘some of their premises are open to doubt’.57 The article identified capital and managerial skills as key issues for successful pastoral development, just as the Pastoral Lessees Association had repeatedly done. As far as capital was concerned, large companies had access to it, but often would not use it, and as far as managerial skills were concerned, there are many references in Commonwealth documents to poor quality managers engaged by companies to oversee their properties. While condemning closer settlement as a fetish, and suggesting that only some pastoral properties could be subdivided, Cullen was expressing the pastoralist’s typical view when he argued for freehold or perpetual lease tenure, knowing that such tenure would effectively defeat closer settlement by preventing any future subdivision.


57 NAA Canberra: M78, item M–M15, Miscellaneous papers, 6 November 1964.
8.3 Issues involving Leasehold and Freehold Land Usage

Australian rural land occupancy is normally of two types – leasehold, which allows tenants to occupy the land, either in perpetuity or for a fixed term of years, or freehold (also known as fee simple), which conveys full ownership. During the Commonwealth era freehold was never permitted for pastoral purposes in the Territory, though it was allowed at certain times for agricultural purposes. Fixed–term leases remained the Commonwealth’s preferred option for pastoral usage, though perpetual leases – pastoral homestead leases – were permitted for small areas occupied by resident pastoralists from 1953 to 1967. The Commonwealth’s objective of closer settlement was clearly entwined with its policy of leasehold land usage. Pastoralists frequently argued for greater security of tenure, and the subject of freehold occupancy was often raised. While it considered freehold, the Commonwealth steadfastly refused to introduce it for pastoral purposes, though the time span for fixed–term leases was gradually increased to fifty years.

In a briefing to Paul Hasluck, his Departmental Secretary Cecil Lambert explained why the Commonwealth preferred leasehold land tenure.\(^{58}\) It was adopted in the Northern Territory after having been introduced in Papua (discussed in Chapter 2), because it was felt that the alienation of freehold land in an under–developed region would lead to acquisition by speculators, or absentee owners, who did not use it and withheld it from occupation until demand increased its value, or extracted heavy rent payments from working pioneers. Lambert said that in the early stages of development, when large areas of land were needed, it was possible to grant leases under fixed terms for pastoral usage, while ensuring that governments retained ultimate control. When more intensive development became possible the land could be subdivided for agricultural or other purposes. During subdivision, perpetual leases could then be introduced. The advantages of leasehold over freehold were twofold. Governments could control the size of individual holdings and thus prevent undue aggregation of land into single ownership, or uneconomical subdivision. They could also impose land use control measures, such as the obligation to effect improvements.

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\(^{58}\) NAA Darwin: F1, item 1960/2042 part 1, Conversion of tenure of leasehold to freehold, 16 September 1955.
and to reside on and work holdings, which ensured that the land was occupied and used for the purposes for which it was made available, and not merely held on speculation.

**Brief Overview of Pastoral Land Tenure in the Northern Territory in the Commonwealth Era**

The *Northern Territory (Administration) Act 1910* set the tone for the Commonwealth’s stance when it stated that ‘no Crown Lands in the Territory shall be sold or disposed of for any estate of freehold, except in pursuance of some contract entered into before the commencement of this Act’.

Edward Millen’s statements were typical of politician’s views at the time, when he said that ‘these pastoral holdings are merely transient holdings. Land is held under pastoral occupation until such time as, with the increase of population, it is required for higher purposes’. Pastoral holdings, however, proved to be far less transient than Millen and others realised. Millen was concerned that if freehold or perpetual leases were granted, the Commonwealth would have to pay high compensation costs in the future to reacquire the land should it be needed for closer settlement.

In 1913 Joseph Cook’s newly elected Liberal Government was prepared to allow freehold for pastoral purposes. It drafted legislation, known as the Northern Territory Repeal Bill 1913, to negate the Northern Territory (Administration) Act. The government also drafted a new Land Bill that, once passed, would pave the way for freehold usage of pastoral blocks up to 100,000 acres (or 156 square miles) in size.

The Cook Government lost office in October 1914, replaced by Andrew Fisher’s Labor Government, which was opposed to freehold for any purpose, and the draft legislation was quickly shelved.

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59 *Northern Territory (Administration) Act 1910*, s11.

60 *Commonwealth Parliamentary Debates*, Senate, volume LXV, 1 August 1912, p. 1532. ‘Higher purposes’ simply meant closer settlement.

61 NAA Canberra: A3, item NT1913/10227, Repeal of s11 of NT Administration Act. This file contains a copy of the draft Northern Territory Repeal Act, but not the draft Land Bill.
As part of a review of land legislation and a proposed new Ordinance in 1923–1924, George Pearce argued that pastoral lands should be held under leases of forty–two years duration. Pearce was, however, prepared to allow freehold usage for agricultural purposes to encourage closer settlement. He wrote to his Departmental Secretary John McLaren saying that ‘I propose to ask Cabinet’s approval to an alteration of the law relating to land tenure in the Northern Territory so as to enable freehold tenure to be given for agricultural and town lands’. To ensure there was no doubt that the proposal did not apply to pastoral lands, there were several hand–written annotations stating that ‘grazing lands not to be freehold’.62 Pearce told Parliament that ‘the Northern Territory is the very last place in which we should institute an experiment to determine the relative merits of freehold and leasehold systems…We want a resident and not a migratory population, in the Territory’.63 In 1926 a new Crown Lands Ordinance was implemented which provided for freehold usage of agricultural lands. It remained in force until 1943, when abolished by the Curtin Labor Government which was opposed to any form of rural freehold.64

In an endeavour to promote closer settlement, perpetual leases were permitted for pastoral purposes, in the form of pastoral homestead leases, from 1953. They applied to resident pastoralists only; companies were excluded. Their architect was Cecil Lambert, then Director of Northern Territory Affairs, who told the Minister, Philip McBride, that ‘it is considered that sufficient is now known about the pastoral lands of the Northern Territory and their potentialities to move out of the pioneering forms of settlement and tenure, to more advanced conditions designed to encourage closer settlement by resident holders and better development and utilisation of the land’.65 Pastoral homestead leases, however, did not live up to expectations and only five were granted before they were phased out from 1967 onwards.

62 NAA Canberra: A431, item 1950/1334, Grants of freehold land NT, 5 May 1925.

63 Commonwealth Parliamentary Debates, Senate, volume 110, 8 July 1925, pp. 733–737. The quote is from p. 734.

64 NAA Canberra: A5818, volume 25, submission 1049, NT conversion of leasehold to freehold, 23 March 1961. This Cabinet submission noted that very little use was made of the opportunity provided by the 1926 Ordinance, and less than 235 acres of land were converted to freehold.

65 NAA Canberra: A431, item 1949/614, Land policy reports by Administrator and Director of Northern Territory Affairs, 26 January 1950.
From 1959 onwards a number of Commonwealth committees examined the issue of freehold land usage for pastoral purposes and all rejected it. The first was the Forster Committee appointed by Paul Hasluck, primarily to review agricultural land tenure as a means of promoting closer settlement. The Forster report recommended freehold for agricultural development, but as far as pastoral land usage was concerned it stated that ‘the controls made feasible by leasehold should remain an essential aim of government policy for a while yet’, the reason being that leasehold covenants were essential if exploitation of the land was to be avoided, and to prevent large areas of land, at very low values, passing out of government control. Freehold for agricultural purposes was reintroduced via the Freehold Titles Ordinance in 1962 (as stated earlier in this chapter).

Yet even before the Forster Committee had presented its report Hasluck was contemplating pastoral freehold, and he wrote to Lambert:

I have been giving some further thought to the question of land tenures in the Northern Territory…Will you have a look again at the possibility of devising a system of conversion to freehold? What I have in mind is a system under which a lessee who had brought a property to a certain standard of improvement could apply for conversion to freehold.

Hasluck sought direction from Cabinet, which in turn referred the matter to an interdepartmental committee. The Bureau of Agricultural Economics was opposed to the proposal. It said that taxpayers were subsidising the development of the Territory, and if landholders were allowed to convert to freehold, long–term capital appreciation would accrue to them rather than being retained by the nation. The

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67 NAA Darwin: F425, item C36 part 2, Vesteys leases. In January 1961 Vesteys sought the government’s approval for a ninety–nine year lease over its land, at the end of which one–quarter would be given to them on a freehold basis. The government refused the request in September 1961.

68 NAA Darwin: F1, item 1960/2042 part 1, Conversion of tenure of leasehold to freehold, 20 January 1960. Hasluck does not mention this matter in his personal papers, and there is no evidence to suggest why he was considering freehold land tenure for pastoral purposes at this time.

69 NAA Canberra: A5818, volume 18, submission 787, NT conversion of leasehold to freehold, 27 July 1960. The interdepartmental committee comprised the Attorney–General’s Department, and the Departments of Interior, Territories, and Treasury. In addition, the views of the Bureau of Agricultural Economics were also sought.
Bureau said that the objectives of a planned system of rural land tenure were commonly recognised as the attainment of efficient rural production to yield the maximum net social product, while at the same time providing an adequate living for the largest rural population. Experience indicated that large holdings did not achieve this objective. The resident landholder who was largely free from influences such as debt or dividend payments was more likely to carry out improvements required to attain optimum production. Freehold tenure under uncertain production conditions could lead to short run planning if debt burdens accumulated or if dividend payments were too heavy. The Bureau concluded that greater benefits would accrue to the Territory from maintaining long–term leases rather than freehold.  

When asked for his views the Territory’s Administrator, James Archer, said that leasehold should be retained as the pastoral industry was on the verge of significant changes, including road transport, and improvements in cattle breeding and pastures. He suggested that some pastoralists might be offered conditional purchase over their lands where the time needed for maximum development could be most clearly resolved, and he concluded that:

freehold could only be granted where the ultimate policy perspective has been reached, that is, where a particular holding has been developed to its optimum potential and is not considered capable of further subdivision for economic reasons.  

Treasury argued against the proposal, but from a purely economic standpoint; emphasising the loss of revenue from pastoral rents if freehold was introduced. When informed of Treasury’s views, Archer said that revenue was secondary to the principle of closer settlement, and that:

the main purpose is the establishment of a resident community on a sound basis, regardless of whether the revenue derived from the leasing of the land is large or small…the main factor to be considered is

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70 NAA Darwin: F1, item 1960/2042 part 1, Conversion of tenure of leasehold to freehold, September 1960.

71 NAA Darwin: F1, item 1960/2042 part 1, Conversion of tenure of leasehold to freehold, 19 September 1960.
not the loss of revenue…but the confidence of the population in the Northern Territory as a place to live and work and develop.\textsuperscript{72}

The committee reported in March 1961 recommending against freehold, saying that it would result in greater areas of land being allocated to individual holders, thus defeating the principle of closer settlement; present landholders would make large profits; and any future acquisition of freehold land would impose a financial burden on a government. The report argued that the Territory’s development was likely to bring about considerable changes in the use of pastoral land, and only when the optimum use of that land had been achieved should freehold be considered. Cabinet endorsed the committee’s recommendation.\textsuperscript{73}

On 26 March 1964 representatives from the Pastoral Lessees Association met the Minister, Charles Barnes, and asked that freehold be considered again. As they had done before, the delegates argued for more secure tenure over their lands which they said would encourage a denser population in the Territory, greater investment of private capital, together with advances of capital by lending institutions. They also argued for the repeal of the 5,000 square mile limit introduced in 1946, and said that provision should be made for freehold or perpetual lease tenures on the basis of a property’s carrying capacity, not its area. The delegation said that if the immediate introduction of freehold was unacceptable, a provision for conversion to freehold after a certain period of time, conditional upon a program of specified development, which might be associated with the surrender of a portion of each original lease, should be considered.\textsuperscript{74} Shortly after, Barnes publicly announced his support for freehold pastoral tenure.\textsuperscript{75}

\textsuperscript{72} NAA Darwin: F1, item 1960/2042 part 1, Conversion of tenure of leasehold to freehold, 26 January 1961.

\textsuperscript{73} NAA Canberra: A5818, volume 25, submission 1049, NT conversion of leasehold to freehold, 23 March 1961; decision 1332, 2 May 1961.

\textsuperscript{74} NAA Canberra: A452, item 1964/2186, Conference between Minister for Territories and the NT Pastoral Lessees Association, March 1964. The meeting discussed land tenure, finance and forms of finance, taxation losses, and cooperation on legislation affecting the cattle industry.

\textsuperscript{75} ‘N.T. plan mine, says Barnes’, \textit{Herald} (Melbourne), 14 April 1964, p. 5.
The Department of Territories reviewed the matter and once more recommended against freehold. Its report highlighted the Commonwealth’s principal objection, which was that there needed to be a foolproof means of preventing corporate aggregation of properties. Addressing the issue of greater security of tenure, the report suggested that provision should be made in the Ordinance for pastoralists to convert to new fifty–year leases after the expiration of ten or more years of their existing leases, subject to such additional improvement conditions, as well as the reduction or subdivision of their lands into additional holdings, as the Minister considered desirable.\textsuperscript{76} This recommendation was in effect the forerunner of rolling leases introduced in 1967 (discussed in Chapter 6), and was intended to meet pastoralists’ concerns that investment would decline in the final years of their leases, due to the lack of time in which to obtain a reasonable return.

Continued lobbying by pastoral associations led to the formation of the Study Group (discussed in Chapter 6). The Group’s final report, presented in May 1966, rejected both freehold tenure and perpetual leasehold, preferring that fixed–term leases remain, and be no longer than fifty years. The Group did acknowledge that even fifty–year leases would lose their value over time as pastoralists would be loath to commit to developmental works in the dying stages of their leases. It agreed that rolling leases which allowed pastoralists to apply for new leases in advance of the termination of their current ones were preferable, and recommended that they be introduced. Following the Group’s report, in February 1967 Cabinet approved most of its recommendations.\textsuperscript{77}

The Study Group was the last occasion that the Commonwealth reviewed pastoral land tenure in the Territory. It led to a new Ordinance in 1967 and the introduction of rolling leases. In 1980, two years after self–government, the Northern Territory Government reviewed pastoral lease tenure again, via the Martin Committee, and it

\textsuperscript{76} NAA Darwin: F1, item 1962/2061, Pastoral leases policy [part 2]. The report was not dated, but appears to have been prepared in June 1964.

\textsuperscript{77} NAA Canberra: A5842, submission 59, NT pastoral and agricultural lands, 3 February 1967.
subsequently introduced perpetual leases in 1983, though it still refused to allow pastoral freehold.  

Why the Commonwealth favoured Leasehold Land Usage over Freehold

The Commonwealth’s concerns for the Northern Territory’s pastoral industry were development and closer settlement, the prevention of aggregation of properties by large companies, and the protection of land for future generations. Commonwealth officials, and many Parliamentarians, believed that freehold would prevent the realisation of these goals. In a report on land laws and tenures completed in 1944 on behalf of the Rural Reconstruction Commission, Harry Gibbs said that in areas such as the Northern Territory leasehold of a sufficient period ‘long enough to give reasonable security of tenure and not to retard development’ was preferable. 

Although representatives of the Pastoral Lessees Association argued that freehold would help establish a denser population in the Territory during their meeting with Barnes in 1964, they were disingenuous. Large pastoral holdings did not help establish a denser population; in fact quite the opposite. The Association and its members were not concerned with closer settlement, the evidence being that they had actively opposed the resumptions of 1935 and 1945, which would have given the Commonwealth additional lands for just that purpose. As late as 1970 J H Auty, the Territory’s Chief Agronomist, noted that pastoral associations were lobby groups that objected to closer settlement and were concerned with their own best interests, while the government, he said, dealt with the best interests of the nation.

While the Department of Territories concluded that undue aggregation should be avoided in the public interest, it was noteworthy that the Commonwealth was

78 [Northern Territory. Inquiry into Pastoral Land Tenure in the Northern Territory].

79 NAA Sydney: M1850, Harry Talbot Gibbs, ‘Land laws and tenures, report on the investigation of the laws relating to the alienation and leasing of agricultural and grazing land owned by the Crown in each of the States of Australia, Australian Capital Territory, and the Northern Territory’, 1944 (Gibbs later served as Chief Justice of the High Court of Australia).

80 NAA Darwin: F1, item 1969/1094, Pastoral leases policy [part 4], 21 December 1970. Auty was speaking specifically in the context of the Northern Territory Cattle Producers Council.

81 NAA Darwin: F1, item 1962/2061, Pastoral leases policy [part 2], June 1964.
sensitive to public criticism of large pastoral holdings. Corporate aggregation had caused hostile public comment, particularly where there were extremely large holdings of undeveloped land, while people without land were anxious to join the industry. Indeed, such opposition heightened after the Wave Hill walk-off (mentioned on page 257 of this chapter), when companies such as Vesteys were the subject of much public criticism.

The Commonwealth was also concerned with the protection and future use of pastoral lands. This was particularly relevant during the Centralian drought in the 1960s (discussed in Chapter 5). By now the Commonwealth was alarmed by overstocking on a number of properties, and the damage to soils and pastures. The 1965 Study Group recommended greater powers be given to the Land Board to control stock numbers, and the implementation of a soil conservation ordinance. If pastoral lands were held on freehold the Commonwealth’s ability to control stock numbers, and to ensure the protection of soils and vegetation, would have been lessened.

Bolton assessed the merits of freehold and leasehold land usage, and the impact of leasehold on pastoralists in the Kimberley district in Western Australia, and argued that ‘as the land was not theirs, it is conceivable that some pastoralists felt no qualms about devastating the land to make profits’, the implication being that if cattlemen were granted freehold over their land they might have cared for it more than they did.8² The flaw with this argument is that while many cattlemen had no qualms about abusing their land because they did not own it, they also had no qualms about neglecting their cattle, which they did own.

The following two examples have been chosen from numerous references in Commonwealth documents to pastoralists’ poor treatment of their stock. First, during a meeting of the Northern Australia Development Committee in 1946, Departmental Secretary Joseph Carrodus cited an unnamed company which was losing up to 2,000 cattle a year worth several thousand pounds, yet the company would not install an

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extra bore costing £1,500.83. Second, in January 1949 Commonwealth field officers inspected Vesteys’ Wave Hill property. While their report was generally favourable, they commented that Vesteys needed to fence off boggy areas around a number of waterholes to protect weaker cattle from becoming trapped in the mud. Vesteys did nothing and five years later when field officer Ted Wharton inspected the company’s Birrindudu property, located to the west of Wave Hill, he found 500 cattle dead or dying around one of the waterholes, due to the lack of proper fencing. Wharton said that such losses occurred annually ‘and the lessees can offer no valid excuses’. He noted that it would have been a simple task to erect a fence enclosing the waterhole. He added that the work would cost no more than £2,000 – less than half the value of the cattle actually lost in one year – yet Vesteys would not undertake the work.

Freehold and perpetual leases effectively defeated the principle of closer settlement, which was why they were keenly sought by pastoral associations, as the land could only be reacquired by the Commonwealth at considerable cost. Perhaps the Commonwealth’s overall reluctance towards freehold usage of pastoral lands in the Territory was best summarised by Hugh Barclay who said that:

circumstances change, new developments take place, and it is essential that where large areas are concerned, power should remain in the hands of the Government to review the terms and conditions of leases of this type without penalty. The lessee enjoys the privilege of a lease, not the right of one. The rights must remain in the hands of the Crown to administer for the general good of the people as a whole.

The Commonwealth’s concern with the ‘general good of the people as a whole’ held little sway with some pastoralists who were, according to Barclay, ‘governed, not by the national interests, not by their concern for the land, not by any interest in sound

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83 NAA Canberra: A1422, item 12/1/8, Northern Australia Development Committee 4th meeting, 17 July 1946.
84 NTAS Darwin: NTRS246, item PL529 part 1, Wave Hill, 5 January 1949. The inspection was undertaken by Daniel McInnes and A G W Greatorex.
development of the Northern Territory, but by their desire to get the highest possible price for cattle. 87

Pastoral Land Usage in the Northern Territory during the Commonwealth Era

<table>
<thead>
<tr>
<th>Land type</th>
<th>Occupancy</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pastoral</td>
<td>Freehold</td>
<td>Never permitted</td>
</tr>
<tr>
<td></td>
<td>Perpetual leases</td>
<td>Permitted from 1953 to 1967 for resident landholders only; companies excluded</td>
</tr>
</tbody>
</table>

8.4 Security of Tenure

One of the key arguments used by pastoralists for long–term occupancy of their lands, preferably in the form of freehold or perpetual leases, was security of tenure. They argued that if they had such occupancy, they would be more disposed to spend substantial sums on development, either their own or borrowed monies, so as to receive a reasonable return. It was a fallacious argument, yet it was repeated many times. 88

As part of its discussions with the Minister, George Pearce, over a new Crown Lands Ordinance, the Pastoral Lessees Association argued that its members needed long–term tenure to enable the development of their properties. They achieved it with a new Ordinance in 1924 which provided for forty–two year leases, which would not expire until 1965. Many pastoralists, having thus obtained the long–term tenure they

87 NTAS Darwin: NTRS2500, item L18 part 1, Return of important events; annual report year ended 30 June 1952.

88 The demand for security of tenure was not unique to the Territory as Roberts noted that it was used in New South Wales as early as the 1840s; History of Australian Land Settlement, p. 190.
sought, did little to develop their properties, though they were soon arguing for extended tenure to 1975.89

Having successfully used the ploy of security of tenure to obtain long–term leases in 1924, the Pastoral Lessees Association used it again in the early 1950s as part of its opposition to a new Crown Lands Ordinance (discussed in Chapter 5). It argued that its members’ leases were expiring in 1965, and the short time remaining was insufficient for them to develop their properties and receive a reasonable return in the interim. The Association ignored the fact that those leases began in the 1920s, and pastoralists had had almost thirty years to develop their properties. The lack of development was clearly evident when the Territory’s Administrator, Frank Wise, wrote that ‘the large interests have had a considerable period of undisturbed possession to bring their existing leases to this desirable stage and at present are far from that goal’.90 Now the Association was again using the limited number of years remaining on leases as an excuse for its members not to improve their properties. This was noted by Peter Reid, from the Bureau of Agricultural Economics, who said that ‘these same interests have successfully raised the cry of security of tenure to enable development in the past, have obtained the security sought, but have not developed their holdings’.91

Pastoral associations, however, were still not done with the security of tenure argument. It was used again in 1964 when representatives of the Pastoral Lessees Association met the Minister, Charles Barnes, and argued once more for freehold title. They were still arguing in 1980 that security of tenure would lead to increased land use and development, when they appeared before the Martin Committee. By now the argument was discredited, as pastoralists had fifty–year leases which, due to rollover provisions, could be continued indefinitely, effectively serving as de facto perpetual leases. The Martin Committee asked pastoralists what they would have

89 As early as 1932 the Pastoral Lessees Association was calling on the Commonwealth to extend all leases to 1975; NAA Canberra: A659, item 1939/1/468, Northern Territory Pastoral Lessees Association development of NT, 22 February 1932.

90 NAA Canberra: A452, item 1952/140 part 1, NT security of tenure in leases–representations by NT Pastoral Lessees Association re Crown Lands Ordinance, 28 October 1952.

91 NAA Canberra: A1422, item 12/1/19 part 2, NT Ordinance 2 of 1950, 10 February 1953.
done that they had not done, if they had greater security of tenure, and noted that little in the way of specific examples was given. Security of tenure was a diversion intended to disguise the fact that many corporate pastoralists occupied large tracts of land which they failed to adequately develop.

Territory pastoralists were not the only ones to use the security of tenure argument. Bolton noted that in the Kimberley District ‘the best and most centrally situated land was all under lease in some cases to absentee interests which were still finding excuses for inactivity in “insecurity of tenure”’. Many years later Mark Horstmann noted that the National Farmers Federation was using security of tenure as part of its campaign against the implementation of Native Title, following the passage of the Native Title Act 1993. He summarised the issue neatly when he said that ‘a pastoral lease was a licence to graze animals with hard hooves on public land – nothing more, nothing less. The certainty that pastoralists were entitled to enjoy was limited to the duration and terms of their leases’.

8.5 Conclusion

The Commonwealth’s objective of ensuring closer settlement in the Territory by the ‘small man’, or resident settler, was entwined with its adherence to leasehold usage for pastoral lands. Closer settlement could not take place if land was held by large companies under freehold or perpetual lease. Yet while the objective was clear, there seemed to be little understanding among Commonwealth officials how development would actually take place, particularly in the early years. The practices adopted in the Northern Territory followed those in other States, but those States were more populous to begin with, and there were the additional factors of distance and climate to be overcome. In the early years the Commonwealth failed to adequately survey and assess the carrying capacity of pastoral lands, and perhaps in some respects there

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92 [Northern Territory. Inquiry into Pastoral Land Tenure in the Northern Territory, p. 41]. The Committee’s report noted that the industry felt that its tenure was insecure and that this might have discouraged some people from investing, or providing further investment.


94 ‘The great pastoral divide’, The Canberra Times, 4 April 1997, p. 9. Horstmann was the Research Coordinator for the Australian Conservation Foundation.
was, as Paul Cullen suggested, a ‘fetish’ for closer settlement, the principal example
being the failure of the 1935 resumptions. Abbott was right to caution that the
Territory’s development was well behind the States, and should be seen accordingly.
The Commonwealth did, however, learn from these events with the 1945
resumptions, and through a more systematic program of assistance for smaller
settlers after World War II.

Throughout its tenure of the Territory the Commonwealth consistently held to fixed–
term leases, particularly for corporate pastoralists. When its administration of the
Territory ceased in 1978 all pastoral lands were held on leasehold; there was neither
freehold, nor perpetual leases.95 The advantage of maintaining leasehold meant that it
provided the Commonwealth with the opportunity of reviewing development policies
from time to time, and implementing changes if needed. It was James Archer who
expressed this view succinctly when he said:

the original framers of the legislation…appreciated the fact that future development in all matters
associated with the pastoral industry could result in the necessity for a fresh approach from time to
time possibly involving altered lease conditions and a reduction on areas, they provided a shorter term
for pastoral than either for town or agricultural leases, to enable a periodic review to be made.96

The Commonwealth’s opposition to corporate freehold or perpetual leases was its
concern that aggregation would follow, with the result that properties would be
accumulated under one ownership to the exclusion of individual owners,
development would be stifled, and land monopolies created whose primary aim was
the retention of land until rising values enabled substantial profits to be made on
subdivision and resale.97 The best means of preventing this was through fixed–term
leasehold tenure. It was clear as far as some pastoral companies were concerned,
aggregation was indeed their primary intention in the Territory. They occupied large

95 It is noteworthy that even today (2009), there is no freehold for pastoral purposes in the Northern
Territory. While the Northern Territory Government introduced perpetual leases in 1983, it refused to
allow pastoral freehold.
97 NAA Canberra: A452, item 1966/4395, Report of the Study Group on NT land tenure. These were
the views of the Study Group appointed in September 1965 and discussed in Chapter 6, and earlier in
this chapter.
tracts of lands, more than they could manage effectively; they spent only the minimum on development of their properties; they resisted all attempts by the Commonwealth to resume any portion of their land no matter how small; and they continually lobbied the Commonwealth to fund transport and communications under the guise that the Territory would develop, the reality being that the value of their properties would increase considerably.

Pastoral associations frequently argued for security of tenure over their members’ properties, asserting that this would promote greater development. The argument was predominantly false. At one point, however, Administrator Nott expressed the view that the demand for security of tenure may have had more to do with the effect of legislation on pastoralists’ tenure than to actual longer tenure.98 This may have been the case in the early 1950s, as pastoral associations made repeated references to their fears that rogue members of the Legislative Council might pass amendments to Ordinances that could affect future pastoral tenure. In reply Hugh Barclay said that ‘this has never been done in the past, I know of no case of it having happened in Australia’.99 At the same time the associations sought a binding Act of Parliament to ensure that changes could not be made to members’ lease covenants.

Yet future legislative changes were certainly not an issue in the 1920s when pastoralists were lobbying for security of tenure; their concern was clearly longer tenure. Ironically, when the Territory achieved self–government in 1978 it had its own Parliament and could pass its own Acts, which of course it did; the Crown Lands Act of 1978 being the first to affect the pastoral industry. Despite being provided with greater legislative certainty, pastoral associations still argued for security of tenure when they appeared before the Martin Committee in 1980, and even after being granted perpetual leases in 1983, they still argued for freehold title before the Rural Land Use Advisory Committee in 1988.100 Both requests were rejected. Despite Nott’s assertion, the reality was that in most instances pastoralists


100 [Northern Territory. Rural Land Use Advisory Committee].
were simply arguing for long–term tenure in order to ensure they secured their properties against any future government action.

One of the regular criticisms made against the Commonwealth during its administration of the Territory was its lack of a continuous policy. Issues involving closer settlement, and freehold and leasehold, however, demonstrated that there were commonalities in the objectives and views of all Commonwealth governments. Closer settlement was followed by all political parties, both Labor and Conservative, and it continued throughout the entire Commonwealth era. The Commonwealth’s opposition to freehold for pastoral purposes was also followed by all political parties, with one brief exception; Joseph Cook’s Liberal Government was prepared to allow pastoral freehold on a limited scale, but it lost office before the legislation could be implemented. All Commonwealth governments favoured fixed–term leases, especially for corporate pastoralists, as this enabled them to resume land when later required for closer settlement, or to protect the land from environmental damage.

In concluding this chapter one question remains to be answered: whether the Commonwealth’s pursuance of closer settlement was a flawed objective. Certainly a number of scholars have criticised it in general terms, or specifically as it related to the Territory. Gill cited the failure of closer settlement over much of Australia, and argued that it did not result in the form of greater inland settlement,101 while Waterhouse stated that government policies encouraging closer settlement ‘were altogether abandoned in the 1960s’.102 This latter view is not strictly correct as the Commonwealth’s introduction of mini leases in 1969 demonstrates that closer settlement in the Territory was pursued well into the 1970s, and was criticised by pastoral associations accordingly. Casey said that closer settlement had no meaning in the north,103 while Elder described closer settlement in the Territory as an

101 Gill, ‘Outback or at Home?’, p. 32.
Holmes argued that a more appropriate tenure system was one based on properties of intermediate size, with mainly resident ownership and with property sizes correlated with remoteness. Yet as has been shown throughout this dissertation, reduced property sizes and residential conditions were always anathema to corporate pastoralists.

It is true that in the early years the Commonwealth’s adherence to the objective was in response to what had taken place in the colonies in the late nineteenth century. It was not realistic in the period prior to World War II; indeed, as early as 1913 the Land Classification Board determined that offering further land for closer settlement was inadvisable until it was known what provision would be made for transportation and marketing facilities, and that increased attention should be given to the inland pastoral industry by continuing surveys, boring for water, and the resumption of large holdings. What was needed was a greater understanding of the land, its topography and climate, together with the means of encouraging smaller settlers to the Territory. Once this knowledge was acquired, and with greater Commonwealth financial support, closer settlement on a limited scale became a more realistic objective in the post-War period. Greater consideration was also needed concerning which properties were capable of subdivision; Cullen was correct when he said that not all properties could be subdivided, but certainly a number of them could be, and could have readily supported more settlers.

Judging closer settlement in strict definitional terms, however, overlooks a more essential issue. It was not just about bringing in more settlers; it was also about breaking up large estates, many of which were inadequately developed, and it was for this reason that the Pastoral Lessees Association and corporate pastoralists vehemently opposed it. While the Association argued for security of tenure, ostensibly to ensure greater development of its members’ properties, the reality was that closer settlement could not occur if land was held under freehold or perpetual

lease. Their actions effectively demonstrated that they were opposed to closer settlement, despite their public statements to the contrary. That closer settlement did not fully succeed in the Territory, and large pastoral properties still survive, was due to the machinations of those pastoralists who contested all attempts at resumption, and then called for longer lease tenures, finally succeeding in 1983 when they were granted perpetual leases. If in the end, however, the threat of closer settlement forced pastoralists to adequately develop their properties after many years of neglect, and to adopt greater conservation measures to ensure the protection of their land for future generations, it could be said that the objective achieved some success.
CHAPTER 9, TWO PASTORAL STATIONS –
THE WORST AND THE BEST

I do not consider that the management of Victoria River Downs is affected because I am afraid that proper management does not exist.¹

9.1 Introduction

This chapter provides an overview of the management of two large pastoral stations – Victoria River Downs and Alexandria – as seen through the eyes of the Commonwealth Government. The former station is located in the Victoria River District, while the latter is located on the Barkly Tableland. In the Commonwealth era both stations were in excess of 10,000 square miles, and both were operated by large companies. Both are the subject of published histories. The history of Victoria River Downs was written by Makin;² the history of Alexandria was written by Kowald and Johnston.³

Despite the many similarities between the two properties, it is shown that from the Commonwealth’s perspective they were vastly different. In the Commonwealth’s eyes Victoria River Downs had a consistent reputation as one of the worst managed pastoral properties in the Territory, even though Bovrils, the British company that leased the property, was a multi-national entity. Paradoxically, Alexandria, which was operated by the North Australian Pastoral Company with its head office in Brisbane, gained a reputation as one of the better managed properties in the Territory, though it too was not without fault.

¹ C L A Abbott; NAA Canberra: A659, item 1945/1/1088, NT land resumptions 1945, 7 July 1942.
² Makin, The Big Run.
³ Kowald and Johnston, You Can’t Make It Rain.
9.2 Victoria River Downs and Bovrils Australian Estates

In Chapter 1 it will be recalled that reference was made to the evolution of a mythology whereby pastoralists portrayed themselves as pioneers or trailblazers, enduring hardship and loneliness in order to tame a harsh land, while at the same time receiving scant assistance from the Commonwealth. This was a common theme in most histories of the Territory’s pastoral industry, and was typical of publications such as Makin’s *The Big Run*, which was little more than a fanciful account of Victoria River Downs. Makin paints an idealised picture of the property’s administration.⁴ He argues that Bovrils had built a great cattle station with much adversity, extensively developed the land at considerable cost, only to then see a major portion of that land, in fact the best portion according to Makin, resumed by the Commonwealth in 1935. Makin’s assertions were demonstrably untrue.⁵

Reading Makin’s book, it would be difficult to imagine the conditions that existed on Victoria River Downs, and the abuse of the land perpetrated by Bovrils and its employees, yet numerous references appear in Commonwealth documents to the poor state of the property’s management, and the lack of expenditure on development, for most of its existence. The fact was that the property was too large for any one company to successfully operate, and consequently it was regarded by the Northern Territory Administration as the worst run pastoral station in the Territory, a point Makin failed to mention. The claim that the Commonwealth resumed the best land in 1935 was also untrue. Following an inspection of the property in late 1941, field officer Daniel McInnes wrote that ‘the unfortunate resumptions in 1935 were not fair to the Crown, and to avoid a repetition of such a state of affairs, a much fairer resumption to the Crown is now recommended’.⁶

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⁴ The frontispiece of Makin’s book states that Makin was a South Australian grazier, so it is understandable that he would favour pastoralists over the Commonwealth.

⁵ Florence Martin, the daughter of Alfred Martin who managed the property for many years, later wrote that Makin’s work was an ‘authentic book’ on Victoria River Downs; *Three Families Outback in Australia’s Tropic North* (Carlisle WA: Hesperian Press, 2007), p. 61. It was far from being an authentic account.

⁶ NAA Darwin: F59, item 2, Resumptions, 14 January 1942.
Victoria River Downs was founded in the 1870s and acquired by the British company Bovrils in 1909, and leased by them until 1955. Bovrils’ management of the property was soon regarded as poor. In 1927 Frank Bishop, Chief Inspector of Stock, toured properties located in the Victoria River District; in his subsequent report he referred to cattle produced on Victoria River Downs as being of an inferior class with degenerating features due to inbreeding and the use of inferior bulls. Yet curiously, in a 1929 journal article, the former Administrator, Frederic Urquhart, cited Bovrils as one of those companies that had made ‘laudable and continuous efforts at production on a large scale and consequent development’. Numerous Commonwealth documents demonstrate the falsity of Urquhart’s statement.

In June 1932 the Minister, Archdale Parkhill, visited the station and Alfred Martin, the property’s manager, later wrote to Lord Luke, the company’s London chairman, saying that Parkhill had commented favourably on the property. In a later report Parkhill made no comment, favourable or otherwise, on the property’s management.

The Pastoral Leases Investigation Committee commented unfavourably, asserting that the property was too extensive, a considerable amount of land was unoccupied, there was indifferent management, poor quality stock, a lack of new blood stock, and insufficient improvements, particularly in connection with fencing and water. Likewise, the Payne–Fletcher Inquiry was also critical of Bovrils’ management. The Pastoral Lessees Association rejected Payne–Fletcher’s criticisms, though it

7 NTAS Darwin: NTRS2500, item L30, Pastoral lands for leasing 1935 resumptions. At the time Victoria River Downs was 10,432 square miles.

8 NAA Canberra: A1, item 1927/21460, Report on cattle and pastoral holdings by Chief Inspector of Stock for NT, pp. 1–2.


12 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory, pp. 50–53].
offered no evidence to suggest that the management practices on the property were anything other than sub-standard.  

9.3 The 1935 Resumption of Victoria River Downs

In June 1933 the Commonwealth advised Bovrils that it planned to proceed with a resumption of 25 per cent of the property. The resumption would take place in 1935 as stipulated in the company’s lease. Makin later claimed that the Commonwealth did nothing for two years, the implication being that it was dithering. The Commonwealth had no choice; it had to wait for two years as this was a requirement of the Ordinance under which Bovrils’ lease was held, and to allow for any appeals that might eventuate.

Over the next two years Lord Luke maintained a steady flow of correspondence objecting to the resumption. He wrote to Thomas Paterson, the Territory’s Minister; Stanley Bruce, Australia’s High Commissioner in London; and he had a personal meeting with John McLaren, Official Secretary at the High Commissioner’s Office in London. Essentially there were three arguments in Luke’s correspondence. First, there was surprise that the Commonwealth had the temerity to actually resume the land. In a letter to Bruce he said that ‘suddenly like a bolt from the blue, we receive notice of resumptions indicating that areas of great importance to our operations will be taken from us’. Luke wrote in a similar vein to Paterson saying that ‘what a shock it was to find that it was really the intention of the Federal Government to take

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13 NAA Canberra; A1, item 1938/4963, Deputation to Minister by Pastoral Lessees Association re NT investigation committee report. This file contains the Association’s annual report of 24 February 1938, item 3, ‘NT investigation committee’, sub-item 7, in which the criticisms were recorded.

14 NAA Canberra: A1, item 1936/2661, Bovril Australian Estates Ltd resumptions 1935, 22 June 1933.


16 NAA Canberra: A1, item 1936/2661, Bovril Australian Estates Ltd resumptions, letter to Bruce, 12 September 1933.
away from us a quarter at a time this area’.\textsuperscript{17} Second, Luke argued that the company had been a good tenant, establishing and developing its property through a series of improvements. In a letter to Bruce he said that ‘we have stocked and developed the area, and you’re taking our best land away from us. We deserve a pat on the back for our efforts and encouragement’.\textsuperscript{18} Finally, Luke argued that the company had built up a great cattle herd and that:

our main difficulty is that we have been too earnest in our endeavour to build up a big stock of cattle on our Northern Territory stations, and now that we are told that we must give up one quarter of the area we are in serious difficulty.\textsuperscript{19}

Luke’s correspondence concluded that it never occurred to the company that it would be deprived of land which it had been managing so well, and it seemed that the rigidity of Commonwealth land laws in the Territory would drive the company out. His protestations and indignation, however, were feigned. He was fully aware that the Commonwealth could resume a substantial part of his company’s property, and he had begun preparing for it five years earlier. In April 1930 he wrote to Martin asking him to identify an area within the property that would be suitable for a long–term lease, should the company later be required to surrender part of its property. In his letter Luke acknowledged that if the Commonwealth exercised its right to resumption he was certain that it would not give the company a lease over the entire property, but might grant ‘half or a third of our present area’.\textsuperscript{20} Martin replied that in his opinion ‘we could halve this run and carry all the stock we now have’.\textsuperscript{21}

\textsuperscript{17} NAA Canberra: A1, item 1936/2661, Bovril Australian Estates Ltd resumptions, letter to Paterson, 25 October 1935.

\textsuperscript{18} NAA Canberra: A461, item 1936/2661, Bovril Australian Estates Ltd resumptions, letter to Bruce, 12 September 1933.

\textsuperscript{19} NAA Canberra: A1, item 1936/2661, Bovril Australian Estates Ltd resumptions, letter to Bruce, 23 October 1935. Luke said that there were over 169,000 cattle on the property.

\textsuperscript{20} NBAC Canberra: 119/4/1, Bovrils Australian Estates Ltd correspondence Australia and London; Luke to Martin, letter 20, 16 April 1930.

\textsuperscript{21} NBAC Canberra: 119/4/1, Bovrils Australian Estates Ltd correspondence Australia and London; Martin to Luke, letter 26, 26 June 1930.
APPLICATION FOR A PASTORAL LEASE

We, Bovril Australian Estates Limited, hereby apply for a Pastoral Lease under the above Ordinance, of the following block of land—

Block No. 190 of 733 square miles formerly held as Pastoral Permit No. 17.

And I declare that the following particulars are true in every respect:

Amount of capital applicant is prepared to invest on the land—

Experience of applicant—

I enclose the sum of $111.3.0. comprising the amount of the first year’s rent as fixed by Gomby Notice and the amount of $1.10. for preparation and registration of lease.

And I undertake, in the event of this application being granted, to execute a lease in duplicate of the land in accordance with the above Ordinance and the Regulations, and to perform the covenants and conditions thereof.

Dated the 19th day of June, 1936.

By its Attorney, O. H. Hargrave

COMMONWEALTH OF AUSTRALIA.

STATUTORY DECLARATION.

I,” Benjamin Hargrave, Attorney for applicant, do hereby declare that all the statements contained in the above application are true and correct in every respect, and I make this solemn declaration by virtue of the Statutory Declarations Act 1931–1932, conscientiously believing the statements contained therein to be true in every particular.

O. H. Hargrave

declared at

Before me—

A. L. P. Lefroy, J.P.

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The claim that the company had been a good tenant, successfully developing its property and producing quality cattle, was also untrue. In March 1936 Gordon Buchanan, a pastoralist from the nearby Inverway property, wrote to the Northern Standard savagely criticising both Vesteys (the lessee of Wave Hill), and Bovrils.\(^\text{22}\) He said that Bovrils lost an average of 10,000–15,000 cattle each year due to the lack of bores on their property which, he said, was overrun with poor quality stock. Buchanan’s claim was significant when it is realised that Luke had written to Bruce in September 1933 saying that ‘for over twenty five years we have developed Victoria River Downs, bored wells, and installed fencing’.\(^\text{23}\) Buchanan concluded that Victoria River Downs may have been the world’s largest cattle station, but it was also the most inefficient. Lest it be argued that Buchanan, as a rival pastoralist, may have had some axe to grind against Bovrils, his remarks about poor property development were supported by Commonwealth officials on many occasions over the next twenty years. The poor stock to which he referred in 1936 were still there in the early 1950s, despite numerous assurances by the company that they would be removed.\(^\text{24}\)

The resumption proceeded as planned and history would demonstrate that Luke’s claims of stocking and development, as expressed in his letters to Paterson and Bruce, were false. As mentioned earlier, in December 1941 field officer Daniel McInnes undertook a detailed inspection of the property prior to a second resumption of the property scheduled to take place in 1945. In his subsequent report he wrote:

> the subject aggregation is in a very sorry state of development…Improvements effected have not been maintained in repair, and the stock improvements such as water, yards, and fencing, are all in a tragic condition.\(^\text{25}\)

\(^{22}\) ‘Undeveloped cattle areas resumptions favored’, Northern Standard, 24 March 1936, p. 3.

\(^{23}\) NAA Canberra: A1, item 1936/2661, Bovril Australian Estates Ltd resumptions, 12 September 1933.

\(^{24}\) NLA Canberra: J H Kelly, TRC121/11, ‘Transcript of oral history interviews’, February 1974, p. 91. Jack Kelly, an officer with the Commonwealth’s Bureau of Agricultural Economics, later recalled that over a four–year period commencing in 1948 Bovrils destroyed 5,000 scrub bulls each year, yet by 1952 thousands more still remained.

\(^{25}\) NAA Darwin: F59, item 2, Resumptions.
In a memo to Departmental Secretary Joseph Carrodus, Administrator Abbott wrote that as far as the effect of the proposed 1945 resumption on the management of the property was concerned, ‘I do not consider that the management of Victoria River Downs is affected because I am afraid that proper management does not exist’.[26]

In 1943 a rumour spread that Vesteys had acquired 51 per cent interest in Bovrils’ Australian holdings, and had therefore gained control of Victoria River Downs. The rumour reached the Minister, Joseph Collings, and he asked his department to investigate. Abbott dismissed the rumour as being without foundation, though clearly wishing it were true, he said that Victoria River Downs was ‘probably the worst managed property in the whole of the Northern Territory and any change which would improve the management would be most welcome’. [27]

9.4 Bovrils’ Post–War Involvement with the Northern Territory

In late 1945 the Minister, Herbert Johnson, visited the Territory. His report was critical of several properties, including Victoria River Downs and Alexandria. Of the former he said that while it was the largest station in the Northern Territory, management up to that time was unsatisfactory, and the property was overrun with poor quality, ‘weedy’ cattle and scrub bulls. Johnson said that:

it is quite impossible, in my opinion, for any one company to develop such a huge area and steps should be taken, as soon as it is legally possible, to ensure that the areas of leases are such that they can be developed satisfactorily and handled by individual lessees. [28]

Bovrils’ lease on Victoria River Downs was scheduled to expire in 1965. In October 1946 company representative A I Baggott came to Australia to meet with Johnson and Carrodus to discuss a possible new lease. Baggott said that Victoria River Downs had been a losing proposition prior to the War, and Bovrils’ had taken little interest in the property. His words clearly contradicted those of Lord Luke who in

[27] NAA Canberra: A659, item 1943/1/7384, Vesteys holding in NT, establishment of, 3 December 1943.
[28] NAA Canberra: A431, item 1949/1045, Ministerial visit to NT, page 4 of report.
1935 said that Bovrils deserved a pat on the back for the work it had undertaken on the station. Baggott was admitting that little work had been done.

With rising beef prices the company wished to develop the property, and was willing to spend £50,000. In this context it should not be overlooked that as the property was in excess of 10,000 square miles, the sum to be expended actually represented a very minimal amount. Baggott asked if the government would, in return, extend the company’s lease. With remarkable frankness Carrodus said that Bovrils had held the property under its current lease for twenty–two years, and the unsatisfactory conditions then prevailing were entirely of its own making. Johnson added that he was not prepared to extend the lease, but if the company showed its bona fides by spending more, and cleaning up the property, he would reconsider its request.

The *Centralian Advocate* criticised the property’s management in May 1948, arguing that the station should be subdivided. The paper stated that when it was considered that Bovrils paid no income tax, and that there was a pressing international need for beef, the property remained stagnant through the lack of ‘putting a little back of what is taken off’. The paper referred to dead cattle in dry river beds, or bogged in muddy waterholes which was due, it said, to neglect by the management and an apparent absence of the principles of animal husbandry.

No doubt fearing that all was not going well with the negotiations, Lord Luke came to Australia in 1948. He personally inspected Victoria River Downs and subsequently wrote to the Territory’s Administrator, Arthur Driver, and to Johnson.

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29 Although the Commonwealth resumed over 2,000 square miles of the property in 1935, there were no applicants for the land, and it was subsequently leased back to Bovrils. By 1946, the property was basically the same size as it had been in 1935.

30 NAA Canberra: A659, item 1945/1/431, Manbulloo meatworks. Carrodus subsequently wrote a one–page summary of matters discussed at the meeting; NAA Darwin: F1, item 1945/242, Manbulloo abattoirs.


32 The Lord Luke referred to during the period 1930–1935 died in February 1943. It was his son, also Lord Luke, who came to Australia in 1948.
In both letters he said he would make Victoria River Downs ‘a model station’ in the Territory. Again, the words proved to be hollow.

The views of Commonwealth officials at this time regarding Bovril’s management of its property are noteworthy. In 1948 Jack Kelly visited the station as part of a survey of cattle properties in the Territory coordinated by the Bureau of Agricultural Economics. With reference to Victoria River Downs he later said that ‘I was appalled at what I saw’. Vern O’Brien (a former Territory surveyor and Director of Lands), later said that some companies spent little in the way of property development, and he cited Victoria River Downs as an example, referring to the poor state of its buildings, both the homestead and stockmen’s quarters. Of the latter he recalled that during an inspection of the property in 1949, a survey hand was walking up the steps at the front of one building, when a step collapsed; it had been eaten away by white ants. O’Brien said that the condition of improvements on the property was ‘pretty primitive’. He also commented that Commonwealth staff were not well received by property managers, no doubt due to the fact that they were intent on taking land away from the lessees. Finally, in his unpublished memoirs, Hugh Barclay, Director of Lands from 1947 to 1964, also noted that Victoria River Downs was at this time badly in need of improvement.

One of the Commonwealth’s requirements for a long–term lease was that the company remove all wild stock (referred to earlier), from its property. Despite the company’s assurances, the problem remained. In May 1953 an exasperated Barclay wrote to Administrator Wise saying that the company had had over four years to get its herd under control and had done little. Barclay felt that the company was

33 NAA Darwin: F1, item 1951/646, Bovril Meatworks, Katherine; Luke’s letter to Driver was dated 8 June 1948. NAA Darwin: F425, item C35, Bovril Australian Estates committed negotiations for extensions to leases; Luke’s letter to Johnson was dated 16 June 1948. The term ‘model station’ was used in both letters.

34 NLA Canberra: J H Kelly, TRC121/11, ‘Transcript of oral history interviews’, p. 90.


36 NTAS Darwin: NTRS267, ‘He Measured the Land’, p. 204.
attempting to force the Commonwealth to grant it a new lease out of desperation.\textsuperscript{37} As always, Bovrils had a different view. Lord Luke wrote to Prime Minister Menzies:

as you know we have spent, and are spending, a considerable amount of money and effort in developing the Bovril Australian estates properties in Victoria River Downs…I should like to assure you that both this company and Bovril Limited have endeavoured to play their part in the development of the Northern Territory.\textsuperscript{38}

In this context one wonders what the company was actually spending its money on, and as far as playing its part in the development of the Territory, the evidence shows that Bovrils’ part was minimal at best. Makin stated that when the property was acquired by the Hooker Corporation in 1960 numerous crates of sundry supplies were left lying around the station, including windmills, tank material, rolls of barbed wire, coils of plain wire, and over 20,000 steel posts. One can only speculate as to why Bovrils would go to the expense of acquiring this equipment, yet never use it.\textsuperscript{39}

Bovrils’ poor animal husbandry practices were confirmed following an inspection of the property by Administrator Wise. He later wrote to Cecil Lambert, Secretary of the Department of Territories, saying that ‘it is obvious that the Bovril Australian Estates have neglected every form of animal husbandry for some years…I saw thousands of cattle in these areas and a very high percentage of them are bulls, many of which are very wild’.\textsuperscript{40} As has been shown, Wise was not the first to criticise the quality of Bovrils’ cattle. In October 1935 E J Harrison, Federal Member for Wentworth, criticised Bovrils and Vesteys over their property management practices and the poor quality cattle they produced, citing hundreds of scrub bulls he observed

\textsuperscript{37} NAA Darwin: F425, item C35, Bovril Australian Estates committed negotiations, 8 May 1953. Makin cited property manager George Lewis who in 1960 said that there were an estimated 16,000 scrub bulls still remaining on the property; \textit{The Big Run}, p. 162.

\textsuperscript{38} NAA Darwin: F425, item C35, Bovril Australian Estates committed negotiations, 25 January 1952.

\textsuperscript{39} Makin, \textit{The Big Run}, p. 162.

\textsuperscript{40} NTAS Darwin: F1439, item 1950/6, Bovril Estate Ltd Manbulloo meatworks at Katherine, 23 May 1953.
during a visit to the Territory a few months earlier. Bovrils rejected Harrison’s criticism yet, as has been demonstrated, the company did not have ‘hundreds’ of scrub bulls, there were actually thousands.

The Manbulloo Meat Works

In order to secure a new lease over Victoria River Downs, Bovrils not only had to remove all wild stock from the property, it had also agreed to acquire and operate the Manbulloo meat works. The works were located west of Katherine, and were built by the Army to provide meat for defence personnel stationed in the Territory during the War. The Department of the Interior later assumed responsibility for them. A series of Cabinet submissions over the next year dealt with their future, and by February 1947 Cabinet decided to sell them, and Bovrils purchased them for £10,000. The company took control of the site in July 1947. As the works were located at Manbulloo, a property leased by Vesteys, Bovrils had undertaken to dismantle the facilities and reassemble them on one of its properties near Katherine. The project was destined for failure.

In March 1948 work on the project was suspended following the arrival of the British Food Mission (discussed in Chapter 4), which was looking to secure long–term beef contracts with the Commonwealth. Although work soon resumed, it was again suspended in November 1950, and by January 1951 Bovrils had withdrawn from the project, leaving the works incomplete. Luke wrote to Menzies outlining the

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42 NAA Canberra: A461, item H412/1/2 part 2, NT opening of pastoral lands and the government’s developmental policy, 3 December 1935.

43 NAA Canberra: A2700, submission 1148, Meat supply NT, meat works at Manbulloo, 5 April 1946. Cabinet approved the recommendation that responsibility for the works be transferred to the Department of the Interior on 8 April 1946.

44 NAA Canberra: A2700, submission 1148B, Manbulloo meat works, 18 February 1947. Cabinet approved the recommendation that the works be offered for sale on the same day.

45 Although the meat works were located on a property leased by Vesteys, the Commonwealth had resumed the land in accordance with wartime regulations. Those regulations no longer applied after the War; hence Bovrils could not operate the works on a property leased by another company.
company’s reasons for abandoning the project. He cited the high cost of plant and materials and delays in obtaining them, lack of cooperation by the Commonwealth (although he did not provide any details), and the projected cost and delays in supplying electricity to the site. In a subsequent meeting with E J Harrison, then Resident Minister in London, Luke admitted that electricity was not the principal factor for the company’s withdrawal from the works, though it was an important one. It would, however, quickly become the company’s publicly stated reason for abandoning the project.

At this time, Barclay wrote to Administrator Driver expressing entirely different views for the project’s failure. He said that construction had ceased twice over the previous three years, which indicated to him that the company had not made a proper estimate of the number of cattle available for processing, or they had only purchased the works to prevent Vesteys, their principal competitor, from acquiring them, or they were taking a leaf out of Vesteys’ book, wanting to keep other commercial interests from the field by leaving a half–completed works as an indication that meat works were economically impossible in the area. At the same time, Barclay said, the company had tied up all available machinery suitable for such a project in the Territory.

Lionel Rose, Director of the Animal Industry Branch, was equally critical of Bovrils’ plans to develop the works, particularly whether the company could acquire the minimum 10,000 head of cattle per annum it had said would be needed to make the works profitable. In 1948 he said that ‘Victoria River Downs stock returns are not based on any sound premises, and I do not think that the station has the slightest idea

46 NAA Canberra: A2910, item 428/1/212, Bovril NT beef expansion, 24 January 1951.

47 NAA Canberra: A2910, item 428/1/212, Bovril NT beef expansion. Luke’s meeting with Harrison took place on 30 January 1951. At the same time a short article in the Northern Standard said the reason for postponing construction was the high cost of labour and materials, there was no mention of electricity; ‘Bovril?’, Northern Standard, 12 January 1951, p. 6.

48 Barclay was of course referring to the failed meat works built by Vesteys in Darwin, which opened in 1917 and closed in 1920 (discussed in Chapter 2).

49 NAA Darwin: F425, item C35, Bovril Australian Estates committed negotiations, 8 January 1951.
of what stock is on the lease’. \(^{50}\) In 1950 Rose wrote to Driver saying that there was no evidence that Bovrils’ plans had been coordinated with any other governmental program for an increased production of beef in the Territory, and the company appeared to be incapable of carrying out an assessment of the Manbulloo project based upon all available factors.\(^ {51}\)

In 1952 a Parliamentary delegation visited the Territory. On their return, two members, D E Fairbairn and W C Wentworth, wrote a series of newspaper articles for the *Sydney Morning Herald*. In one article they criticised Bovrils’ management of Victoria River Downs.\(^ {52}\) Bovrils’ Australian agent, the Australian Mercantile Land and Finance Company Limited, rejected the criticism in an article published just one week later.\(^ {53}\) The company’s General Manager, L Dangerfield, criticised the Commonwealth, alleging that Bovrils was improving its property, but no new lease was forthcoming, and the company had received no indication when the new lease would be granted. Dangerfield blamed the Commonwealth for the failure of the Manbulloo works, asserting that it had broken its promise to provide electricity to the site.\(^ {54}\)

The facts were indeed distorted as the title of Dangerfield’s reply had indicated, basically by Dangerfield himself. Again, one wonders what Bovrils’ alleged expenditure actually involved as the property was still in a poor state. Dangerfield failed to mention that Bovrils was required to remove thousands of scrub cattle from its property as part of the conditions for a new lease. They had agreed to this in 1948, and yet by 1952 many thousands still remained. The company had also agreed to complete the Manbulloo meat works project, and despite Dangerfield’s assertions

\(^{50}\) NAA Darwin: F1, item 1951/646, Bovril Meatworks, Katherine, 11 June 1948.

\(^{51}\) NAA Darwin: F1, item 1951/646, Bovril Meatworks, Katherine, 7 December 1950.

\(^{52}\) ‘NT cattle industry must be modernised’, *Sydney Morning Herald*, 16 August 1952, p. 2.

\(^{53}\) ‘Bovrils lease in NT facts distorted says manager’, *Sydney Morning Herald*, 23 August 1952, p. 4.

\(^{54}\) NAA Darwin: F425, item C35, Bovril Australian Estates committed negotiations, 25 January 1952. Lord Luke had earlier criticised the delay in his letter to Menzies, yet he omitted to mention that Bovrils had failed to remove all scrub bulls from its property and had not completed the Manbulloo works, both of which were key requirements for a new lease. Significantly, Luke made no reference to the provision of electricity at the Manbulloo site.
regarding the Commonwealth’s broken promise to provide electricity to the site, contrary statements by Commonwealth officers stressed that Manbulloo failed not because of the provision of electricity (though admittedly there were delays), but because Bovrils had underestimated the number of cattle that would be processed at the site, and the company’s principal aim was more likely to thwart Vesteys from acquiring a meat works in the area.

Regardless of the many assurances given by Bovrils, they did not improve Victoria River Downs, and they finally sold their lease to William Buckland in 1955, and withdrew from the Territory. Jack Kelly later recalled that when the property subsequently passed to the Hooker Pastoral Corporation in 1960, both it and the herd were in a very run down state. In an effort to redeem the situation, Hookers spent over £1 million on improvements to the property throughout the 1960s.

Despite the glowing picture painted by Makin, Bovrils’ management of Victoria River Downs, and its involvement with the Manbulloo meat works, were nothing short of sub-standard. The company held vast tracts of land, far too large to be successfully managed. They abused the land through their poor management practices, and never freely relinquished even the smallest portion of that land, which would appear to have been held on speculation, and to prevent competitors from acquiring it. The company was criticised on a number of occasions, by the Pastoral Leases Investigation Committee in 1935, and by the Payne–Fletcher Inquiry in 1937, yet was usually able to deflect or ignore those criticisms.

The final word on Bovrils and its administration of Victoria River Downs should be left to the Administrator, James Archer. In July 1960 he wrote that ‘the history of the Bovril holdings since the war has been one of undertakings given by the management, all of which have been broken’.

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56 It will be recalled that in October 1946 Bovrils had offered to spend £50,000 on improvements to the property. The fact that Hookers spent over £1 million in the 1960s demonstrated Bovrils lack of sincerity regarding the future development of the property.

9.5 Alexandria and the North Australian Pastoral Company

The administration of Victoria River Downs should be compared with Alexandria. The North Australian Pastoral Company acquired the property in 1874. Commonwealth references to its management were generally favourable and for the most part, although not always, it was highly regarded.

The mythology of the Northern Territory referred to earlier not only involved blaming the Commonwealth for most of the pastoralists’ misfortunes, it was also fixated on the issue of size, with the notion that bigger was somehow better, and the larger the station the greater were the status and prestige of the lessee. In their history of Alexandria, which at one time exceeded 11,000 square miles, Kowald and Johnston said that ‘with its huge size and a reputation to match, Alexandria was showing the way on the Barkly [Tableland]’.

One of the earliest references to Alexandria during the Commonwealth era was a series of unflattering comments made by Horace Trower, Director of Lands, following a visit to the property in 1918. He noted that the station was the largest on the Barkly Tableland but the least improved; there was little fencing, and the absence of stock through the greater part of the property was most noticeable, with much valuable country unused. Paradoxically, only four years later Frank Bishop, Chief Inspector of Stock, undertook an inspection of properties on the Barkly Tableland. He wrote of Alexandria that the cattle were in good order, improvements were being maintained in an excellent condition and he said ‘much valuable information may be obtained by an inspection of Alexandria by other pastoralists desiring to take up land on dry areas of the NT’.

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58 Kowald and Johnston, You Can’t Make It Rain, p. 47.
59 NTAS Darwin: NTRS3345, item D89, Annual report [Lands].
60 NAA Canberra: A3, item NT1923/3088, F A C Bishop visit of inspector, pp. 8–9.
In 1936 the Minister, Thomas Paterson, wrote that ‘my Department recognises that the holders of Alexandria Station are exceptionally good tenants’. A few years later Abbott wrote to Carrodus, noting that the North Australian Pastoral Company had spent £162,000 on the property, had made many improvements, and was a good and efficient tenant. Finally, after inspecting the property in 1951, field officers Daniel McInnes and Ted Wharton wrote that ‘a very creditable job is being done and compares more than favourably with the results achieved by Vesteys, Bovril and other organisations controlling comparable areas in the Northern Territory.

There were, however, some criticisms of the company, particularly following two Ministerial visits by McEwen and Johnson. After his inspection in 1938, McEwen’s private secretary, Roy Rowe, wrote that ‘the company had made as few improvements as possible. The impression gathered was that the company is not entitled to much consideration when the leases run out’. It was also noted that the company expected to lose a large number of cattle that year due to insufficient bores on the property. Following his visit in late 1945, Johnson criticised the vast size of properties on both the Barkly Tableland and Victoria River Districts. They were, he said, ‘much too large to be successfully operated and developed’, and they were leased by non–resident companies which appointed managers, with the result that the country was not developed to the degree it should have been. He cited two examples, Alexandria and Victoria River Downs. Of the former, he wrote that ‘I witnessed the sorry spectacle of large numbers of cattle lying dead on the banks [of Lorne Creek] and in the water and others dying’. Bores would have corrected the matter, Johnson said, but the company had taken no action. Abbott later replied to Johnson’s report

61 NTAS Darwin: NTRS2667, item PL2123, Alexandria, 10 January 1936. Similar comments are located on NAA Canberra: A452, item 1952/310, North Australian Pastoral Company, Alexandria, extension of leases.

62 NAA Canberra: A432, item 1942/730, Alexandria non receipt of application for lease, 27 October 1942.

63 NTAS Darwin: NTRS2500, item L211 part 1, Field officer inspections Barkly Tablelands, 22 August 1951.

64 NAA Canberra: A1, item 1938/4963, Deputation to Minister by Pastoral Lessees Association. The file contains a series of notes compiled by Rowe relating to various properties visited by McEwen.

65 NAA Canberra: A431, item 1949/1045, Ministerial visit to NT, page 3 of report.
and said that this was an instance of ‘inefficient and lazy management’. A couple of stockmen would have prevented 90 per cent of the mortalities. Abbott did acknowledge, however, that the company had recently let a contract for the installation of twelve bores.

9.6 The 1965 Alexandria Resumption

The Commonwealth’s resumption of the Alexandria property in 1965 is an ideal way of demonstrating how it and a large pastoral company interacted. This particular case illustrated the attitudes (or mindsets), and methods of the then Minister (Paul Hasluck), his Departmental Secretary (Cecil Lambert), the Northern Territory Administrator (Roger Nott), and the relevant company.

The North Australian Pastoral Company’s lease on Alexandria began in 1874 (as stated earlier). Unlike other companies, including Bovrils, they did not surrender their lease and come under George Pearce’s new Ordinance of 1924 (discussed in Chapters 3 and 7). They chose to continue with their existing lease and after its expiration, they were given a new lease, which took effect on 23 August 1943. It stipulated that the Commonwealth had the option to resume 50 per cent of the property on 30 June 1965.

Negotiations over the resumption began in August 1961. Clearly the Administration expected they would not go smoothly. Assistant Administrator Reg Marsh wrote to the Crown Law Office in Darwin saying that ‘it is perfectly evident…that the company will leave no stone unturned to defeat the resumption clauses…and will, if necessary, go to court to do this’. Marsh noted that the company’s chairman,

66 NAA Canberra: A431, item 1949/1045, Ministerial visit to Northern Territory, 10 January 1946.

67 There are two principal Commonwealth files that deal with the 1965 Alexandria resumption. They are NAA Canberra: A452, item 1961/5618, Resumption of pastoral leases Alexandria, and NAA Darwin: E72, item D9968/1, Resumption of pastoral leases Alexandria.

68 At the time Alexandria was 11,262 square miles; NTAS Darwin: NTRS2500, item L30, Pastoral lands for leasing 1935 resumptions.

69 NAA Darwin: E72, item D9968/1, Resumption of pastoral leases Alexandria, 18 August 1961.
Douglas Fraser, was a solicitor himself, and the Commonwealth needed to ensure that it fully complied with the law if it planned to proceed with the resumption.\(^{70}\)

Nott wrote to Lambert in September 1961 outlining the case for resumption. He was critical of the station’s management, seemingly one of the few occasions that a Commonwealth official, other than Ministers referred to earlier, had expressed concern over the property’s management. Nott felt that the company was either incapable of fully developing and managing the area, or was unwilling to invest the necessary capital to do so. He said that herd figures had indicated a higher than average mortality rate, and as the station was seldom affected by disease, the results did not reflect favourably on the property’s management. He said there was a strong demand for pastoral land in the Territory and if the company would not develop their land, it should be given to someone who would. Nott did, however, acknowledge that the company’s policy of establishing a stud for the production of herd bulls for its own use and sale to other lessees was showing good results, and the quality of that herd was excellent.\(^{71}\)

Nott’s views were accepted and in October 1961 he wrote to the company stating that ‘the Minister has decided to exercise his rights of resumption’.\(^{72}\) Fraser objected, arguing that his company had been in the Territory since the nineteenth century; further, when the company took up its lease in 1943 there was little demand for pastoral land in the Territory, and consequently it had been allocated the property, depriving no-one due to the then lack of interest. In reality, these were non-arguments; being a nineteenth century pioneer counted for little by the 1960s, and while there may have been minimal demand for land in 1943 that was no longer the case. Fraser continued that the company had spent over £260,000 on permanent improvements, well above what was required; it had increased its herd to over 70,000

\(^{70}\) Kowald later remarked on Fraser’s significant legal skills; Margaret Kowald, ‘Fraser, Douglas Martin (1888–1968)’, *Australian Dictionary of Biography Online, www.adb.online.anu.edu.au* (accessed 4 May 2009). Douglas Fraser was also the uncle of the future Prime Minister, Malcolm Fraser.

\(^{71}\) NAA Canberra: A452, item 1961/5618, Resumption of pastoral leases Alexandria, 1 September 1961.

\(^{72}\) NAA Darwin: E72, item D9968/1, Resumption of pastoral leases Alexandria, 13 October 1961.
head, and it had developed and maintained a stud herd. He noted that as far as the Commonwealth’s publicly stated policy of closer settlement was concerned, it was doubtful if new lessees would make as good a use of the land as his company. Fraser argued that a policy which increased the number of people living on the property, but reduced the area’s production, was not a sound one.

Fraser then went further and wrote to Hasluck. He criticised the Commonwealth’s socialistic pursuit of closer settlement, and asked why land was being taken away from those pioneers who had met the high cost of development, and were now making a profit. Once again Nott was asked to comment. He replied to Lambert on 25 May 1962, and said that while there may have been little demand for pastoral land when the lease was allocated in 1943, that trend had now reversed, with an average of eighteen applications having been received for every block advertised in 1961. Nott also felt that the company had spent little on improvements on their property, and it was only in recent years that they had attempted to rectify this, following the perceived threat of resumption.

Lambert referred the matter to Hasluck for a decision. Hasluck replied, emphasising that there were two firm principles that the Commonwealth wanted to observe in matters relating to property. One was that property rights should not be lightly set aside, and any powers of resumption should only be exercised as a last resort. Second, the Commonwealth’s only interest was ensuring the best use of land in the public interest, which meant the production of cattle. The purpose of the negotiations with the company was not to take land away from them, nor to exercise whatever rights the Commonwealth had, but rather to make arrangements that would result in the most efficient production of cattle. Hasluck told Lambert to stop thinking about the Commonwealth’s right to resume half the property, and enter into negotiations with a view to the company surrendering at least part of the property.

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73 At this point it should be noted that Victoria River Downs and Alexandria were roughly the same size. In the 1930s the former property had almost 170,000 cattle, mostly of very poor quality. The latter property in the 1960s had 70,000 cattle, most being of good quality.

74 NAA Darwin: E72, item D9668/1, Resumption of pastoral leases Alexandria, 6 December 1961.

75 NAA Canberra: A452, item 1961/5618, Resumption of pastoral leases Alexandria, 2 May 1962.

76 NAA Canberra: A452, item 1961/5618, Resumption of pastoral leases Alexandria, 8 August 1962.
While Hasluck’s remarks may seem enlightened and conciliatory, there was every likelihood that he was responding to external pressure. Barclay later referred to interference from Malcolm Fraser who at this time was a government backbencher. He said that during a meeting with Douglas Fraser in Darwin, when a resolution concerning the resumption could not be reached, an enraged Fraser stormed out of the office, asserting that he would arrange for his nephew (Malcolm Fraser), to see the Minister. In the end, a meeting between Douglas Fraser and Hasluck took place on 8 August 1962, the same day Hasluck wrote to Lambert.  

Barclay said that the company obtained the outcome it wanted, with the result that ‘we certainly did not get a fair division of the good country’.  

Lambert replied to Hasluck on 17 August. He argued that the resumption should proceed because the terms of the lease provided for it; second, there was a general policy of limiting leases to a maximum of 5,000 square miles, and Alexandria was in excess of 11,000 square miles; and third, there was pressure from other land seekers for closer settlement of the Territory’s pastoral lands. Lambert agreed that there was scope for compromise, and the Commonwealth did not have to resume the full amount to which it was entitled.

A meeting was subsequently arranged between representatives of the Commonwealth and the company in Brisbane. A compromise was reached, even though it was not entirely favourable to the Commonwealth. In September 1964 Jock Nelson, the Federal Member for the Northern Territory, asked the new Minister, Charles Barnes, if the government would resume Alexandria and, if so, how much land was

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77 NAA Canberra: A452, item 1961/5618, Resumption of pastoral leases Alexandria.


79 Despite Lambert’s reference to a Commonwealth policy that limited pastoral stations to 5,000 square miles, it was also a requirement of the current Crown Lands Ordinance.

80 NAA Canberra: A452, item 1961/5618, Resumption of pastoral leases Alexandria. The meeting took place on 14 September 1962.
involved.  Barnes replied in the affirmative and said that 4,800 miles of land would be resumed from the property.

The resumption did proceed; the resumed land was subdivided, and three new properties were created – Benmara, Mittiebah and Mt Drummond. They were advertised for lease in March 1966, and attracted sixty-six applicants. Clearly the days of general disinterest in the Territory’s pastoral lands, referred to by Douglas Fraser in his correspondence with Roger Nott in October 1961, were over.

9.7 Baggage and Bias

In recounting the Commonwealth’s interaction with Victoria River Downs and Alexandria there were Ministers and Administrators who may have had some personal bias that was brought to bear in their stated viewpoints. One might be tempted to dismiss Johnson’s criticisms of companies such as Alexandria, as he was a Labor politician, former union official, shearer and drover, who perhaps had poor memories of working for large pastoral companies. It is noteworthy, however, that McEwen’s views following his visit to the Territory in 1938 closely mirrored those of Johnson. McEwen was a serving Minister in the United Australia Party–Country Party coalition, and a Victorian farmer. After his return from a visit to the Territory, McEwen sent a submission to Cabinet in October 1938 in which, among other things, he criticised properties on the Barkly Tableland and Victoria River Districts which he said were much too large to be efficiently worked by the lessees. He was particularly critical of one property, saying that the lessee was prepared to

81 Barnes replaced Paul Hasluck as Minister responsible for the Northern Territory on 18 December 1963.

82 *Commonwealth Parliamentary Debates*, House of Representatives, volume 43, 22 September 1964, p. 1396. It is noteworthy that even though Alexandria was reduced to just over 6,000 square miles after the resumption, today (2009), the property is 8,391 square miles.

83 NTAS Darwin: NTRS2500, item L556 part 2, Land Board sittings.

84 McEwen was himself a member of the Victorian Country Party.
face the loss of large numbers of cattle rather than incur the comparatively small expenditure of providing a regular water supply for its stock.⁸⁵

Both Administrators who have featured in this chapter – Abbott and Nott – were equally critical of the management practices of large pastoral companies. There are several references cited where Abbott chastised Bovrils’ management of Victoria River Downs. Abbott was a former Country Party Minister, and a grazier himself, albeit a failed one, from northern New South Wales. Somewhat hypocritically, in later years after his appointment as Administrator was terminated, he publicly praised the efforts of companies such as Bovrils and Vesteys.⁸⁶

Nott was a former Minister for Agriculture in the New South Wales Labor Government and, like Johnson, a shearer. He was also a farmer and pastoralist.⁸⁷ His criticism of Alexandria in September 1961, when recommending the resumption of the property proceed, seems out of step with views expressed by other Commonwealth officials at the time concerning the management of the property, and it may possibly be that he had a personal bias against this company, or indeed, all large pastoral companies. Alternatively, it may be simply that he was reacting to his treatment by Douglas Fraser during an earlier meeting. Kowald and Johnston said that Fraser, upon learning that Nott was appointed by the government, said ‘you were not appointed by the Queen – you are a political appointee’, and then left the meeting ‘much to everyone’s embarrassment’.⁸⁸ This was the same meeting referred to earlier in this chapter during which Barclay alleged that an enraged Douglas Fraser stormed out.⁸⁹ Barclay’s account of the meeting was written in 1980, while Kowald and

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⁸⁵ McEwen did not name the property but notes kept by his private secretary, Roy Rowe, reveal that it Alexandria; NAA Canberra: A1, item 1938/4963, Deputation to Minister by Pastoral Lessees Association.

⁸⁶ ‘NT is a neglected asset’, Sydney Morning Herald, 10 November 1947, p. 2. Following a visit to the United Kingdom, Abbott praised the Chief Executives of both companies, Lord Luke and Lord Vesty.


⁸⁸ Kowald and Johnston, You Can’t Make It Rain, p. 90. The meeting took place on 1 August 1961; NAA Darwin: E72, item D9968/1, Resumption of pastoral leases Alexandria.

⁸⁹ In this context it should be noted that Fraser was described as ‘forceful, arrogant, and pigheaded’; Kowald, ‘Fraser, Douglas Martin (1888–1968)’.
Johnston cited an account by Ken Moore, the company’s secretary who was also present. Moore’s account was written in 1990, twenty–nine years after the meeting. There was clearly a major discrepancy between the two accounts.

9.8 Conclusion

This chapter has demonstrated how the Commonwealth interacted with two large pastoral properties and the companies that leased them. As has been demonstrated, there were clear variations in attitude between these companies. The North Australian Pastoral Company for the most part managed Alexandria well, and produced quality stock. Bovrils’ management of Victoria River Downs, however, was quite the opposite; the company occupied a large estate upon which it spent very little, and produced poor quality stock.

The principal point to emerge was that large estates were too big to be successfully managed by one company. Yet despite this, the Commonwealth’s attempted resumption of these properties illustrated the lengths cattle companies went to in order to resist offering up even the smallest portions of their land, while at the same time continuing to berate the Commonwealth for relief from the supposedly high costs of managing those same lands.
CHAPTER 10, SYMPATHETIC UNDERSTANDING AND PRACTICAL MEN – THE COMMONWEALTH AND THE PASTORAL ASSOCIATIONS

The conditions of pastoral leases in North and Central Australia have become ridiculously light…and the question arises as to what the NT Pastoral Lessees Asn [Association] is objecting to, and when will it be satisfied.¹

10.1 Introduction

The history of the Northern Territory’s pastoral industry necessitates a study of the landholders’ peak representative bodies. They purportedly sought to secure to their members all the advantages of unity of action, as well as the protection of their members’ interests, but in fact they did much more.² There were principally two representative bodies, the first of which was the Northern Territory Pastoral Lessees Association formed in 1923.³ Its members were corporate pastoralists located on the Barkly Tableland and Victoria River Districts. The timing is noteworthy as it was in February of that year that a delegation met the Minister, George Pearce, to discuss a new Ordinance. There was public criticism of many corporate lessees over the excessive size of their holdings and lack of development. Forming a representative body meant that lessees could use that body to deflect such criticisms.

A second organisation, the Centralian Pastoralists Association, was formed to represent smaller, family pastoralists in the Alice Springs District,⁴ while a third

¹ Thomas Moyes, Secretary of the North Australia Commission; NTAS Darwin: NTRS2500, item L200, Crown Lands Ordinances, 26 August 1928.
² McLaren and Cooper, Distance, Drought and Dispossession, p. 88.
³ The precise date of the formation of this Association is unknown as access to its records was denied. McLaren and Cooper implied that it was formed in August 1923; Distance, Drought and Dispossession, p. 88, however, there is a letter from the Association to the Commonwealth dated 9 April 1923; NAA Canberra: A431, item 1946/868, Proposed land policy.
⁴ NAA Canberra: A659, item 1939/1/8434, Central Australian Pastoral Lessees Association, Alice Springs, deputation to Minister 29.4.35 to July 1938. The precise date of the formation of this Association is unknown as its records could not be located. The earliest reference in Commonwealth documents is 29 April 1935.
organisation, the Cattlemen’s Association of North Australia, was formed in July 1960 to represent pastoralists in Katherine.\(^5\) On 27 October 1963 all three associations formed the Northern Territory Cattle Producers Council, effectively a peak body to coordinate the interests of the three subsidiary members.\(^6\) In 1983 all four bodies amalgamated to form the current Northern Territory Cattlemen’s Association.\(^7\)

The Pastoral Lessees Association was the largest and most active representative body, though its membership was rarely above sixty. Riddett argued that it was effectively the agent for Vesteys, and there is an element of truth in this statement.\(^8\) In 1960 Tom Hare, Administrative Officer with the Animal Industry Branch, wrote that Vesteys’ interests were ‘predominant in the Northern Association’.\(^9\) Jack Kelly later said that the administration of the Territory was unduly influenced by the Association, and particularly by Vesteys, which he felt was the dominant element.\(^10\)

Yet the Association was more than Vesteys agent, and it was more than a lobby group intended to obtain benefits for its members through unified action. As this chapter demonstrates, both it and its sister organisation, the Centralian Pastoralists Association, were political entities designed to coerce the Commonwealth into favourable decisions, and in general developed several strategies to achieve their aims. They regularly called on the Commonwealth to provide policies of development, though they rarely offered anything in return. They developed the ‘blame and martyr’ technique, consistently blaming the Commonwealth for failures within the industry and emphasising financial hardships faced by their members, while never acknowledging that their members’ own actions contributed to those

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\(^5\) NAA Darwin: F1, item 1969/962, Cattlemen’s Association of North Australia.
\(^6\) NAA Darwin: F1, item 1972/1943, NT Cattle Producers Council.
\(^7\) McLaren and Cooper, *Distance, Drought and Dispossession*, pp. 191–192.
\(^8\) L A Riddett, ‘Continuity and Change in the Northern Territory Pastoral Industry’, p. 32.
\(^10\) NLA Canberra: J H Kelly, TRC121/11, ‘Transcript of oral history interviews’, February 1974, p. 84.
failures. Their primary role was in essence to deflect criticisms of their members’ management practices, while many members exploited their land. This chapter discusses the role of these representative associations and the tactics they adopted to protect their members’ interests.¹¹

10.2 Sympathetic Understanding and Practical Men

In November 1922 the Territory’s Minister, George Pearce, announced a new land policy. The difficulty for the government was that pastoralists held land under South Australian and Commonwealth legislation. Pearce proposed a new Ordinance with inducements to encourage lessees to surrender their leases and come under the new Ordinance in order to simplify the administration of the industry. Pearce’s announcement drew a critical response from pastoralists and a meeting took place in February 1923. Clearly the pastoralists achieved most of their goals from that meeting and, flushed with their success, they resolved to form an association to protect their interests.¹² Having achieved their aim of long-term leases with minimal covenants, most pastoralists did little to develop their properties.

In their interactions with the Commonwealth the associations regularly solicited financial support for the Territory’s pastoral industry, such support often running into millions of pounds. This was particularly the case with the Pastoral Lessees Association. At one point it had the temerity to argue that as a body the pastoralists had not asked for much from the government.¹³ From the 1920s to the 1960s many conferences took place between the Association and relevant Ministers, and on most occasions the Association presented lengthy lists of demands, including railways and communications, even during the Great Depression. Yet what was never apparent in these solicitations was any form of commitment on its part of what it or its members would do if the Commonwealth met the demands. Invariably there were vague

¹¹ Most of the discussion in this chapter involves the Northern Territory Pastoral Lessees Association.

¹² The fact that pastoralists had achieved what they wanted was confirmed by George Yates, the Federal Member for Adelaide, who argued that they got ‘the big end of the stick’; Commonwealth Parliamentary Debates, House of Representatives, volume 103, 29 June 1923, p. 525.

¹³ NAA Canberra, F20, item 28, Northern Territory Pastoral Lessees Association–requests for certain matters to be reviewed, 29 January 1929.
references to future development, but nothing concrete, nothing by which performance could be judged. This was readily demonstrated in a conference that took place in January 1929. After listening to the substantial log of claims, the Minister, C L A Abbott, said to the delegates ‘you ask for certain things, for certain concessions. I would like to know what you are prepared to do in return for those concessions.’ A J Cotton (from the Gulf Cattle Company) and C W D Conacher (representing Vesteys) spoke in reply. In both cases the responses were evasive. A similar incident took place at a meeting with John McEwen in February 1938. The delegates presented McEwen with a list of demands, and McEwen asked them ‘if all these concessions are granted and conditions are improved, what are the lessees going to do?’ The Association’s President, F A Brodie, replied that ‘the progressive man will take advantage of the opportunities offered. The non–progressive ones will get out because others are preparing to go in’. Like Cotton and Conacher before him, Brodie effectively evaded the question.

The formation of the Pastoral Leases Investigation Committee in 1933 caused a flurry of opposition from the Pastoral Lessees Association (discussed in Chapter 3). The opposition arose from the fact that the Association feared that its members would be called to account for their failure to adequately develop their properties, although no doubt sensitive to the criticism, it specifically denied it. In a letter to Prime Minister Lyons the Association wrote that ‘the lessees have absolutely nothing to fear from an enquiry into their affairs’. The Committee’s report was critical of pastoral companies, particularly those in the Victoria River District. So too was the Payne–Fletcher Inquiry in 1937.

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14 NAA Canberra: A1, item 1929/210, NT Pastoral Lessees Association conference on development of the NT, 30 January 1929; minutes of the meeting, p. 23.

15 NAA Canberra: A1, item 1938/4963, Deputation to Minister by Pastoral Lessees Association re NT investigation committee report.

16 NAA Canberra: A461, item G412/1/2 part 1, NT pastoral leases, 2 June 1933.
309. Image 22: List of demands presented by the Northern Territory Pastoral Lessees Association, 1929. Source – NAA Canberra: A1, item 1929/210, NT Pastoral Lessees Association conference on development of the NT.
In their dealings with the Commonwealth, pastoral associations often resorted to what could be described as a thesaurus of favoured terminology, a series of stylised words and phrases that became virtual clichés. They regularly sought ‘sympathetic understanding’ which, crudely translated, meant meeting their demands at all times without holding them to account. Although they rarely admitted it, on most occasions that was what they received.

Another widely used term was ‘practical men’. In essence this meant pastoralists: individuals who were sympathetic to their aims. The Pastoral Lessees Association was a staunch critic of the Pastoral Leases Investigation (Shepherd) Committee because it did not include ‘practical men’; conversely it was fully supportive of the Payne–Fletcher Inquiry which did include them. While the Association was unaware of the Shepherd Committee’s criticisms of pastoralists in the Victoria River District, as that Committee’s report was not made public, it knew of Payne–Fletcher’s similar criticisms, which it rejected in February 1938, without offering any reason why the criticisms were unfounded.17 It would appear that having got the Inquiry it sought, one conducted by practical men, when that Inquiry failed to provide the anticipated results, the Association was in turn critical of it. The Association’s criticisms of the Payne–Fletcher report were reviewed by John Fletcher who wrote to McEwen informing him that the objections were not soundly based. Fletcher said that the Association’s views ‘could not be sustained under argument or discussion’.18

After his visit to the Territory in 1929, C L A Abbott was critical of many pastoralists saying that ‘they felt they were martyrs and it was the duty of the Federal Government to support them and make their holdings profitable’.19 The ‘martyr complex’ was a recurring theme cultivated by the associations and their members in their deliberations with the Commonwealth.

17 NAA Canberra: A1, item 1938/ 4963, Deputation to Minister by the NT Pastoral Lessees Association; minutes of meeting held with the Minister and the Association on 25 February 1938.

18 NAA Canberra: A659, item 1943/1/7032 part 1, Payne report, 28 March 1938.

19 NAA Canberra: A1, item 1938/4979, Minister’s visit to north and central Australia; report by C L A Abbott following his visit to the Northern Territory, June 1929, p. 7.
Pastoralists repeatedly failed to acknowledge their responsibilities, particularly in
times of crisis, and generally used their representative associations to deflect any
blame levelled at them, while they in turn continued to blame the Commonwealth for
its perceived failures. It will be recalled that Centralian pastoralists failed to accept
any responsibility for overstocking their properties prior to the drought that began in
1957 (discussed in Chapter 5), or the recession that began in 1975 (discussed in
Chapter 6). Yet other examples demonstrate the unwillingness of pastoralists to
accept any criticisms, of which two are recounted here. First, the Pastoral Leases
Investigation Committee criticised a number of pastoralists over the lack of
development and indifferent administration of their properties. All properties
managed by Vesteyes were criticised, as was Inverway, a property managed by the
Farquharson brothers.20 The Committee noted that responses to the criticisms were
similar: that it was impossible to improve holdings during a depressed market. The
Committee wondered why pastoralists forgot to mention that when prices were better
no action was taken.

The second example took place in October 1952 when a delegation of pastoralists
met Prime Minister Menzies as part of an ongoing dispute over a new Crown Lands
Ordinance (discussed in Chapter 5). The delegates agreed that they could have done
more to develop their properties, but they claimed it was the Commonwealth’s
responsibility to ensure that such improvements were carried out.21 They offered no
explanation why it was the Commonwealth’s responsibility, and not their own, given
that the Commonwealth had met their demand for long–term leases, a key condition
to enable development to be undertaken, as early as 1924.

While pastoral associations refused to acknowledge any criticisms made against
them or their members, such criticisms were clearly warranted. Apart from adverse
comments made by various committees of inquiry, there were other criticisms,
including some by pastoralists themselves. As part of the 1930s campaign to develop
a meat works at Vanderlin Island (discussed in Chapter 3), the Pastoral Lessees

20 NAA Darwin: F658, item 77, Ord River, 1935; item 97, Willeroo and Mambulloo, 1935; item 53,
Inverway, 1935.

1.
Association supported a proposal that pastoralists in the Barkly Tableland District form a co-operative to manage the scheme. Philip Forrest, from the Alexandria property, wrote to F A Brodie divorcing his company from any involvement in the project, saying that ‘I dislike the idea of handing ourselves over to a ruling body, some of whom may not exactly have made a great success of their own affairs’. 22

Pastoralists and their associations repeatedly referred to their ‘pioneer’ status as if this entitled them to greater consideration. Connor Doherty Durack emphasised its pioneering role when arguing against the proposed resumption of its Bullita property in 1935. 23 During its dispute with the Commonwealth over a new Ordinance (discussed in Chapter 5), the Pastoral Lessees Association met with officials in March 1951 arguing that the Ordinance should encourage present lessees who had pioneered the area. 24 Writing in 1970, Makin acknowledged that ‘the pioneering stage has passed’, 25 yet only a few years earlier the North Australian Pastoral Company highlighted its pioneering role when arguing against the resumption of its Alexandria property. 26 Ironically, two of the largest pastoralists in the Territory – Bovrils (Victoria River Downs) and Vesteys (Wave Hill) – could hardly have been considered pioneers; Bovrils only entered the Territory in 1909 and Vesteys in 1914.

Pastoral associations, and individual pastoralists, often argued that they were working in the national interest, as for example, when they opposed the Crown Lands Ordinance of 1950 (discussed in Chapter 5). Connor Doherty Durack repeatedly emphasised its contribution to the national interest when seeking rent deferrals in the 1930s. 27 Such claims were disingenuous as later noted by Hugh Barclay, Director of Lands, who said that pastoralists ‘are governed, not by the national interests, not by

22 NLA Canberra: MS1927, series 3, folio 1927/1355, 23 May 1934.
24 NAA Canberra: A1422, item 12/1/19 part 1, NT Ordinance 2 of 1950.
26 NAA Darwin: E72, item D9968/1, Resumption of pastoral leases Alexandria, 6 December 1961.
27 NAA Canberra: A431, item 1950/2614, Connor Doherty Durack reduction of rent, 7 November 1932.
their concern for the land, not by any interest in sound development of the Northern Territory, but by their desire to get the highest possible price for cattle turned off”. 28

Pastoral associations regularly misrepresented the facts in their dealings with the Commonwealth. This statement is demonstrated by the claim, made on numerous occasions, that the Territory (and thus pastoralists), produced high quality cattle, and was therefore deserving of greater Commonwealth support; the reality was that, on the whole, the Territory produced very poor quality cattle. Several examples are quoted here to support this statement. After inspecting a shipment of cattle from Victoria River Downs destined for export in 1925, Chief Inspector of Stock Frank Bishop noted that at least 80 per cent had distinct signs of inbreeding and degeneration. He wrote that ‘unless good herd bulls are introduced into the herds in the northern areas the class of cattle are fast deteriorating’. 29 When informed of Bishop’s report, G Edwards from Vesteys said that ‘it is true that cattle anywhere must deteriorate with inbreeding and that the Territory cattle, generally speaking, are doing so’. 30 Following his visit to the Territory in 1929, Abbott said that pastoralists were producing cattle that were not even third class. 31 In a letter to Prime Minister Lyons the Pastoral Lessees Association claimed that the bulk of the country under occupation by pastoralists was ‘capable of producing and does actually produce high class cattle fit to compare with the average produced anywhere in Australia’. 32 The Association repeated the claim in a meeting with Lyons a few days later when it argued that the country was producing high class cattle, and for this reason required a practical policy by the Commonwealth calculated to remove difficulties from private

28 NTAS Darwin: NTRS2500, item L18 part 1, Return of important events; annual report year ended 30 June 1952.

29 NAA Canberra: A431, item 1948/274 part 1, Export of live cattle NT, 30 January 1925.

30 NAA Canberra: A431, item 1948/274 part 1, Export of live cattle NT, 27 March 1925. While he was a Vesteys’ employee, Edwards was for a short time the Secretary of the Pastoral Lessees Association.

31 NAA Canberra: A494, item 902/1/82, North Australia record of interviews by Sir Charles Nathan correspondence and various reports on the Territory accompanying review of conditions and proposals for development, 1929.

32 NAA Canberra: A659, item 1939/1/468, Northern Territory Pastoral Lessees Association development of NT, 24 January 1936.
enterprise. The retort to all these claims was provided by Angus McKay, the Army’s Chief Veterinary Officer, who wrote that the Territory could, but seldom did, produce prime fat cattle, the reason being that development was in the hands of large vested interests which had taken the maximum out of the country in the shortest possible time, but had failed to return anything unless absolutely essential. Further evidence of the low quality of Territory cattle was provided in a report on the beef export trade to Manila which referred to the ‘comparatively low standard beast’ of the Territory being acceptable to the Philippines. Long after the War the quality of meat produced on many stations did not improve, and most of the beef shipped to the USA from the 1950s onwards was low–grade intended primarily for the American hamburger market.

Pastoral associations frequently accused the Commonwealth of unfulfilled promises (it was a much loved phrase). When James White, the Gulf Cattle Company’s Chief Executive, died in June 1945 government agencies subsequently wanted to confirm the value of his 40,000 shares in the company in order to determine the amount of death duties payable. When asked for his advice Brodie downplayed the value of the shares, and then criticised the Commonwealth citing a series of unfulfilled promises. He made no mention of the fact that Territory pastoralists paid very low rents for their land, and during the War they recorded ‘fantastic profits’ according to Administrator Abbott, yet they paid no income tax.

The criticism of unfulfilled promises could also be levelled at both at the associations and their members. They had, for example, argued for longer lease tenures in the 1920s, assuring the Minister, George Pearce, that this was necessary to enable them


34 NAA Darwin: E1152, item S5/1/3, Meat supply report Lt–Col A C McKay. The report was not dated but was probably written in 1944.

35 NAA Darwin: F1, item 1950/64, Live cattle to Manila. The report is not dated but would have been written at the end of 1953.


37 NAA Darwin: F1, item 1949/368, Valuation of Brunette Downs leases–inquiry by Taxation Department.
to finance the development of their properties. Having achieved their goal, with extended tenure over their properties until 1965, many pastoralists undertook little development. By the early 1950s the associations were using the same argument again as continued justification for why their members were not developing their properties.

More than once pastoral associations threatened that Commonwealth policies would force their members to leave the Territory. The Pastoral Lessees Association asserted that ‘if the Government policy is to force the present lessees off their present holdings it should say so and not resort to obscure amendments to the Ordinances which will have the same effect’. The Cattle Producers Council followed a similar line in 1973 when it said that ‘if it is the Government’s intention to discourage investment of Northern Australia we would prefer it to say so, so that our members may reassess their programmes in the light of such a policy’. These statements were just hyperbole; most pastoralists had no intention of leaving their oversized properties, the evidence for this being the vehemence with which they resisted all attempts at resumption by the Commonwealth, or forfeiture of their leases.

Commonwealth officials regularly expressed their frustration at the pastoral associations’ never-ending demands. In 1957 the Animal Industry Branch closed several stock route bores due to lack of usage. The Branch’s action drew a heated protest from the Centralian Pastoralists Association. When asked for comment the Branch’s Director, Lionel Rose, said that:

there is a section of this Association which is most unreasonable in its demands for help by this Administration generally. My own views are that Northern Territory pastoralists have been treated fairly and liberally, and that the time has come when constant concessions can no longer continue to be given just for the purpose of satisfying a few malcontents.  

38 NAA Darwin: F425, item C14, Pastoral leases general policy, 1952, not dated.
40 NAA Darwin: F1, item 1955/331 part 1, Stock routes and bores general, 13 January 1958.
Rose’s reference to ‘constant concessions’ was noteworthy, and clearly demonstrated that pastoralists were achieving the ‘sympathetic understanding’ they regularly sought, though they rarely admitted to actually receiving it.

**Comparisons with Lease Conditions in Contiguous States**

The Territory’s pastoral associations often compared the terms and conditions of their members’ leases with those in Queensland and Western Australia, and asserted that they were at a disadvantage. The claims were generally untrue, as Commonwealth officers demonstrated, and when making the comparisons the associations were selective in their use of facts. In 1921 the rent on the Rocklands property, located on the Barkly Tableland, was 3/6 per square mile, while the rent for the company’s adjoining Queensland property was 13/6 per square mile.41 In 1931 Prime Minister Scullin wrote to Western Australia’s Premier, James Mitchell, informing him that conditions of land occupation in the Territory were less onerous than Western Australia, as leases were granted for longer terms at lower rentals and under easier conditions.42 In 1932 the Minister, Archdale Parkhill, asked his department to undertake a comparison of lease rents, and land officer William Hicks subsequently reported that Territory rents were ‘considerably lower’ than rents in the adjoining States.43 When objecting to the proposed resumption of its Bullita property, Connor Doherty Durack complained that Western Australian rents had been reduced by 40 per cent, and pastoral leases in that State did not have resumption provisions.44 The company omitted to say that rents in Western Australia were still higher than those in the Territory, and while it was true that leases in that State did not contain resumption provisions, they did contain improvement covenants which Territory leases did not.45

41 Kowald and Johnston, *You Can’t Make It Rain*, p. 17.
42 NAA Canberra: A431, item 1948/274 part 1, Export of live cattle NT, 29 October 1931.
43 NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister 20 July 1932.
44 NAA Canberra: A659, item 1943/1/2640, Connor Doherty Durack resumptions, 4 December 1933.
45 Section 30(2) of Western Australia’s Land Act 1917 contained improvement conditions; they were removed from Commonwealth legislation in 1924.
declared that Territory rents were ‘definitely liberal to the lessee’ when compared with adjoining States.\textsuperscript{46} Even as late as June 1977 the Pastoral Lessees Association sought rent reductions by comparing conditions with those in Queensland. The Association argued that a review of Queensland pastoral rents in 1975 had resulted in substantial reductions in that State and it requested the same for Territory rents, yet a departmental memo noted that rents in Queensland at that time were ‘substantially higher’ than those in the Territory.\textsuperscript{47}

While claiming that their rents were higher than contiguous States, pastoral associations also failed to acknowledge that from 1923 to 1952 their members did not pay income tax, unlike pastoralists in those States.\textsuperscript{48} The savings were supposed to be returned to the Territory in the form of property improvements. They never were, and when sponsoring the abolition of the exemption in 1952, Paul Hasluck told Parliament that the initial object of the exemption was to encourage Territory settlement and the development of its primary industries. He said it was difficult to assess the extent to which the exemption had served its purpose, but it was doubtful whether it had been a major factor in bringing about settlement. Furthermore, the existence of the exemption had given rise to several anomalies between residents of adjoining areas and between different groups of taxpayers inside the Territory.\textsuperscript{49} A later memo by Barclay said that the major weaknesses of the concession were that it was not conditional, and it applied to principals, not to employees. He also said that the only effect of the exemption was that persons who qualified for it ‘had a higher income as a result’.\textsuperscript{50} The \textit{Northern Territory News} later confirmed the fact that tax savings had not been returned to the industry when it asked cattlemen if they had


\textsuperscript{47} NAA Darwin: F1, item 1975/482, Pastoral leases general.

\textsuperscript{48} From 1923 to 1938 Territory primary producers did not pay State income tax; from 1938 to 1952 they paid neither State nor Commonwealth income tax.

\textsuperscript{49} \textit{Commonwealth Parliamentary Debates}, House of Representatives, volume 218, 12 August 1952, p. 155.

\textsuperscript{50} NAA Darwin: F1, item 1962/3869, Income tax concessions, 25 January 1963.
forgotten that ‘a few years ago they enjoyed complete exemption from taxation? The
money was not ploughed back into the country’.\(^{51}\)

Pastoral associations frequently petitioned for greater security of tenure over their
lands, as was shown in Chapter 8, yet their tenure was more secure than that of
pastoralists in contiguous States, as the covenants were less onerous. As with
Commonwealth leases, Western Australian leases were of fifty years duration, but
they contained stocking and improvement covenants; while Territory leases only
contained the stocking covenant.\(^{52}\) Most Queensland leases were of thirty years
duration; fifty–year leases were available but they were subject to ‘very extensive
developmental conditions involving abnormally high expenditure’, conditions which
did not apply in the Territory.\(^{53}\) Finally, from 1954 the Commonwealth followed
Queensland’s example whereby Territory pastoralists had the Land Court to which
they could appeal decisions made by the Administration involving rent reviews;
Western Australian pastoralists did not have access to such a Court.\(^{54}\)

Despite repeatedly asserting that they supported closer settlement, the Territory’s
pastoral associations lobbied for an increase in property sizes from the existing limit
of 5,000 square miles (1.3 million hectares), in 1964 when they met with the
Minister, Charles Barnes, and again in 1980 before the Martin Committee (discussed
in other chapters). The latter noted that a recent land tenure review in Western
Australia had recommended an increase from the existing limit of 500,000 hectares
(1,930 square miles),\(^{55}\) to two million hectares (7,722 square miles), and


\(^{52}\) Western Australia’s Land Acts of 1917 and 1933 contained stocking and improvement covenants.

\(^{53}\) Queensland Land Act 1959, section 61.

\(^{54}\) NAA Darwin: F1, item 1975/3508, Pastoral leases policy [part 5]. In a letter dated 12 April 1972
the Western Australian Pastoral Appraisal Board advised the Northern Territory Administration that
pastoralists had no right of appeal to any Court over reviews of their rents. A Land Court was
subsequently created in 1997.

\(^{55}\) Section 30(2) of the Western Australian Land Act of 1917 had limited pastoral leases to one million
acres. The Land Act Amendment Act (no. 2) of 1980, section 16, rounded this figure to 500,000
hectares (1,236 million acres).
subsequently recommended that the Territory’s limit should stand, but the Minister be authorised to approve exceptions up to two million hectares.\footnote{[Northern Territory. \textit{Inquiry into Pastoral Land Tenure in the Northern Territory}, p. 98]. The recommendation to increase the maximum limit to two million hectares was never implemented, and the 500,000 hectare limit remains in place today (2009); advice provided by the Pastoral Lands Board of Western Australia to the author, 29 May 2009.}

Although rarely acknowledged by pastoralists or their representative associations, the Commonwealth provided generous lease terms in the Territory in order to compensate for the lack of transportation and distance to markets. Barclay confirmed this when he told Administrator Wise that Territory leases were particularly liberal and were unrivalled in Australia. Barclay said that ‘lessees are given wonderful terms and if they are not prepared to display more trust in this Administration which has been more than kind to them, they can only be expected to be treated with some suspicion in return’.\footnote{NTAS Darwin: NTRS2500, item L44, Pastoral Lessees Association, 11 October 1954.} Barclay’s views were supported by the Far Northern Cattlemen’s Association of South Australia when in 1952 it approached Hasluck and asked if it could come under federal administration, arguing that its members did not enjoy the benefits received by Centralian pastoralists.\footnote{NAA Canberra: M1776, volume 1, item 193, 20 February 1952.}

\textit{Representation on Commonwealth Agencies}

The Pastoral Lessees Association, and to a lesser extent the other associations, regularly sought representation on Commonwealth bodies, or to use its influence with the selection of Commonwealth officials. The Land Classification Board, created in 1912, did not have pastoral representation, but its successor, created in 1924, did. The second Board was replaced by the North Australia Commission in 1927, which also had pastoral representation. The Commission was in turn replaced by another Land Board in 1931, which did not have pastoral representation. The Association requested representation on this Board on a number of occasions; but each request was refused.\footnote{The Association’s lobbying for representation on the 1930s Land Board was mentioned in passing by McLaren and Cooper; \textit{Distance, Drought and Dispossession}, p. 116.}
In the latter half of 1936 there were rumours that Administrator Robert Weddell would be replaced by C L A Abbott, and opposition to the appointment was soon apparent. The Melbourne Argus, while acknowledging Abbott’s ability, personality, and creditable military career, said he lacked the necessary qualifications, although it did not specify what those qualifications were.60 The Bulletin commented that Abbott had undertaken a brief aerial tour of the Territory in 1929 and had consequently become an authority on the area.61 The Bulletin’s remarks were similar to those expressed by C W D Conacher, Vesteys’ principal representative in Australia, when he defended Vesteys after Abbott had criticised the company following his visit. Conacher wrote that ‘flying is not conducive to a detailed examination of cattle or fencing’ .62

It is likely that Vesteys was orchestrating the opposition to Abbott’s appointment, no doubt because of his criticisms of its property management; Abbott acknowledged this in a letter to Lyons.63 Abbott was also a supporter of the Barkly Tableland Cooperative (discussed in Chapter 3), which had it proceeded, would have benefited pastoralists on the Tableland more than those in the Victoria River District, which is where Vesteys’ properties were located. While Abbott was the subject of media criticism, the Graziers’ Federal Council of Australia wrote to Prime Minister Lyons asserting that the Pastoral Lessees Association should be consulted because it was ‘vitally interested in the welfare of the Northern Territory, and their experience should be of material assistance to your Government in determining the appointment of an Administrator’.64 As has been shown, the Association predominantly represented Vesteys’ interests. On this occasion both the Association and Vesteys

60 ‘Northern Territory’, Argus (Melbourne), 23 October 1936, p. 6.
62 ‘North Australia Mr Abbott’s comments’, Sydney Morning Herald, 25 November 1929, p. 10. It is noteworthy that Vesteys criticised Abbott for the superficial nature of his aerial tour of the Territory because in 1933 the Sydney Morning Herald’s ‘special commissioner’ also undertook an aerial tour, and subsequently wrote a series of articles which clearly had the support of the Pastoral Lessees Association; for example, Article X, ‘The undeveloped north’, 19 January 1934, p. 10. Who the ‘special commissioner’ was is unknown.
63 NAA Canberra: A461, item B412/1/2 part 1, NT administration, 7 November 1936.
64 NAA Canberra: A461, item B412/1/2 part 1, NT administration, 30 October 1936.
were unsuccessful, and Abbott was appointed to the Administrator’s position in 1937.

The Pastoral Lessees Association also sought involvement in the selection of the Commonwealth’s first field officer, William Clough, and wrote to McEwen asserting that the appointment needed to instill confidence in pastoralists. Their request was too late as late Clough was already appointed. 65

With the creation of the Northern Australia Development Committee in 1945, the Pastoral Lessees Association twice sought direct representation, despite the fact that the Committee was a high level inter–governmental body. The then Minister, Herbert Johnson, rejected both requests on 24 February 1948. 66 When the Commonwealth announced that a Land Court would be created in the Territory, the Association wasted little time and requested that the proposed Court include a representative nominated by it; again the request was rejected. 67

When the formation of a Legislative Council in the Territory was first announced in 1946, it was stated there would be fourteen members, comprising eight administrative officers and six elected officers. The Pastoral Lessees Association wrote to Johnson on 28 February 1947, and then met with him on 25 March, agreeing that while the Council should have fourteen members, it should have six administrative members, six elected members, and two additional members chosen from among a group of pastoralists nominated by it, which would have effectively given it the casting vote had the request been accepted. The Association argued that it wanted greater representation given to rural areas, and ‘in particular that adequate representation of the pastoral industry should be assured’. Johnson rejected the request. 68

65 NAA Canberra: A659, item 1943/1/893, Development of NT part 1, 21 December 1938.

66 NAA Canberra: A431, item 1947/1255, Formation of the Northern Australia Development Committee.

67 NAA Canberra: A452, item 1955/642, Land Court NT, 29 July 1946.

68 NAA Darwin: F1, item 1946/609, Establishment of the Legislative Council in the NT, 22 April 1947.
It could be argued that the Pastoral Lessees Association sought such representation because its members were experienced in Territory matters and it wished to ensure that their views were adequately addressed; indeed, more than once the Association asserted that its members were ‘intimately acquainted with the country’.\textsuperscript{69} This was stretching the truth considerably as most members did not live in the Territory, and rarely visited their properties; while the Association itself was located in Sydney. A more jaundiced view of the Association’s actions was that it was attempting to manipulate proceedings and ‘stack the deck’ in its favour.

\section*{10.3 Big Man’s Country}

Supporting the self-interest of its members, the Pastoral Lessees Association consistently argued that the Territory was suitable for big men (corporate pastoralists), not small men (family pastoralists). It wrote to Herbert Brown, Secretary of the Department of the Interior, stating that ‘it must always be borne clearly in mind that pastoral country in North Australia is not small man’s country’.\textsuperscript{70}

In his study of the industry during the South Australian era, Duncan supported the claim and he absolved corporate pastoralists from any blame for failures, citing what he called the ‘cardinal fact’, which was that only big men had sufficient capital to operate in the Territory.\textsuperscript{71} Fletcher later countered this view, citing the example of large landholders selling out in the 1890s to smaller ‘Aussie battlers’ who were dedicated and determined to rough it until better times came. When those times did come, she said, properties were slowly improved because these were their homes and investments.\textsuperscript{72}

\textsuperscript{69} NAA Canberra: A659, item 1939/1/468, Northern Territory Pastoral Lessees’ Association development of NT, 22 February 1932.

\textsuperscript{70} NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister, 17 May 1932.

\textsuperscript{71} Duncan, \textit{The Northern Territory Pastoral Industry}, p. 148.

\textsuperscript{72} Fletcher, ‘The Commonwealth takes over the Northern Territory’, p. 107.
In the Commonwealth’s early years some officials seemed to support the notion of big man’s country. In June 1916 land officer William Hicks suggested the creation of a Victoria River land district, whereby leases would be allocated without area limitations, although they would be subject to rent and stocking conditions. The suggestion was made, he said, with a view to encouraging the introduction of capital into the Territory; to increase the department’s revenue; and to open up the country. Hicks later wrote that the essential factor in the utilisation and successful working of Territory pastoral lands was an unlimited supply of capital.\(^73\)

The Pastoral Lessees Association argued that the Territory could only develop with capital provided by big business, but such business needed support and encouragement from the Commonwealth. The Association regularly highlighted the poor state of the industry, and many reasons were given for this, of which the principal ones were usually the lack of financial encouragement by the Commonwealth, and the need for more inducements. Yet, as has been shown, when the Commonwealth provided inducements pastoralists accepted them, then failed to follow through with development of their properties. This fact was confirmed by the Northern Australia Development Committee when it acknowledged that the Commonwealth had made repeated attempts to stimulate development in the industry and many lessees, especially pastoral companies, had failed to respond to those initiatives. It suggested that if the Commonwealth proceeded with a planned program of post–war improvements, pastoralists had to be prepared to do their part by developing their leases, improving the quality of their herds, and by introducing better methods of station management.\(^74\)

More than once, however, the Association’s claim that the Territory was big man’s country was contradicted by other pastoral associations. In 1948 the Centralian Pastoralists Association wrote to Herbert Johnson advising him that money did not develop a country, people did; the Centralian Association insisted that residential qualifications should be an essential condition for pastoral lands. This of course was

\(^73\) NAA Canberra: A3, item NT1917/14, Suggested land district Victoria River, 28 June and 3 July 1916.

\(^74\) NAA Canberra: AA1972/841, item 11, Northern Australia Development Committee, development of northern Australia, 1947.
anathema to the Pastoral Lessees Association, whose members were mostly absentee landlords. When informed of the Centralian claim Barclay said that:

I beg to differ from the sweeping statement that money does not develop a country but people do. Too many examples can be quoted both for and against a statement of this nature. I consider a combination of both to be the best guarantee of successful settlement. Residence has never, as far as I can ascertain, been made a condition of pastoral settlement. I feel sure that any or every member of the [Centralian Pastoralists] Association would not hesitate to sell out to any concern if offered a tempting price for his lease, so that big financial concerns, if really interested, could obtain control over the Alice Springs District unless prevented by this Administration.75

The Cattlemen’s Association of North Australia espoused similar views to its Centralian counterpart. When the Commonwealth introduced mini pastoral leases (discussed in Chapter 6), the Association objected to the stipulated financial requirement. It said that ‘finance will not guarantee success, which will depend to a greater degree upon the ability of the applicant’. At the same time the Pastoral Lessees Association argued that considerable funding was needed for the management of those same leases. The discrepancy between the associations’ views was noted by Barry Hart, Director of the Animal Industry and Agriculture Branch, who wrote that ‘these industry groups will need to have a more uniform line’. 76

In July 1964 the Commonwealth commissioned C H Macphillamy, Chief Valuer for the Reserve Bank, to report on credit facilities and their sufficiency to meet the Territory’s developmental requirements. The focus of his investigation was on small owner–operators, rather than companies controlled externally. Macphillamy said that a small prosperous community of pastoralists and farmers was of greater benefit than a large discontented community with poor prospects of success, and before embarking on any land settlement schemes the Commonwealth should consult with lending institutions to ensure that funding for development would be forthcoming. When commenting on Macphillamy’s report, submitted in October 1964, Tony Richardson, Director of Lands, appeared to support the ‘big man’s country’ claim when he said that it was not the settlement of population on the land which induced


76 NAA Darwin: F1, item 1969/962, Cattlemen’s Association of North Australia, 12 April 1972.
greater production, but the provision of capital, and in the pastoral industry the capital required for adequate development was usually beyond the resources of individual lessees.\textsuperscript{77} While it was true that considerable funds were needed to successfully operate a cattle station in the Territory, those who had such funds, or could access them, often refused to use them. In reality, big man’s country was an excuse for corporate pastoralists to justify the large amount of land they occupied, yet failed to develop.

**Rosewood Pastoral Station**

There was one property, however, which consistently gave the lie to the claim that the Territory was big man’s country, and only they had the financial resources to operate and survive there. Rosewood was a small property, just over 1,000 square miles, located in the Victoria River District. For many years it was leased and managed by J A C Kilfoyle, who resided on the station and used his knowledge and skills to develop the property and his cattle. As a result he was rewarded with higher prices for his stock and he consistently made a profit, which he returned to the property, proving that there were profits to be made, despite the misinformation espoused by the Pastoral Lessees Association. While Kilfoyle managed the property it was highly regarded by Commonwealth officials.\textsuperscript{78} It received favourable comment from Chief Inspector of Stock Frank Bishop in 1927,\textsuperscript{79} the Pastoral Leases Investigation Committee in 1935,\textsuperscript{80} the Payne–Fletcher Inquiry in 1937,\textsuperscript{81} the Northern Australia Development Committee in 1946,\textsuperscript{82} and by Jack Kelly.\textsuperscript{83}

\textsuperscript{77} NAA Darwin: F1, item 1964/2592, Proposed survey of credit requirements Reserve Bank.

\textsuperscript{78} In her biography of the Kilfoyle family Byrne also noted the positive comments made by Commonwealth officials regarding the management of the property; *Tom and Jack: A Frontier Story*, pp. 164–170, 238–239, 257–258.

\textsuperscript{79} A1, item 1927/21460, Report on cattle and pastoral holdings by Chief Inspector of Stock for NT.


\textsuperscript{81} [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory of Australia, p. 53, paragraph 317].

\textsuperscript{82} NAA Canberra: A431, item 1946/1606, Northern Australia Development Committee pastoral industry; ‘Report on the Pastoral Industry of Northern Australia, p. 7.

\textsuperscript{83} NLA Canberra: J H Kelly, TRC121/11, ‘Transcript of oral history interviews, pp. 86–87.
While some pastoral companies complained ceaselessly about the hardships they faced and the financial losses they incurred – Connor Doherty Durack, located in the same district as Rosewood, complained every year throughout the 1930s and well into the 1940s – Commonwealth documents show that Kilfoyle made few complaints.\(^84\)

The quality of Rosewood’s cattle was amply demonstrated in February 1938 when John McEwen met representatives of the Pastoral Lessees Association to discuss the implementation of the Payne–Fletcher report. Two representatives from Vesteys attended the meeting, Arthur Bingle and Alex Moray. They told McEwen that they had sent cattle from their Wave Hill property to the meat works at Wyndham the previous year and received £3 per head. They noted that Rosewood was about to send cattle to the same market and expected to receive £7/10/0 per head. The two men dismissed the considerable price variation by arguing that Vesteys’ cattle had to walk 300 miles to Wyndham, whereas Rosewood’s cattle only had to walk 120 miles. The men admitted, however, that the last 100 miles of the stock route were the most difficult, and Rosewood’s cattle traversed this part of the route, just as Vesteys’ cattle did.\(^85\) Vesteys’ men had clearly overlooked the remarks by Payne–Fletcher who said that while pastoralists argued that the condition of the stock route was the reason for the poor state in which cattle were delivered to Wyndham, the management of properties and poor droving practices were the real culprits.\(^86\) The fact was that Rosewood produced better cattle.

Rosewood was an example that showed what could be done to successfully manage a pastoral property by a small operator who was prepared to occupy a reasonable amount of land, live on that land, invest time, money and effort into developing the property and herd, make a reasonable profit each year and return it to the property, rather than simply acquiring more land than was needed, do very little with it in the way of development, employ managers to oversee the property, produce poor cattle.

\(^{84}\) NAA Canberra: A431, item 1950/2614, Connor Doherty Durack reduction of rent.


\(^{86}\) [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory of Australia, p. 55, paragraphs 327–328].
quality cattle, generally operate at a loss and, through the pastoral associations, berate the Commonwealth for failing to develop broad, statesmanlike policies which would effectively compensate for their own mismanagement.

There was a noteworthy postscript to the Rosewood story. In 1955 F A Brodie sent a submission to the Commonwealth Air Beef Advisory Panel (discussed in Chapter 5), in which he said that Rosewood was the best developed property in the Victoria River District, and was one of the main suppliers of beef to the Wyndham meat works, where it usually obtained top prices.87 Having consistently argued that the Territory was big man’s country, the type of country that needed corporate finance, it is ironic that the President of the Pastoral Lessees Association was praising the management of a small property. Rosewood had, however, been acquired by Melbourne businessman William Buckland in 1947, who upheld the tradition of absentee landlords and never visited the property. No doubt Brodie was praising Rosewood because it now fitted the corporate mould, essentially it was ‘one of us’, and was no longer leased by a small resident pastoralist as it was previously.

Brodie had, however, clearly not checked his facts. The property which had indeed been a model station when leased by Kilfoyle, had fallen into disarray after Buckland acquired it. In October 1954 pastoral officer Ted Wharton inspected the property, and later wrote that there was a lack of interest on Buckland’s part in its management, and that there was an ‘almost complete stagnation in developmental work’, with boundary fencing badly maintained, and large numbers of unbranded cattle.88 Wharton’s views were confirmed by Barclay, who wrote that ‘Rosewood has lost its erstwhile proud position of being the best improved property in the Northern

87 NAA Canberra: A452, item 1957/481 part 1, Advisory panel air beef transport NT, 21 January 1955. This file contains references to Brodie’s submission; however, the submission itself was not sighted.

88 NTAS Darwin: NTRS2500, item L212, Field officer inspections Victoria River. Wharton’s report was dated 25 October 1954, three months prior to Brodie’s submission to the Advisory Panel.
Brodie’s statement to the Air Beef Panel merely demonstrated how self-serving both he and his Association were.

10.4 How Payne and Fletcher regarded Pastoralists and Their Associations

The Payne–Fletcher Inquiry was established in 1937 (as discussed earlier). The Pastoral Lessees Association was strongly supportive of it, and wrote to Prime Minister Lyons telling him that it was pleased that the Inquiry would proceed, and was gratified to note the appointment of both men. It was supportive of John Fletcher because he was a pastoralist, and he came from outside the Northern Territory, from Bonus Downs in western Queensland, so there was no taint of bias.

It is possible to gauge what Payne and Fletcher truly thought of the Territory’s pastoralists and their representative associations. In October 1944 Abbott sent a report on the future development of the Territory to Departmental Secretary Joseph Carrodus. The following April he sent a copy to Payne, who complimented him on his recommendations, and then commented on the Territory’s pastoralists, of whom he said:

I feel sure that most of the existing lessees will not help you in any way. If land policy were to be influenced by them, progress during the next twenty years would be very slow. Most of the bigger Territory lessees have little vision, and often think that policies which will materially benefit them are quite against their interests. Moreover, in the past, they have had their own way for so very long that they will intrigue against the Administrator and pull all the strings possible whenever a decision they consider adverse to them is given.

Payne was even more critical of the pastoralists’ representative associations. In their 1937 report Payne–Fletcher had recommended the establishment of an independent

89 NTAS Darwin: NTRS2667, item PL549, Rosewood, 18 August 1955. Byrne also cited a visit to the property by Reg and Margaret Durack in 1965 in which they commented on the ‘evidence of decay’ they witnessed; Tom and Jack: A Frontier Story, pp. 256–257.

90 The big man’s country claim also overlooked the fact that most pastoral stations in Central Australia were, and still are today (2009), small family–operated properties.

91 NAA Canberra: A461, item H412/1/2 part 2, NT opening of pastoral lands and the government’s developmental policy, 19 February 1937.
land tribunal, to which lessees could appeal decisions made by the Administrator.  

Payne told Abbott why they made this recommendation:

I do not know of any other system that would so strengthen and entrench the Administrator in the firm handling of land matters, assist him in formulating a flexible land policy to meet changing conditions, and lift the whole thing above the petty atmosphere of self-interest and prejudice which have hitherto surrounded it. It would be an effective way of side-tracking the Lessees’ Associations and all their dangerous propaganda in the years ahead.

John Fletcher proved to be similarly critical of the Territory’s pastoralists. In November 1946 he sent a report on the industry to the Northern Australia Development Committee. He noted the financial losses sustained by four of the Territory’s larger pastoralists, which he did not name. Fletcher attributed the losses not to failures by government, but to bad planning, poor control and poor management by the lessees themselves. He said that their principals lived far away, either in southern cities or abroad, they had no basic knowledge of the country, and they relied on advice from their managers. Fletcher alleged that many remarkable opportunities over the previous thirty years would have transformed the affairs of those pastoralists, yet those opportunities were passed by, and in their stead inferior propositions were accepted, which led to a worsening of their financial positions rather than an improvement. He concluded that many pastoral stations were simply too large for effective management.

10.5 The Influence of the Northern Territory Pastoral Lessees Association

Although they often misrepresented the facts in their dealings with the Commonwealth, and accepted no responsibility for their actions, or the actions of their members, the Territory’s pastoral associations were able to wield considerable influence. This was especially true of the Pastoral Lessees Association. The

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92 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory of Australia, p. 24, paragraph 125].

93 NLA Canberra: MS4744, box 11, folder 5, Correspondence, 30 May 1945.

94 NAA Canberra: A431, item 1946/1606, Northern Australia Development Committee pastoral industry, p. 3.
Association, while the largest and most vocal representative body, was a relatively small association, and this begs the question of how it came to exert such influence.95

The Association was clearly a well organised body with the services of a professional secretary. For most of the Commonwealth era it was located in Sydney, close to the seat of government in Canberra, and it maintained a constant stream of lobbying – from 1929 onwards it regularly sent delegations to wait on Territory Ministers. When it could not achieve its goals through them, it lobbied other Ministers and Prime Ministers. Many of its members were wealthy; this fact was exemplified by Commonwealth officials who expressed their frustration with the recalcitrance of the Gulf Cattle Company when it came to making rent payments, one officer claiming that ‘the leases are controlled by wealthy men’.96 Some were no doubt well educated, urbane and cosmopolitan, which would have impressed Commonwealth officials. Some of them travelled internationally, for example, James White and the Durack family (discussed in Chapter 3). The Association made regular use of the media to get its message across; meetings with Ministers were often reported in local newspapers.97 It always acknowledged correspondence, and always replied promptly to letters from the Commonwealth. It would regularly send reminders if responses to its letters were not forthcoming. While it was a small group, it was clearly methodical, thorough, and particularly vocal. The minutes of one of its meetings noted that several requests for representation on the Land Board (created in 1931), had been rejected, and it was recorded that the Association ‘does not intend to let this matter rest’.98

The Association no doubt benefitted from the fact that its first Chairman, Walter Massy–Greene, was a serving politician. He was elected to the House of

95 The author would like to acknowledge the contribution of Lyn Riddett who provided a number of valuable suggestions regarding the influential nature of this Association.

96 NAA Canberra: A659, item 1944/1/3990, Gulf Cattle Company rent on leases, 27 May 1935.

97 McLaren noted that the Association made ‘good use’ of press releases from 1933 onwards; ‘Distance, Drought and Dispossession: A History of the Northern Territory Pastoral Industry’, volume 1, chapter 5, p. 46.

Representatives in 1910 as a member of the Liberal Party. Although losing his seat in 1922, he was appointed to the Senate to fill a casual vacancy as a Nationalist in late 1923, the same year the Association was established. From that time he also served on the boards of several companies. Massy–Greene would doubtless have exerted his influence to foster the Association’s goals. In 1928 he unsuccessfully lobbied the government for freehold or perpetual leases in the Territory. He only relinquished his position with the Association in 1932 pending his appointment to the Lyons Ministry. By today’s Ministerial standards he would be judged to have had a conflict of interest in holding political appointments, while serving as Chairman of a lobby group.

It pays to compare the mechanics of the Association with modern–day lobby groups, for example, the Australian Christian Right. Johnson analysed the operations of this group and described its modus operandi. He argued that as a body they were becoming increasingly sophisticated. It was no longer a case of writing cranky letters to politicians and hoping for the best. They were making submissions to politicians and Parliamentary committees, regularly travelling to Canberra to meet with Ministers and building up political contacts, effectively behaving like a pressure group. Johnson also noted that they overestimated successes and underestimated failures. These latter comments applied to the Pastoral Lessees Association as the following example illustrates. The Association’s annual proceedings in the early 1930s noted that not all Territory pastoralists were members, and several begging letters were despatched urging them to join. The proceedings of the tenth Annual General Meeting, in particular, noted that membership stood at forty–four and ‘it is felt that it would be to the advantage of every pastoralist in the Territory to become a

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100 NAA Canberra: A431, item 1946/849, Crown Lands Ordinance part 1.

101 NTAS Darwin: NTRS1367, [Herbert Family] Northern Territory legislation, ordinances, regulations and statutory rules: Minutes of the Pastoral Lessees Association’s Eighth Annual General Meeting, 29 January 1932. The minutes of this meeting noted Massy–Greene’s resignation and acknowledged his contribution to the Association’s activities.

member of this Association’.103 Yet in an article published in the Sydney Morning Herald on the same day as that meeting the Association boasted that its membership included the strongest lessees and would soon include all lessees.104 Ironically at that time Bovrils, the lessee of one of the largest properties in the Territory, was not a member.105

The Association’s arguments were often quite persuasive, even when they were disingenuous. At one point G Edwards, who for a short time had been the Association’s secretary, but whose employer was Vesteys, wrote that:

in our many applications…for sympathetic treatment, our object is not to save money. Our object is to go ahead a little faster. We could easily save the tens of thousands we sink annually in the Territory by ceasing to improve the runs and herds [in fact many pastoralists were doing neither]. Our constant requests for roads, stock routes, communications, reduced freights etc are all based on trying to do a little more with our money. Surely if we make two good beasts grow where only one poor one grew before, Australia benefits at least as much as we do?106

Vesteys claim that it was producing quality cattle in large numbers can readily be refuted. In 1926 the Pastoral Lessees Association argued for freight concessions for the importation of stud stock asserting that it was imperative to improve the quality of Territory cattle.107 The concession was introduced in 1936 as part of Paterson’s concessions (discussed in Chapter 3). At first the subsidy was calculated on a £ for £

103 NTAS Darwin: NTRS1367, [Herbert Family] Northern Territory legislation, ordinances, regulations and statutory rules: Minutes of the Pastoral Lessees Association’s Tenth Annual General Meeting, 19 January 1934. McLaren noted that in 1937 there were ninety–four Territory stations that were still not members of the Association; ‘Distance, Drought and Dispossession: A History of the Northern Territory Pastoral Industry’, volume 1, chapter 5, p. 45.


105 When protesting against the Commonwealth’s planned resumption of his company’s property, Lord Luke told Stanley Melbourne Bruce that it had been suggested to him that he should utilise the services of the Pastoral Lessees Association but, he said, ‘we do not know much about that Association’; NAA Canberra: A1, item 1936/2661, Bovril Australian Estates Ltd resumptions, 12 September 1933.

106 NAA Canberra: A431, item 1948/274 part 1, Export of live cattle NT, 30 January 1925. On this occasion Edwards’ correspondence was on behalf of his company Vesteys, not the Pastoral Lessees Association, although it could be argued that they were the same.

107 NAA Darwin: F20, item 28, Northern Territory Pastoral Lessees Association–requests for certain matters to be reviewed, 11 October 1926.
basis, but from 1941 onwards a sliding scale was introduced whereby the subsidy was a portion of the animal’s cost and importation. The scale was gradually increased over the ensuing years. What transpired was that rather than importing quality stock for breeding purposes, some companies, of which Vesteys was the principal offender, imported poor quality stock merely for the purpose of claiming the subsidy.

In 1959 Administrator Archer suggested the introduction of a standard 20 per cent rebate, rather than a sliding cost scale. Archer noted that because of the considerable distances involved in importing stock to the Territory, a bull costing £100 could actually return a higher subsidy than a bull costing £500, where the costs included handling, feeding, and freight, and he said that ‘the present scheme places a premium on mediocrity’. When asked for its views on the proposed amendment to the scheme, the Pastoral Lessees Association replied that it wanted a 30 per cent rebate. Tom Hare later wrote that a company such as Vesteys, ‘whose interests are predominant in the Northern Association’, could buy a bull worth £50 and spend £20 on freight. Under the existing scheme they received £17/10/0, whereas under the proposed new scheme, they would only receive £10. Hare noted that ‘the Northern Lessees Association is not prepared to accept the scheme as an incentive to introduce better bulls, but would rather continue existing practices and get as much from a subsidy claim as they can’.

Some of the Association’s demands presented to the Commonwealth bordered on the absurd. Its call for extensive railway construction in the Territory during the Great Depression displayed insensitivity to the current national crisis. While railway construction might have addressed the issue of unemployment, funding it would have presented the Commonwealth with major difficulties, and the railway would have

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110 NAA Darwin: F1, item 1951/904, Concessions to pastoralists, 7 January 1954.
operated at a loss. The Commonwealth, itself heavily in debt to British creditors, was already providing considerable monies to the States in the form of unemployment relief. The lack of finance at this time was evidenced by James Hunter’s remark concerning a request that it guarantee a £1 million loan to the Barkly Tableland Cooperative (discussed in Chapter 3), that ‘even if the Commonwealth had £1 million to spare’ it could not agree to the request.

The Association created and sustained the myth of big man’s country discussed earlier. It also cultivated the image of the pioneer pastoralist, and often used that image when responding to any criticisms of itself or its members, which it always did immediately. When rejecting the criticisms of large, undeveloped estates made by politicians D E Fairbairn and W C Wentworth, the Association’s response was titled ‘Development far north, pioneer efforts of present lessees’. The references to ‘development’, ‘pioneer’ and ‘present’ lessees were of course deliberate, even if deceptive.

10.6 Forfeiting Pastoral Leases

On a number of occasions throughout this dissertation it has been stated that pastoralists frequently ignored or abused their lease covenants. This raises the question why the Commonwealth did not impose sanctions against them, as provided by legislation. The Commonwealth’s principal sanction against under–performing pastoralists was lease forfeiture. In 1980 the Martin Committee argued that the threat of forfeiture was a ‘powerful aid in ensuring the development of pastoral lands’, but this was not the case. In reality forfeiture was a toothless tiger, and pastoral

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114 [Northern Territory. *Inquiry into Pastoral Land Tenure in the Northern Territory*, p. 85].
associations were no doubt aware of the Commonwealth’s limited ability to move against them and their members.

Prior to World War II the Commonwealth had limited opportunities to forfeit leases as there were no other land seekers, as evidenced by the lack of applicants for land resumed in 1935 (discussed in Chapter 7). While the situation reversed after the War, and there were many applicants for vacant lands, forfeitures were rare, and on those occasions when the Commonwealth did prove unbending the pastoralists concerned would protest and complain to their representative associations, which would make their usual calls for sympathetic understanding. If that failed, appeals were lodged with the Land Court or its successor, the Land and Valuation Tribunal. If those actions failed, appeals were made to the Minister.

A report by the Land Board dealing with the issue of lessees who failed to carry out lease covenants noted that:

forfeiture is almost unknown, possibly because of its harshness and possibly also because every administration is subject to political and other pressures against forfeiture which, though honestly exerted, are often based on compassion and with an incomplete or inaccurate knowledge of the facts'.

In 1975 a number of forfeitures were in train when the Minister, Rex Patterson, expressed concern at the Administration’s actions given the depressed state of the industry. He asked if action could be suspended. Vern O’Brien, First Assistant Secretary with the Department of the Northern Territory, replied that action against pastoralists had never been harsh, and no leases had been forfeited for over twenty years. In recent years there had been an upsurge in pastoral land speculation because

115 In 1924 Roberts said that if the Commonwealth forfeited pastoral leases it would have been left with an empty land; History of Australian Land Settlement, p. 388.

116 In 1975 the Administration moved to forfeit the lease on the Maryfield property. The lessee appealed, even though he held leases on seven other properties, and surrendering one property would have lowered his overall debt level. When the Administration rejected those appeals, he then wrote to the Minister, Rex Patterson, who agreed to give him an additional year to meet his lease covenants; NAA Darwin: NTAC1980/26, item 1975/544, Forfeiture of pastoral leases NT. He failed to meet those covenants and the lease was finally forfeited in February 1980.

117 NAA Darwin: F1, item 1960/2418, Functions of Land Board, 3 November 1959.
increased beef prices had encouraged speculators to retain their leases without
development, and then resell them with high capital gains. Some defaults were quite
blatant, O’Brien said, and there had been no real effort by some pastoralists over
many years to comply with their lease covenants.\textsuperscript{118} In a later Cabinet submission
the then Minister, Evan Adermann, confirmed O’Brien’s view when he described
forfeitures as cumbersome and seldom used.\textsuperscript{119}

The Commonwealth’s reluctance to pursue the forfeiture option was succinctly stated
by Administrator Nott in a memo to Hasluck in which he said:

> the primary purpose of lease covenants is to ensure that land is developed and not allowed to remain
idle and, taking the benevolent view, I see no reason why we should not attempt to encourage such
development by other processes than strict legal enforcement.\textsuperscript{120}

If anything, the Commonwealth may have been too sympathetic in its approach.
When the lessees of the Cox River station failed to stock their property as required
by their lease covenants, the Commonwealth moved to forfeit the property. The
lessees appealed to the Land and Valuation Tribunal. In its decision upholding the
Commonwealth’s action, the Tribunal expressed concern about past leniencies
shown to pastoralists. It felt that some lessees by too readily obtaining extensions of
time could reasonably think that the Commonwealth would continue to be overly
lenient and any threatened default action might lose some of its impact.\textsuperscript{121}

\section*{10.7 Conclusion}

The pastoral associations, particularly the Pastoral Lessees Association, were
essentially pressure groups designed to protect and entrench the interests of their
members. To this end, they actively opposed any whittling away of their members’
interests, and sought to prevent the entry of new settlers, particularly smaller

\textsuperscript{118} NAA Darwin: F1, item 1975/482, Pastoral leases general, 17 April 1975.
\textsuperscript{119} NAA Canberra: A12909, submission 1073, Marrakai pilot farms, 28 February 1977.
\textsuperscript{120} NAA Canberra: A452, item 1962/2055, Administration of land laws NT, 8 August 1962.
\textsuperscript{121} NTAS Darwin: NTRS732, item 12/1974, Cox River, 7 April 1976.
pastoralists, into the Territory. The opposition by the Pastoral Lessees Association in the early 1950s to the new Crown Lands Ordinance (discussed in Chapter 5), and its reference to ‘present’ lessees illustrated its self-interest above all else.

The associations regularly exploited the pastoral situation in the Territory and often misrepresented the facts in their dealings with the Commonwealth. They sought sympathetic understanding, and presented the Commonwealth with long lists of expensive demands, yet offered little in return. If the Commonwealth had met these demands the value of pastoral lands would have risen substantially, and pastoralists would have been able to subdivide and lease surplus lands. More than likely, it was this issue that was the true driving force. They accused the Commonwealth of unfulfilled promises, but the same criticism could be levelled at them.

Pastoral associations actively worked to ensure that any restrictive provisions entailed within Crown Lands Ordinances were gradually removed, as was shown in Chapter 7. There were continual requests for their members to defer rental reappraisements and resumptions of land, in short, anything that might actually require them to comply with their lease covenants. By continually presenting the Commonwealth with lengthy claims they could also divert attention away from their members’ lack of development of their properties.

Pastoral associations never espoused the view that their own members might themselves have been at fault, even partially, for the lack of management and development of their industry. Commonwealth Ministers who visited the Territory regularly reported on the poor state of the industry – poor quality stock on most properties, or no stock at all, no fences, poor animal husbandry practices, and soil and vegetation degradation. Similar comments were often expressed in later years by pastoral inspectors following their inspections. While a considerable volume of Commonwealth documents was researched as part of this dissertation, and many documents involved the Commonwealth’s interaction with pastoral associations, there is not a single instance where a pastoral association acknowledged either its own failing, or a failing on the part of one of its members.
The more the Commonwealth gave the associations the more they wanted, which led to Lionel Rose’s comment, no doubt out of frustration, that ‘constant concessions can no longer continue to be given just for the purpose of satisfying a few malcontents’. Rose was not the only official to express frustration with the associations. In 1928 Thomas Moyes, Secretary of the North Australia Commission, wrote that he had received a number of appeals by the Pastoral Lessees Association ‘against onerous stocking conditions’. Moyes said that ‘the conditions of pastoral leases in North and Central Australia have become ridiculously light…and the question arises as to what the NT Pastoral Lessees Asn [Association] is objecting to, and when will it be satisfied’. Tom Hare also expressed his frustration with Centralian pastoralists when he wrote that ‘these people never cease to complain’. Administrator Archer, after receiving a number of letters dealing with rent reviews during the great drought, wrote to the Centralian Pastoralists Association saying that ‘some of your members seem to be under the impression that protracted correspondence, which produces no new facts, will eventually result in a decision in their favour’.

Despite its acumen, the Pastoral Lessees Association was itself particularly fortunate in that it benefitted from the fact that at crucial times the Commonwealth’s attention was diverted away from Territory matters by international events such as wars and depression. Issues involving new pastoral leases, subdivisions and resumptions of properties arose when international events attracted greater attention, and the Commonwealth’s focus was elsewhere, and not on the Northern Territory to the degree that it might have been.

122 NAA Darwin: F1, item 1955/331 part 1, Stock routes and bores general, 13 January 1958.
123 NTAS Darwin: NTRS2500, item L200, Crown Lands Ordinances, 26 August 1928.
125 NTAS Darwin: NTRS2500, item L44, Pastoral lessees Association, 18 October 1962.
CHAPTER 11, ADMINISTRATION AND POLICY – CRITICISMS, SUCCESSES AND FAILURES

Something more than a policy of general encouragement is required. A policy involving a specific programme for development appears to be essential.¹

11.1 Introduction

The Commonwealth’s tenure of the Northern Territory’s pastoral industry was marked by a number of failures, highlighted by the slow development of the industry, for which the Commonwealth itself was frequently blamed. It was criticised by pastoralists and their representative associations, and occasionally by former officials. Yet while there were failures, there were successes, although these were rarely acknowledged. This chapter reviews some of the most frequently alleged Commonwealth failures and assesses their accuracy. It is shown that not all allegations against the Commonwealth were valid, and in most cases failure was as much the responsibility of pastoralists and their representative associations. The chapter also considers the role of Ministers, Departmental Secretaries and other officials in policy making, implementation and review.

11.2 Gratuitous Criticisms against the Commonwealth

Following an extensive period of development in the Territory after World War II, resulting from substantial increases in funding, the Commonwealth achieved many successes of direct benefit to the pastoral industry, including the construction of a network of beef roads; an expanded administration (with the creation of the Animal Industry, Agriculture and Water Branches); the recreation of the Land Board, and the creation of the Land Court; the appointment of pastoral and stock inspectors; and extended research facilities into stock disease, pasture and soil improvement.

¹ NAA Canberra: A2700, submission 1022A, Interim report on the economic and commercial development of Darwin and the Northern Territory, 7 January 1946.
These achievements, however, were rarely acknowledged by pastoralists; indeed, it was the reverse as the Commonwealth was regularly criticised. There was Doreen Braitling who awaited her ‘bold and imaginative leader’ (discussed in Chapter 5), while asserting that in the meantime ‘the man outback and his family will stumble on as best they can’.² Braitling omitted to say that outback families were stumbling on with Commonwealth financial support. Les Macfarlane asserted that twenty years of ‘calls to Australia to develop the north’ were ignored;³ yet while complaining about the hardships faced by Territory pastoralists, Macfarlane admitted he was sending his five sons to King’s School in Sydney, one of the most expensive and exclusive schools in the nation.⁴ There was Goff Letts (former Director of the Animal Industry Branch), who in April 1971 commented on the pending release of land east of Darwin, saying that settlement schemes in other parts of the Territory had suffered from lack of planning, and he hoped that that would not happen on this occasion; an orderly release of land took time requiring considerable survey work beforehand.⁵ In October 1971 Letts was elected to the Legislative Council, and by December was publicly criticising the Commonwealth over the lack of a positive land policy.⁶ Letts’ criticisms were later noted by Vern O’Brien, First Assistant Secretary with the Department of the Northern Territory, who said that ‘Dr Letts now appears in the role of criticising the design of rural blocks’.⁷ There was the anonymous Katherine pastoralist who appeared before Letts’ Select Committee in 1974 criticising the Commonwealth for its lack of pastoral support (discussed in Chapter 1). Finally, there was George Manuell, member of the Legislative Assembly representing Alice Springs.⁸ In 1977 he said that any request by pastoralists to have rents deferred or

³ NTAS Darwin: NTRS2500, item L1482 part 1, Foreign investment NT pastoral leases, 1970.
⁴ NTAS Darwin: NTRS246, item PL610 part 3, Moroak, 18 March 1965.
⁵ NAA Darwin: F1, item 1971/2435, Sub–coastal plains occupation development licences policy, 17 April 1971.
⁸ The Legislative Council established in 1947 was redesignated as the Legislative Assembly in 1974.
waived received ‘the big no, no’. 9 Manuell, no doubt grandstanding for his constituents, had chosen to forget the substantial rent remissions and deferrals granted by the Commonwealth during the Centralian drought in the 1960s, and the current beef recession.

Criticisms such as these implied that the Commonwealth had done little to develop the Territory or the pastoral industry, but the claims merely demonstrated a disingenuous desire to ignore the Commonwealth’s achievements or a complete ignorance of the facts. Ignoring the Commonwealth’s achievements, and regularly criticising it, was a convenient way for pastoralists and their associations (and supportive politicians), to deflect criticisms against them for their own failures. Placing the Commonwealth on the defensive meant that few criticisms could be sustained against cattlemen. The hostility to which the Commonwealth was subjected led Tom Hare, from the Animal Industry Branch, to assert that pastoralists ‘never cease to complain’. 10 Indeed, so regular were the criticisms that prior to a visit to the Territory in 1961, Paul Hasluck asked his department to provide him with a record of expenditure and achievements over the previous ten years to ‘counter current propaganda about neglect of [the] north’. 11

**Criticisms by Former Commonwealth Employees**

The Commonwealth was on occasion attacked by former officials after they had completed their service. In 1929 Frederic Urquhart, Administrator from 1921 to 1926, wrote an article in which he praised the efforts of companies such as Vesteys, Bovrils and Gulf, declaring that they had made:

raudable and continuous efforts at production on a large scale and consequent development [and] one is filled with admiration at their grit and tenacity, with sympathy for their many difficulties and with

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10 NTAS Darwin: F1439, item 1959/41 part 1, Drought freight concessions for cartage of stock and fodder, 22 September 1958. Hare was speaking in the context of Centralian pastoralists, but the comments could be validly applied to all Territory pastoralists.

wonder at a Government which during the eighteen years of control, has done so little to assist
them’.12

The Pastoral Lessees Association sent a copy of the article to Prime Minister
Scullin.13 While Urquhart praised the abovementioned companies, Commonwealth
documentsoncontainfrequentreferencestothepoorpastoralpracticesofthosesame
three companies.

David Smith served the Administration for many years as Resident Engineer in Alice
Springs, and was also a member of the Pastoral Leases Investigation Committee. He
ultimately became a pastoralist himself, leasing the Mt Allan property. He was
critical of the Commonwealth for its supposed lack of financial support during the
CentraJoin drought in the 1960s, suggesting that pastoralists knew best how to
manage their lands. This was proved not to be the case, as evidenced by the report of
the Soil Conservation Service of New South Wales (discussed in Chapter 5).

C L A Abbott as a Commonwealth Critic, post 1946

Perhaps the staunchest post–service critic was C L A Abbott. He was the Territory’s
Minister from 1928 to 1929, and Administrator from 1937 to 1946. His appointment
was terminated in June 1946, just as the Territory’s development was accelerating,
and much to his chagrin he was replaced by Arthur Driver. Immediately he began
publicly criticising the government’s apparent lack of interest in developing the
Territory.14 In one newspaper article he wrote that ‘the present Government has not
defined its future policy regarding development leases and tenure, and until this is
done material improvement cannot be expected’, and he concluded:

the Commonwealth has undoubtedly an asset in the Territory, but it needs careful, skilful and
continuous development. The only way to do this is to foster, extend and improve the pastoral and the

12 F C Urquhart, ‘The Northern Territory’, The Australian Quarterly, volume 1, number 4 (December
13 NAA Canberra: A461, item A412/1/2 part 1, NT miscellaneous, 7 March 1930.
14 ‘N. Territory in “hopeless” state’, Daily Telegraph, 27 May 1946, p. 4; ‘Land policy is needed in
Northern Territory’, Sydney Morning Herald, 25 July 1946, p. 2; ‘Undeveloped assets in Australia’s
mineral industries. Private capital to do this is available, but the present Government does not encourage the use of this, and, most unfortunately, is not willing to spend money itself.  

Abbott cited his policy paper on the proposed future development of the Territory, submitted in October 1944 (discussed in Chapter 4). He criticised the Commonwealth for failing to act on that report, yet a number of his recommendations were being implemented, including the provision of bores on all new properties, and the appointment of qualified lands staff. His comments were somewhat devious as he had seen Herbert Johnson’s 1945 post–visit report (discussed in Chapter 4), and had commented favourably on it. As Administrator, he would have known of Johnson’s Cabinet submissions prepared between February and April 1946. He would also have been aware that the government had instituted an Interdepartmental Committee on the Development of Darwin and the Northern Territory in September 1944, and had created the Northern Australia Development Committee in 1945 to prepare high level policy concerning future developments. Hence, his claims concerning lack of action over policy were disingenuous.

In November 1947 Abbott wrote to the Sydney Morning Herald again. He criticised the Commonwealth, while praising Vesteys and Bovrils, noting that he had met Lord Vestey and Lord Luke on a recent visit to the United Kingdom. Abbott was now clearly ingratiating himself with the two Lords. The hypocrisy of his actions was striking. During his term as Administrator he had been a staunch critic of some large pastoral companies, including Vesteys, Bovrils and Gulf. He was especially critical of Bovrils over their management of Victoria River Downs, describing the property

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16 NAA Canberra: A431, item 1949/614, Land policy reports by Administrator and Director of Northern Territory Affairs. This was his paper entitled ‘Land Policy: Northern Territory’ forwarded on 4 October 1944 and discussed in other chapters.

17 NAA Canberra: A688, item 8, Private work of sub–committee. The Committee was asked to investigate and report on replanning and the economic development of Darwin and associated regions, and land settlement in the Territory.

18 ‘NT is a neglected asset’, Sydney Morning Herald, 10 November 1947, p. 2. Abbott’s personal papers also contain a telegram to Lord Vestey acknowledging a lunch the two men had during the latter’s visit to Australia in August 1947; NLA Canberra: MS4744, box 11, folder 4, Correspondence.
as ‘probably the worst run station in the Territory’. The company’s management practices had clearly not improved by 1947 when the *Herald* article was published. Indeed, Jack Kelly who undertook a survey of the property in 1948 on behalf of the Bureau of Agricultural Economics later said that ‘I was appalled at what I saw’.

*Australia’s Frontier Province, 1950*

In 1950 Abbott’s history of the Northern Territory, *Australia’s Frontier Province*, was published. Copies of the book were sent to Vestey and Luke, and Abbott’s personal papers contain letters from both men thanking him. In the book Abbott argued that the principal reason why the pastoral industry had not progressed was because it had not received sympathetic support from the Commonwealth. He then made an extraordinary statement to the effect that the pastoralist asked very little from the government. These words were most curious on several levels. First, they closely mimicked similar words expressed in a letter by the Pastoral Lessees Association sent to Abbott when he was Minister in January 1929. The Association wrote that ‘as a body the pastoralists have not asked for much assistance from the Government’. Second, Abbott had clearly blocked from his memory the lengthy and costly lists of demands regularly submitted by pastoral associations from the 1920s onwards. Indeed, it was Abbott who when Minister was presented with such a list. Obviously overwhelmed by the extent of the demands, he had asked the pastoralists what they would do if those demands were met. It was Abbott who, following a tour of the Territory in 1929, said that pastoralists felt they were martyrs and that it was the duty of the Commonwealth to support them and make their holdings profitable. Now he was doing a volte-face.

19 NAA Canberra: A659, item 1943/1/7384, Vestey’s holding in NT, establishment of, 3 December 1943.


21 NLA Canberra: MS4744, box 11, folder 4, Correspondence.


23 NAA Darwin: F20, item 28, Northern Territory Pastoral Lessees Association–requests for certain matters to be reviewed, 29 January 1929.
It is noteworthy that Abbott contradicted himself when attempting to lay blame for the Territory’s supposed lack of development. At one point he asserted that:

if the various Commonwealth Governments that have controlled the Northern Territory since 1910 were to be arraigned, they would be found guilty of neglect, muddling, vacillation and lack of courage and vision. The failure to develop the Northern Territory lies much more with Governments than with the Territory itself.\(^{24}\)

Seemingly all the blame for the Territory’s woes lay with the Commonwealth; however, Abbott then said that many of the Territory’s pastoral problems could have been avoided if lessees and managers had realised there were better stock methods, and the larger pastoral companies should have engaged practical and efficient managers, and he concluded that:

it is clear that all the difficulties experienced in the Northern Territory, and the consequent delays in development and progress, cannot be laid at the doors of the various Governments and Ministers who have controlled it.\(^{25}\)

In his memoirs Hugh Barclay later wrote that Johnson had said that the government was not satisfied with the Territory’s progress under older men.\(^{26}\) Perhaps this was a deliberate reference to Abbott who was sixty when his appointment was terminated, while Driver was thirty-six; indeed Barclay himself was forty-two when he took up his appointment.\(^{27}\) Abbott’s attacks on the Commonwealth were most likely retaliation against the Chifley Government for having terminated his appointment.

### 11.3 Overview of the Commonwealth’s Alleged Failures

When discussing the alleged failures of the Commonwealth to develop the Territory in general, and the pastoral industry in particular, there are several criticisms that were regularly cited – the lack of a clearly defined policy of development; the

\(^{24}\) Abbott, *Australia’s Frontier Province*, pp. 43–44.


\(^{26}\) NTAS Darwin: NTRS267, ‘He Measured the Land’, p. 167.

\(^{27}\) NAA Canberra: B883, item WX32309, Hugh Carey Barclay. Barclay was born on 21 July 1905.
administration of the Territory from the national capital, not Darwin; and the high
turnover of Commonwealth Ministers which prevented the implementation of
continuous policies. Each of these is considered in turn.

**The Lack of a Policy of Development**

Pastoral associations regularly criticised the Commonwealth for the lack of a
progressive policy for the Territory’s development, the implication being that
property development could not proceed without it. As late as 1959 Mary Durack
wrote that:

Father [M P Durack] blamed lack of progress on government indifference; outsiders blamed big
holders for locking up land against the smaller men. The fact that no clear policy was ever formulated
for the north was probably nobody’s ‘fault’.

In reality this was a deceptive move on their part. If the Commonwealth had
undertaken developmental works in the Territory, particularly before World War II,
the value of pastoral lands would have risen, and pastoralists could have subdivided
their oversized properties and leased them to new settlers, profiting from their
actions.

Key policy statements were issued by various Commonwealth Ministers, including
Patrick Glynn in 1914 and 1917, George Pearce in 1922, and John McEwen in 1938
(discussed in earlier chapters). The policies of Glynn and McEwen were rendered
ineffective by the two world wars. The North Australia Commission, established as a
result of ‘Pearce’s policy’ (discussed in Chapter 3), was a positive indication of the
Commonwealth’s desire to develop the Territory, but with its demise in 1931 there
was little attempt at policy development until McEwen’s statement of 1938, due to
the stifling effects of the Great Depression.

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28 Durack, *Kings in Grass Castles*, p. 38. Durack’s family belonged to the Connor Doherty Durack
partnership that leased pastoral properties in the Territory and Western Australia. Her reference to
outsiders would have been deliberate; the implication being that they did not understand Territory
conditions.
When speaking in support of the North Australia Commission Prime Minister Bruce made reference to the lack of a continuous policy;\textsuperscript{29} likewise the Northern Australia Development Committee, established in 1945, also criticised the Commonwealth,\textsuperscript{30} but whether the Commonwealth could have implemented such policies before World War II was a moot point. It only had control of the Territory for three years when World War I began and, as has been shown, subsequent actions were negated both by wars and the Great Depression. Abbott wrote to Joseph Collings in 1944 with a series of policy recommendations for action after the War, and a number of them were implemented by Herbert Johnson in 1946 (as mentioned earlier in this chapter). The Northern Australia Development Committee was itself a vehicle for developing high–level policy, although it was abolished in 1949.

The Commonwealth’s actions effectively took the form of general encouragement. An interdepartmental committee report in 1946 acknowledged this, and said that ‘something more…is required. A policy involving a specific programme for development appears to be essential’.\textsuperscript{31} The report noted that there had been insufficient investment by pastoralists to permit development of their properties. In the future considerable expenditure by the Commonwealth would be needed, with little or no immediate return. Such expenditure would involve public works, expansion of established industries, and financial assistance to industries to offset disadvantages, and provide organised marketing, improved standards and reduced costs of living.

Pastoralists’ demands for progressive policies effectively helped them to deflect criticisms for failing to develop their own properties. This was readily apparent in an incident that took place in 1952 after a Parliamentary delegation visited the Territory. Two members, D E Fairbairn and W C Wentworth, subsequently wrote of their experiences in the \textit{Sydney Morning Herald}. One article was devoted to the pastoral

\textsuperscript{29} \textit{Commonwealth Parliamentary Debates}, House of Representatives, volume 112, 10 February 1926, pp. 820–826.

\textsuperscript{30} NAA Canberra: AA1972/841, item 11, Northern Australia Development Committee development of northern Australia, 30 April 1946.

\textsuperscript{31} NAA Canberra: A2700, submission 1022A, Interim report on the economic and commercial development of Darwin and the Northern Territory, 7 January 1946.
industry, in which the politicians criticised undeveloped and oversized estates, arguing that there was a need to break them up and encourage resident settlers.\textsuperscript{32} As always, the Pastoral Lessees Association attempted to deflect the criticism back on the Commonwealth:

if the charge of apathy lies at anybody’s door, it lies against those successive Governments who…have procrastinated with N.T. Crown lands policy and completely frustrated private developmental planning by their failure to give an inkling of what the future holds. No Government – Labour or Liberal – has given a policy lead in the Territory, and without a policy, there will be no development.\textsuperscript{33}

The allegations were fabricated as there was a policy clearly enunciated by Johnson following his return from the Territory in 1945, and implemented via a series of Cabinet decisions in the first half of 1946. The Association’s response simply ignored this. Both the Chifley Government and the Menzies Government supported long–term pastoral development leases, thus meeting the pastoralists’ call for greater security of tenure. Indeed, an Ordinance passed by the Legislative Council in 1950 included the introduction of such leases, but owing to strenuous opposition from the Pastoral Lessees Association itself (discussed in Chapter 5), the implementation of that Ordinance was delayed until 1953. This fact was also ignored when the Association wrote to the \textit{Herald}.

Although the Commonwealth was criticised for the lack of a continuous policy, sometimes by its own agencies, there was an over–arching continuity of action regardless of which political party was in office. The objective of closer settlement was followed by all political parties, while leasehold was the preferred option of most governments (discussed in Chapter 8). The key recommendations of the 1937 Payne–Fletcher report were supported by all governments. Commonwealth Ministers including McEwen, Foll, Johnson, and Hasluck supported recommendations involving pastoral development leases, the appointment of field officers, and the creation of a Land Court.

\textsuperscript{32} ‘NT cattle industry must be modernised’, \textit{Sydney Morning Herald}, 16 August 1952, p. 2.

The Commonwealth should have stated its intentions for the Territory more clearly, particularly in the period prior to 1939. It was clear that it was looking to pastoralists to take the initiative, while they in turn were looking to it. Policy implementation, however, involved reciprocal responsibilities, and after the War both sides would have to play their part. This was clearly enunciated by Herbert Johnson in November 1945. The Northern Australia Development Committee too said that it was unrealistic to expect either side to undertake expenditure unless there was some mutual understanding that both were prepared to play their part. The pastoralists had to respond in kind to the Commonwealth’s initiatives, and the Committee noted that many of them repeatedly failed to do so. Even after the Commonwealth embarked on an ambitious developmental program from the 1950s onwards, it still had to deal with pastoralists who failed to respond to its initiatives, as evidenced by a 1965 Cabinet submission which stated that there was no clear evidence that many cattle interests holding large areas of land would carry out development programs necessary to achieve the level of turn–off required to justify future road development in the Territory.

**Distance Management and Multiplicity of Control**

The Commonwealth’s administration of the Northern Territory was characterised by conflicts between officials in Darwin and the national capital, and disputes among administrative branches in Darwin. In this context there were two issues closely entwined. The first was that the Territory’s administration was principally conducted from the national capital, and there was initial unwillingness to give the Darwin Administration greater control. It has been alleged that this made it difficult for officers to actually manage Territory affairs; indeed Hillock argued that the agricultural industry’s stilted development was because the Commonwealth failed to

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34 ‘Civil Control in Territory, Minister returns from tour’, *Advertiser* (Adelaide), 10 November 1945, p. 9.

35 NAA Canberra: AA1972/841, item 11, Northern Australia Development Committee development of northern Australia, February 1947.

36 NAA Canberra: A5827, volume 28, submission 918, Beef roads development north Australia, 9 July 1965.
encourage local autonomy and adopted the practice of ‘distance management’. In an earlier annual report the Administrator, Arthur Driver, spoke of the same practice which he called ‘remoteness’.

The second issue was multiplicity of control in Darwin itself, where there was the Administrator, supposedly the Commonwealth’s principal representative, together with other departments including Works and Railways, the latter being responsible to Ministers in the national capital. The Administrator and these departments were sometimes in conflict, as Administrator Gilruth noted in an annual report. Darwin agencies jealously guarded their areas of responsibility and often gave little support to other agencies, and members of the Public Service forgot that they existed to serve the public. After acting as the Territory’s Administrator for six months, Joseph Carrodus noted that ‘there is no trace of that spirit of co-operation which is so essential for successful administration’. Carrodus said that the Territory was isolated, and there was a need for the exchange of ideas; without it ‘the general administration cannot be expected to be as efficient as that in other parts of Australia’.

The lack of cooperation and poor service provided by some officials were recognised by the Payne–Fletcher Board of Inquiry in their report. They proposed a series of maxims designed to encourage greater cooperation among officials and with the public. Yet inter-agency disputes actually continued into the 1950s, as evidenced by testy correspondence between the Animal Industry Branch and the Department of

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37 Hillock, ‘Rethinking Colonial Endeavour’, pp. x, xvii.


41 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory of Australia; the maxims were printed opposite page 66]. The lack of cooperation between agencies was not restricted to Darwin. In 1950 the Minister, Philip McBride, cited lack of cooperation between departments in Canberra during a meeting with pastoral representatives; NAA Canberra: A431, item 1950/1296, Pastoral industry, conference of NT pastoral lessees associations with Minister for Interior, 29 April 1950.
Works over responsibility for the construction and maintenance of bores on stock routes.42

In dealing with matters such as these a strong Administrator was needed, with greater support from the capital, to encourage cooperation when desired, and to enforce it when necessary. This was not always the case and for that the Commonwealth should be criticised. In a report written after his visit to the Territory in 1933, Departmental Secretary Herbert Brown said that the Commonwealth’s representative in Darwin should be well educated and experienced, have a strong personality, a good address, and possess organising and administrative capacities, as well as energy and a driving force. He felt that the current Administrator, Robert Weddell, lacked these qualities.43

When recommending the creation of the North Australia Commission in 1923, George Pearce spoke of the need for government ‘on the spot’, arguing that previous governments had only given minor attention – or ‘fag ends’ – to the Territory, and had failed to recognise that the Territory’s administration was a full–time task.44 Supposedly created to improve administration and development, the Commission never had sufficient funding to achieve its goals, and was predominantly controlled by Canberra, and Abbott later noted that there was friction between it and Weddell.45

Writing after the demise of the Commission, land officer William Hicks said that administration could not be centralised in Darwin until self–government was achieved; to do otherwise would be ‘impracticable, inefficient, and excessively expensive’.46 He noted that the Pastoral Lessees Association dealt directly with

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42 NAA Darwin: F1, item 1950/591, Stock routes and bores, general. Animal Industry wanted to take over the function, but the Department of Works refused to surrender responsibility.

43 NAA Canberra: A461, item H412/1/2 part 1, NT opening of pastoral lands and the government’s developmental policy, February 1934.

44 NAA Canberra: A3934, item SC42/25, Executive Commission, 1923.

45 NAA Canberra: A1, item 1938/4979, Minister’s visit to north and central Australia, 20 August 1929.

46 NAA Canberra: A1, item 1934/6796, Administration, North and Central Australia, and NT, 3 July 1930.
Ministers in Canberra, and for this reason officials there needed to be au fait with matters affecting the Territory in order to brief their Ministers about matters raised by the Association. It is odd that Hicks failed to suggest that the Commonwealth insist that the Association discuss issues with the Darwin Administration first, although this was possibly due to the influence of Walter Massy–Greene, the Association’s Chairman and serving politician (discussed in Chapter 10).

The conflicts that sometimes arose between officials in Darwin and the capital were best exemplified in a series of telexes in 1968. The Administrator, Roger Dean, complained that Canberra–based officials failed to appreciate that Territory officers, with knowledge and experience of local conditions, were better placed in determining matters dealing with pastoral lease covenants. Canberra replied that it did not want to interfere with local matters unnecessarily, but it needed to be in a position where it could give the Minister expected service. To do that it had to be informed about Territory matters likely to be relevant to policy proposals from the Administration or to matters involving statutory powers exercised by the Minister; had implications for other Commonwealth departments that had responsibilities in relation to the Territory; or might reasonably be expected to be raised in Parliament or be the subject of representations direct to the Minister. In addition there were matters in which formal action was undertaken by the Darwin Administration, but which had long–term effect on the development of the Territory. There was a need for consultation, not because Canberra officers thought they were superior in knowledge to officers in Darwin but because those officers sometimes approached matters from different standpoints. Canberra concluded that arrangements ought to be such as to enable officers in both cities to make the most effective and soundly based contributions they could.

This raises the question why the Commonwealth did not give Darwin officials greater latitude, while not handing over complete authority. There appears to be no single answer to this question. Riddett argued that the Territory was never important enough to the Commonwealth to demand its constant and single minded

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47 NAA Darwin: F1, item 1971/2435, Sub–coastal plains occupation development licences policy. Dean’s telex to Canberra was dated 13 May 1968. Canberra’s reply was dated 17 May 1968.
commitment.\textsuperscript{48} This may be oversimplifying the issue, as wars and depression certainly diverted the Commonwealth’s attention away from the Territory.

In the early years there were references to the poor calibre of Lands staff in Darwin; indeed reports by William Hicks in 1919,\textsuperscript{49} H J Aylward in 1928,\textsuperscript{50} and Herbert Brown in 1934 (the latter referred to above), described some of them as mediocre. In 1923 George Pearce also highlighted the inexperienced nature of many staff members recruited after World War I, not just in the Territory but elsewhere.\textsuperscript{51} The Commonwealth had difficulty in attracting quality staff to the Territory and keeping them there. It may be that inexperienced or unsuitable administrative officers would have promoted uncertainty and probably lack of trust among officials in the capital. Events such as the Darwin rebellion of 1918, Alexander Poynton’s mistreatment at the hands of Darwin residents in 1921, militant unions, and the presence of communists in the Territory may have added to this lack of trust.\textsuperscript{52} Above all this, there was regular cost–cutting prompted by wars and depression.

When speaking in support of the North Australia Commission, Prime Minister Bruce told Parliament that the department then responsible for the Northern Territory was not designed to administer and develop a large uninhabited territory.\textsuperscript{53} The relevant department was Home and Territories which included an array of functions such as census and statistics, elections, immigration, meteorology, and responsibility for all Commonwealth territories, including the Australian Capital Territory, Papua, and the Northern Territory. It was clear that initially the Commonwealth lacked sufficient understanding and experience to administer the Territory, given its vast size and remoteness, and therefore lacked the confidence to give local officials more

\textsuperscript{48} L A Riddett, ‘Kine, Kin and Country’, p. 32.

\textsuperscript{49} NAA Canberra: A3, item NT1921/262, W B Hick’s visit to Darwin (report).

\textsuperscript{50} NAA Darwin: F20, item 86/1, Lands Office reorganisation, report of H J Aylward.

\textsuperscript{51} Commonwealth Parliamentary Debates, Senate, volume 103, 18 July 1923, p. 1220.

\textsuperscript{52} NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister 1932 development of NT, 31 August 1932. Parkhill commented on the presence of communists in Darwin in a report after his visit in 1932.

\textsuperscript{53} Commonwealth Parliamentary Debates, House of Representatives, volume 112, 10 February 1926, p. 821.
authority. Bruce supported Pearce’s view of the need for ‘on the spot’ administration by officials who were entrusted to implement policies, rather than administration from the capital, however, the ultimate failure of the Commission would only have exacerbated the Commonwealth’s hesitancy. Payne–Fletcher later recommended that the Administrator be given greater authority, a recommendation approved by the Minister, John McEwen, and Administrator Abbott publicly recorded that the government had given him greater power to make a range of decisions, except on major matters of policy.

In an annual report Administrator Driver said that remoteness and divided control were two factors militating against progress and harmony in the Territory. He felt that remoteness could be relieved by the delegation of even greater authority, while divided control could be assisted by interdepartmental conferences at the highest level. Driver said that the removal of divided control was imperative, and he recommended the creation of a portfolio department that would control activities in the Territory, and the delegation of full authority to the responsible chief executive officer resident in the Territory.

Driver was not the first to call for the creation of a dedicated Territory department, however, that did not happen until 1972. This raises the question why the Commonwealth did not create a separate Ministry for the Territory sooner? As early as 1910 Edward Millen said that ‘before very long…we shall find it desirable to create a special Department to administer the affairs of the Northern Territory’. Bolton noted that Western Australia had created a Department of the North West in 1920, however, the Commonwealth did not follow suit. A J McLachlan called for

54 [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory of Australia, p. 67, paragraph, 420].

55 ‘N.T stock routes’, Northern Standard, 6 April 1939, p. 11.


57 Commonwealth Parliamentary Debates, Senate, volume LIX, 9 November 1910, p. 5806.

the appointment of an Assistant Territory Minister in 1939. When in Opposition, John McEwen called for the creation of a separate department. Prime Ministers Chifley and Menzies rejected the call in September 1949 and October 1950 respectively. A Northern Affairs Branch was, however, created within the Department of the Interior in 1949 with Cecil Lambert as its first Director, no doubt in response to planned developmental activities for the Territory, and the pending meat agreement with the United Kingdom. The Northern Development Division was created in 1964 to coordinate a program of accelerated development planned for the entire north of Australia, and it was in turn superseded by the first Territory department in 1972.

Early emphasis on cost cutting would have certainly been one reason for not creating a dedicated Territory department. The failure of the North Australia Commission, despite its administration ‘on the spot’, would also have had a lasting effect. Governments of all persuasions appear not to have given the proposal serious consideration prior to World War II, and were still reluctant to commit to it after the War. A separate portfolio to administer one territory, albeit a large and remote one, was probably not warranted, but a dedicated branch for Northern Territory matters was certainly needed in Canberra, combined with an expanded administration in the Territory, and with competent officials located in both.

The criticism of ‘distance management’ and ‘remoteness’ has overshadowed a more essential issue for which the Commonwealth should rightly be criticised. The Territory’s Administration was poorly resourced, particularly prior to World War II.

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59 NAA Canberra: A461, item B412/1/2 part 1, NT administration, 24 April 1939.


61 The creation of the Branch was reported in The Canberra Times, ‘Plans to develop N. Territory’, 8 February 1949, p. 2. A Legislative Council had been created in 1947.

62 NAA Canberra: A5827, volume 1, submission 21, Establishment of Northern Division, National Development, 14 January 1964. A Development Branch had been created in the Prime Minister’s Department in 1930; NAA Canberra: A688, item 18, Administrative machinery set up by the Commonwealth for the coordination of resource development.

63 There was no suggestion, for example, that separate departments were needed for other Commonwealth territories, including Papua and the Australian Capital Territory.
Price alleged that there were lavish staffing increases during this time, but this was not the case with pastoral land administration.\textsuperscript{64} The Director of Lands position was abolished as a cost cutting measure in 1921, and there were few field staff. Cost cutting continued during the Great Depression when in 1930 C H Brown, Public Service Inspector for Western Australia, was directed to Darwin to review staff and expenditure and consider further reductions in staff numbers.\textsuperscript{65} It was only after the War that the Administration expanded, and Directors of Lands and Animal Industry were appointed, together with qualified support staff including field inspectors, stock route inspectors, veterinary officers, and cadet surveyors.

In acknowledging issues created by ‘distance management’ it must be stated that these were not unique to the Commonwealth; indeed, similar criticisms can be levelled at absentee landlord pastoralists who managed their properties from outside the Territory. They were unable to comprehend and deal with Territory matters, a point noted by the Pastoral Leases Investigation Committee in 1935,\textsuperscript{66} John Fletcher in 1946,\textsuperscript{67} and C L A Abbott in 1950.\textsuperscript{68} Bolton too acknowledged this fact when he said ‘an absentee owner could not appreciate the needs of his property as well as a resident’.\textsuperscript{69} Bovrils and Vestey’s were examples of the issues caused by distance management. Letters between Alfred Martin, Bovrils’ Australian manager, and Lord Luke demonstrated that all major decisions had to be referred to London. To cite just one instance, in 1941 Martin advised that he had received a request for a war-time donation from the Red Cross; he told Luke that he was unable to agree to such donations without prior approval.\textsuperscript{70}

\textsuperscript{64} Price, \textit{The History and Problems of the Northern Territory}, p. 32.

\textsuperscript{65} NAA Canberra: A1, item 1934/6796, Administration, North and Central Australia, and NT, 3 March 1930. Despite the cost cutting, Gerald Pigott was appointed to the newly created position of Chief Clerk, Lands in 1929.


\textsuperscript{67} NAA Canberra: A431, item 1946/1606, Northern Australian Development Committee pastoral industry; ‘Notes and Suggestions on the Development of the Pastoral Industry in Northern Australia’, 26 November 1946, p. 3.

\textsuperscript{68} Abbott, \textit{Australia’s Frontier Province}, Sydney, 1950, p. 169.


\textsuperscript{70} NBAC Canberra: 119/6, Australian Mercantile Land and Finance, Sydney, and Bovrils Australian Estates London; Martin to Luke, letter 259–2, 12 November 1941.
property, field officer A G W Greatorex wrote that the property’s standard of management was poor, and that this was largely caused by company policy, whereby ‘managers are not allowed to manage but carry out orders passed on from Sydney’. 71

In 1948 Jack Kelly began a detailed inspection of Territory properties (as discussed earlier in this chapter). He consulted with property managers, clearly irking F A Brodie, President of the Pastoral Lessees Association. During a meeting with Cecil Lambert, Brodie said that Kelly should have consulted with leaseholders, not their managers, as they were best placed to speak authoritatively. 72 One wonders how leaseholders living outside the Territory would have known more about what was occurring on their properties than their managers who actually resided on those properties. This was a diversion on Brodie’s part, as leaseholders could better disguise their companies’ poor management practices. Brodie was no doubt concerned that by dealing directly with managers, Kelly (and the Commonwealth), would gain a better understanding of the unsatisfactory state of development of many large properties.

The criticism of ‘distance management’ can also be levelled against the Pastoral Lessees Association itself. While it was the peak body representing the interests of pastoralists in the eastern and western regions of the Territory, it was never actually located in the Territory during the Commonwealth era, being based first in Melbourne, and then in Sydney from 1928. It did not relocate to Darwin until 1980, two years after self–government. 73

There is one final point to be made regarding ‘distance management’ in that it was not entirely about administering Territory matters from the national capital. Although Hillock argued that the Territory’s development was retarded due to the lack of local autonomy (as stated earlier), this point is debatable. If Darwin had received greater

71 NTAS Darwin: NTRS2500, item L212, Field officer inspections Victoria River, 8 November 1949.
72 NAA Canberra: A9818, item 1945/385 part 4, NT cattle industry. The meeting took place on 8 December 1948. At the time Lambert was Director of Regional Development with the Department of Post–War Reconstruction.
73 McLaren and Cooper, *Distance, Drought and Dispossession*, pp. 89, 192.
autonomy it is likely that local officials and their decisions would still have been subject to criticism, particularly by residents outside Darwin. There were frequent criticisms by Alice Springs residents, for example, over the standard of service they received. In November 1950 the *Centralian Advocate* complained of remote control from Darwin, saying that ‘we are sick of dancing to Darwin’s tune and paying the piper ourselves’. There were regular complaints from the Pastoral Lessees Association over favouritism shown to Centralian pastoralists; likewise, the Centralian Pastoralists Association complained about favouritism shown to northern pastoralists. In 1961 the Pastoral Lessees Association complained that the needs of Top End pastoralists were being ignored; in 1962 Centralian pastoralists complained of remote control from Darwin over the allocation of road funding. Such intra-Territory criticisms still continue, more than thirty years after self-government, whereby Darwin became the administrative centre (see image 23).

**Frequent Changes to Commonwealth Ministers responsible for the Northern Territory**

In the sixty-seven years in which the Commonwealth administered the Northern Territory there were thirty Ministers and only seven remained in place for the customary three-year term of a Parliament. It has been alleged that some of them had little understanding of the needs of the Territory. Yet Ministerial instability was not a feature unique to the Territory; it was also a reflection of the instability of the early years of the Commonwealth, combined with a series of international crises such as two world wars and the Great Depression. Matters finally stabilised in 1921 with George Pearce, and again in the 1940s with two Labor Ministers over an eight-year period, Joseph Collings and Herbert Johnson. From 1951 Paul Hasluck served as Minister for twelve years, the longest period for any Commonwealth Minister.

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74 ‘The case for separation—cross section of opinions’, *Centralian Advocate*, 10 November 1950, p. 3.

75 NAA Canberra: M1765, volume XVIV, item 146, February 1961.


77 Makin, for example, said there were fifteen Ministers during Administrator Gilruth’s term from 1912 to 1919; *The Big Run*, p. 132. There were actually seven Ministers. A list of all Ministers is included in Appendix 2.
The criticism of Ministerial turnover, with the implication that this hindered any continuous attempt at policy implementation, ignores the fact that over the same period there were only twelve Departmental Secretaries, and four of them held their positions for substantial periods: Atlee Hunt (1911–1921), John McLaren (1921–1928), Joseph Carrodus (1935–1949), and Cecil Lambert (1951–1964).\textsuperscript{78} Departmental Secretaries were highly influential in helping to shape and define Commonwealth policies for the Northern Territory, regardless of which political party or Minister was in office and they, together with their support staff, ensured that there was at least some continuity of policy implementation.\textsuperscript{79} While mention has already been made of the influence of various Secretaries throughout this dissertation, the role of one Secretary, Joseph Carrodus, is now considered in more detail.

\textit{Joseph Carrodus, Secretary of the Department of the Interior, 1935–1949}

Joseph Carrodus’ career as a public servant began in 1904 and the first references to him appear in 1914.\textsuperscript{80} In the 1920s he was involved in the administration of several territories including Papua and Norfolk Island. He was appointed Secretary of the Department of the Interior in November 1935, replacing Herbert Brown, and in that capacity he served five Ministers – Paterson, McEwen, Foll, Collings and Johnson.\textsuperscript{81} Markus argued that he embodied the major quality that politicians looked for – the capacity to ensure that the status quo was maintained with tact and the appearance of reasonableness.\textsuperscript{82} He also suggested that Carrodus had undue influence over Thomas Paterson, Minister from 1934 to 1937. Carrodus himself was later to say that:

\textsuperscript{78} They were appointed under section s25(2) of the 1922 Public Service Act (and earlier legislation), which stated that ‘the permanent head of a Department shall have responsibility for its general working and for all the business thereof, and shall advise the Minister in all matters relating to the Department’ [Australia. Public Service Act 1922].

\textsuperscript{79} In later years some Secretaries were known as ‘mandarins’ in recognition of the positions held by high officials in imperial China.

\textsuperscript{80} One of Carrodus’ earliest Ministers, Patrick Glynn, invariably misspelt his name, calling him ‘Carrodos’ or ‘Carrodas’; NLA Canberra: MS52, series 28, Correspondence with P McM Glynn.


\textsuperscript{82} Andrew Markus, \textit{Governing Savages} (Sydney: Allen and Unwin, 1990), pp. 122–123.
as to my relationship with Ministers…I have had such relationship for a considerable number of years, both as a Permanent Head and a senior officer. The many Ministers I have dealt with have been from both sides of the House, and I defy anyone to prove that my actions and dealings have not been proper, respectful and loyal, irrespective of party. 83

While most Secretaries accompanied their Ministers on official visits to the Territory, and indeed Carrodus accompanied Archdale Parkhill in 1932, he had the added advantage of serving as the Territory’s Administrator for six months in 1934, thus gaining a greater understanding of local conditions. Following his return he submitted a report in which he recommended that the Administrator and heads of local branches make periodic visits to the inland, and there should be more visits to the Territory by Canberra–based officials. 84

Carrodus was concerned with the vast size and undeveloped nature of many pastoral properties, asserting that ‘it was never intended that the best of available pastoral country should be held by a few large companies’. His animosity towards those companies manifested itself when he accompanied Herbert Johnson to a meeting with Bovrils’ representatives on 14 October 1946. Bovrils asked for a new lease on Victoria River Downs in return for a program of property improvements. Carrodus was quite forthright in arguing against the request. In a later memo he said ‘I pointed out that the company had held the lease for twenty two years and the unsatisfactory conditions existing…were due entirely to themselves’. 85

Carrodus was committed to the principle of closer settlement, saying that ‘the objective was to gradually increase the number of settlers in the Territory’. In 1934, however, he was pragmatic enough to recognise that the current policy of resumptions to enable closer settlement needed revisiting in view of prevailing low prices and distances to markets. He suggested that the 1935 resumptions be deferred;

83 NTAS Darwin: NTRS6, 9 December 1955. Carrodus’ comments were written in the context of a dispute with his former department over increased rents for residential properties in Canberra.

84 NAA Canberra: CP764/2, Report on the administration of the Northern Territory by J A Carrodus, 1934. During his term as Secretary, Carrodus also accompanied a number of other Ministers on their visits to the Territory.

85 NAA Darwin: F1, item 1945/242, Manbulloo abattoirs, 15 October 1946.
however, his recommendation was not accepted. After the War his views changed. When Abbott cautioned that the time for closer settlement in the Territory had not yet arrived in a report in October 1944 (referred to earlier in this chapter), Carrodus was keen to pursue the objective, and recommended that the resumptions proceed; the object being ‘to cut up big estates for closer settlement’. On this occasion his recommendation was accepted.

Secretaries such as Carrodus provided a level of continuity in administration and policy–making, regardless of which government they served. Although their recommendations were not always accepted, it cannot be doubted that they had considerable influence in the Territory’s administration. John Crawford (himself Secretary of the Department of Commerce and Agriculture), said that if it seemed odd that non–elected officials played a role in policy–making, it was their permanence that enabled them to give objective advice. Control was vested in Parliament and Cabinet, he said, which ultimately reflected the public’s will.

11.4 The Mechanics of Policy Making and the Role of Commonwealth Officials

Apart from Ministers and Departmental Secretaries, there were other officials involved in Territory policy making, some of whom have been mentioned throughout this dissertation – M A Martin and E J Wood. These officials, whose comments and views appear in many ministerial submissions, had a considerable long–term impact on policy formulation. The input they provided helped to ensure there was some consistency in information gathering and decision making.

One official who has featured prominently in this dissertation was William Banks Hicks. Although little known outside his department, he was involved with the Territory’s rural lands for thirty–two years. In writing this dissertation numerous briefing notes written by him were sighted, as were comments on submissions

86 NAA Canberra: A431, item 1949/614, Land policy reports by Administrator and Director of Northern Territory Affairs, 25 August 1945.

forwarded to his department. He joined the Public Service as a draftsman in 1908, and the first references to his involvement with the Territory appeared in 1914. He worked in Melbourne and Canberra, and his involvement with Territory lands continued until his retirement in 1946. 88 He visited Darwin in 1919, and was critical of Lands staff and their Director, Horace Trower. 89 He was appointed by the Minister as arbitrator in 1921 to resolve disputes with pastoralists over rent increases, and visited Darwin again. 90 He was probably the author of a policy paper written in June 1922, the essential elements of which were adopted by George Pearce as his new policy for the Territory (discussed in Chapter 3). 91 In 1923 he unsuccessfully recommended that the Commonwealth undertake comprehensive surveys of pastoral lands prior to conducting resumptions. 92 He was critical of the North Australia Commission, asserting that it was ‘foreshadowed to failure’ before it was created. 93 In 1931 he suggested that if pastoralists complained about their rents they could surrender part of their properties, thus reducing their debt burdens. 94 He compiled a report for Archdale Parkhill in 1932 which demonstrated that Territory rents were considerably lower than rents in contiguous States, despite the claims of pastoralists that they were higher. 95 He was opposed to the resumptions of 1935, but his advice was ignored, and the Commonwealth proceeded with them, to its regret (discussed in Chapter 7).

88 Hicks was appointed on 1 January 1908, and the confirmation of his appointment took effect on 20 June; Commonwealth Gazette G30, 20 June 1908, p. 594. His retirement took effect on 26 August 1946; Commonwealth Gazette G156, 22 August 1946, p. 2258. He died in 1962.

89 NAA Canberra: A3, item NT1921/262, W B Hick’s visit to Darwin (report), 18 December 1919.

90 NTAS Darwin: NTRS3345, item R212, Appraisements of rents by W B Hicks, 1921.

91 NAA Canberra: A431, item 1946/868, Proposed land policy, 29 June 1922. The paper bears no signature, but was most likely written by Hicks.


93 NAA Canberra: A1, item 1934/6796, Administration, North and Central Australia, and NT, 3 July 1930.

94 NAA Canberra: A431, item 1950/2614, Connor Doherty Durack reduction of rent, 16 October 1931.

95 NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister, 20 July 1932.
Policy Making within the Commonwealth

While much of this dissertation has involved consideration of policies with respect to the Northern Territory, it is appropriate at this point to consider how policy making takes place in the Commonwealth. Authors such as Bridgman and Davis have attempted to provide a structure by which policies are developed, implemented and reviewed – they wrote in the context of policy cycles – but in reality there is no ‘one size fits all’ when it comes to policy making.96

Policy can originate from many directions. A newly elected government wanting to implement its programs will ask officials to prepare policy papers, prepared prior to the election, for subsequent implementation. Ministers may direct that officials undertake policy review, as Hasluck did when he instructed Cecil Lambert to revisit the possibility of freehold for pastoral purposes.97 Issues may arise in response to lobbying by interested persons or groups. Matters may simply be considered in the context of the annual budget cycle when all departments submit their bids for funding for the next financial year. Officials may determine if a policy requires review following difficulties arising from its earlier implementation; in 1918 William Hicks recommended that existing South Australian and Commonwealth land legislation be amalgamated, as current legislation caused administrative difficulties.

In cases such as these, departmental officers, having canvassed the issues and discussed them with interested parties, will prepare a draft policy paper which would be forwarded to the Secretary for review and referral to the Minister. The Minister might accept the recommendation, or reject it as Hasluck did when Lambert sent him a draft Cabinet submission recommending an extensive survey of the Territory’s water resources.98 Draft policy papers can sometimes be released in the form of a

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98 NAA Canberra: M1776, volume 23, item 390–391, 20 March 1963. Hasluck rejected the submission because of its imprecise costings and failure to present its case with sufficient clarity.
white paper for public discussion, or they may have a limited release to persons affected, or their representative associations.

Major policy initiatives, particularly those involving financial considerations, are normally referred to Cabinet for approval. Cabinet comprises senior Ministers, and is the policy and decision making body of government. It can make an immediate decision, or it might refer the matter to a Cabinet sub-committee (a select group of Ministers), as it did in response to George Pearce’s suggestion that a chartered company be appointed to administer the Territory in 1933 (discussed in Chapter 3), or it might refer the matter to an interdepartmental committee of departmental officers to provide further advice, as it did in response to Hasluck’s submission on pastoral freehold in 1960 (discussed in Chapter 8). Modern-day Cabinet submissions have a rigorous structure. They must address budget matters, be referred to key departments such as Treasury and Attorney-General’s for coordinating comments, and address environmental, political and other issues.  

This was not always the case as earlier Cabinet submissions had a less restrictive structure, although there was always the need to take Treasury’s views into account when it came to costing policy proposals.

While various examples of policy making and implementation have been considered in this and other chapters, a further example of the mechanics of policy implementation is presented here. In Chapter 5 reference was made to the Crown Lands Ordinance passed by the Legislative Council in December 1950, which sparked bitter opposition from the Pastoral Lessees Association. The issues culminating with that Ordinance actually began much earlier.

In January 1950 Cecil Lambert, then Director of Northern Territory Affairs, prepared a policy paper for his new Minister, Philip McBride. Lambert’s paper was subsequent to a series of intensive investigations by the Commonwealth into pastoral conditions in the Northern Territory in the late 1940s. Lambert told McBride that the

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99 All Cabinet submissions are coordinated by the Cabinet Secretariat which is located within the Department of the Prime Minister and Cabinet. This is, however, a modern innovation.

100 McBride was a member of the incoming Liberal Government which won office following the election in December 1949.
Commonwealth now had sufficient information about the Territory and its pastoral lands to move out of the pioneering phase and encourage closer settlement through occupation by resident pastoralists. He recommended the introduction of perpetual leases for both corporate and family pastoralists. New leases would be accompanied by substantial reductions in property sizes (larger properties would be subdivided), stringent conditions would be introduced to guard against corporate dummying, residential conditions would be imposed on all properties, and rents would be set at economic levels, not at the reduced levels they currently were.

There were clearly significant issues involved with Lambert’s proposals and McBride accepted his recommendation that they be further considered by departmental officers in consultation with the Northern Territory Administration. A meeting was then held with pastoral representatives on 29 April 1950. They lobbied for perpetual leases over parts of their properties in return for completing agreed improvement programs. Subsequent discussions among officials culminated with McBride sending a submission to Cabinet in August. By now Lambert’s recommendations had undergone several changes. Perpetual leases would only be available to resident families, not companies (they would be offered fifty-year development leases instead); however, rents would remain at their low levels in order to encourage property development. Cabinet referred the matter to a sub-committee which reported back on 4 October, accepting McBride’s recommendations. They were in turn approved by full Cabinet on 18 October. After this the Legislative Council passed the new Ordinance, and then followed the lengthy dispute with the Pastoral Lessees Association. Although undergoing extensive consultation and

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101 The Commonwealth also needed to address the issue of the Crown Lands Ordinance of 1949 which had been passed by the Chifley Government but never fully implemented. That Ordinance contained pastoral development leases, with improvement conditions, of forty years duration. There was no provision for perpetual leases.

102 NAA Canberra: A431, item 1949/614, Land policy reports, 26 January 1950. Lambert’s paper was entitled ‘Northern Territory pastoral lease development–outline of future policy’.

103 NAA Canberra: A431, item 1950/1296, Pastoral industry, conference of NT pastoral lessees associations.

104 NAA Canberra: A4639, volume 6, submission 156, Pastoral leases, NT, 7 August 1950.

105 NAA Canberra: A4639, volume 6, submission 156, Pastoral leases NT.
change, Lambert’s initial paper to McBride was in essence the origin of pastoral homestead leases (discussed in Chapter 5).

11.5 The Commonwealth’s True Failures

As has been shown, while some of the accusations of failure levelled at the Commonwealth during its administration of the Territory were warranted; others were not. Yet the Commonwealth was indeed guilty of failure on a number of levels. It clung to its objective of closer settlement, but failed to recognise that in the early years of its administration the objective was unrealistic. Smaller settlers would not go to the Territory, much less remain there, without considerable support. Initially the Commonwealth failed to inspect and classify pastoral lands, and it failed to adequately assess the suitability of applicants for those lands. In some cases persons were allowed to take up occupancy that did not have the experience, finance, or indeed the strength to be successful.\(^{106}\) It was in later years that signs began to emerge for the need to assess applicants, or companies, before issuing them with leases. In a Cabinet submission in 1938, John McEwen said that he preferred the Victorian model for the selection of applicants whereby the Land Board had a policy of preference to applicants experienced in land management, the capital equipment and livestock they possessed, whether they were married or single, their age, and their general type and character.\(^{107}\) After the War it was clear that applicants for pastoral leases needed both experience and some form of financial support, and there was a much greater understanding on the part of the Commonwealth of the need to thoroughly vet applicants.

While the Commonwealth rightly refused to commit to funding an extensive network of costly railways prior to World War II, it failed to adequately develop and improve the stock routes, and provide increased waters and pastures. It also failed to provide sufficient administrative support staff in the Territory in the form of pastoral inspectors, stock route inspectors and veterinary officers. The lack of inspectors to

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106 In his 1934 report referred to earlier, Carrodus criticised advances of money to early settlers without detailed scrutiny, and failure to ensure that funds were spent appropriately. As a result, many thousands of pounds were lost.

107 NAA Canberra: A2694, volume 18, part 5, submission 477, Pastoral industry, 18 October 1938.
undertake property assessments was particularly telling. The first inspector was not appointed until 1938, yet calls for their appointment had been made since 1919.  

Prior to the War the Commonwealth also failed to provide funding towards research and extension services. It was only later that research began into pasture and fodder development and improvement, animal husbandry and veterinary services, and the provision of water. A number of research stations were established, including Katherine, Beatrice Hills and Berrimah. A Territory–wide network of pastoral inspectors, stock route inspectors and veterinary officers was created for guidance, advice and support to pastoralists. The Administration was expanded with the creation of the Animal Industry, Water and Agriculture Branches. More work was undertaken on the stock routes, which in turn was followed by the beef roads program. Finally, overall expenditure for the Northern Territory increased considerably.

11.6 The Pastoralists’ Failures

Having considered the Commonwealth’s failures it is appropriate to consider the pastoralists’ failures. They regularly called for ‘sympathetic understanding’, and if they felt they had not achieved it they adopted the blame and martyrs approach. In his report into land administration in Queensland, William Payne commented on this phenomenon, which he labelled ‘grazier’s propaganda’, and said ‘surely that is not the way to secure official co–operation and goodwill’. Payne had earlier referred to the ‘dangerous propaganda’ of the Territory’s pastoral associations in a letter to C L A Abbott in 1945, while Kelly spoke in a similar vein when he referred to misrepresentation by interests with selfish goals.

108 In his annual report to the Administrator, Horace Trower recommended the appointment of land inspectors; NTAS Darwin: NTRS3345, item D89, Annual report [Lands], 1919.


110 NLA Canberra: MS4744, box 11, folder 5, Correspondence, 30 May 1945.

Pastoralists, both large and small, regularly sought to negate the terms of their leases. Corporate pastoralists used company law to create dummy companies; Vesteys went through the farcical device of creating three dummy companies in 1943 and effectively subdivided its holdings to itself, as a means of avoiding the Commonwealth’s attempts to resume some of its land (as discussed in Chapter 7). Pastoralists refused to give up even the smallest portions of their land during the resumptions of 1935, 1945 and 1965, yet at the same time regularly called for financial relief from the costs of managing that land. Many pastoralists spent minimal amounts on development and improvements of their properties, blamed the Commonwealth because large profits were then not forthcoming, and any criticisms of those same pastoralists for their poor management practices were instinctively rejected by their representative associations.

Pastoral associations disingenuously argued for security of tenure before their members would commit to large-scale expenditure on their properties. They successfully used the argument in 1923 to secure long-term leases of forty two years duration, and most of their members then did little to develop their properties. They used the same argument again in the early 1950s to achieve longer leases of fifty years’ duration.

Pastoralists regularly called for the reduction or deferral of rents, which were always low throughout the Commonwealth era. The calls began in the 1920s and continued, without respite, until the end of the Commonwealth era. The Gulf Cattle Company was consistently in arrears with its rent payments in the 1930s and 1940s. Administrator Abbott mentioned this in a letter to William Payne in April 1945 in which he noted the ‘fantastic profits’ some lessees were making at the time due to the wartime demand for beef. Payne told Abbott to force Gulf to disclose its financial interests, thus proving that it was effectively defrauding the Commonwealth, and if it refused to do so, threaten forfeiture of its lease.\textsuperscript{112}

\textsuperscript{112} NLA Canberra: MS4744, box 11, folder 5, Correspondence. Abbott’s letter to Payne was dated 11 May 1945; Payne’s reply was dated 30 May 1945.
Smaller, resident pastoralists were not without blame either. Their constant calls for concessions in reality created a dependent class. A report by the Meat Production Development Committee stated that the risk with the provision of concessions was of encouraging a class which looked for added income through those concessions rather than through private endeavour and capital investment. This view was born out by calls for rent remissions and other subsidies during the Centralian drought in the 1960s. Pastoralists argued for financial aid, and Commonwealth official Tom Hare commented that subsidies were regarded ‘as a substitute for good management’. At the same time pastoralists wanted to be left free of administrative controls because they knew the good of their land. A decade later, having once again overstocked their properties, and used Commonwealth freight subsidies for the purpose, when the industry was subjected to a recession, pastoralists sought more financial assistance, in the form of further freight subsidies, to solve a problem to which they had actually contributed. They blamed the Commonwealth, yet refused to accept any responsibility for their own actions.

While it had to deal with the intransigence of many pastoralists, the Commonwealth also had to contend with their prejudices. A conference convened by the Department of Post–War Reconstruction looked at possible obstacles to future pastoral development in the Territory, together with cooperation by lessees. The conference identified ignorance, prejudice, and vested interests in the preservation of the status quo. It was certainly in the interest of corporate pastoralists to have conditions remain as they were whereby they could occupy large amounts of land, pay minimal rents, and make no improvements to their properties.

Similar comments were expressed by the Meat Production Development Committee which issued a report in which it reviewed the backward state of development in the Territory. It concluded that the principal issue was pastoralists’ adherence to tradition and their ignorance of better pastoral practices; open range grazing was all they

113 NAA Canberra: A9816, item 1949/237 part 1, Regional planning Meat Production Development Committee, 31 March 1949.

114 NTAS Darwin: F1439, item 1959/41 part 1, Drought freight concessions for cartage of stock and fodder, 10–11 July 1962.

115 NAA Darwin: F1, item 1948/76 part 2, Cattle industry NT, 13 September 1948.
knew. The report concluded that greater extension work by the Commonwealth was required, in the form of education, which the Commonwealth subsequently provided.  

The question then arises why the Commonwealth did not deal more forcefully with pastoralists and compel them to abide by their lease covenants. The only real option was lease forfeiture and, in reality, this was a toothless tiger (as shown in Chapter 10). As Roberts argued, if the Commonwealth had pursued this path it would have been left with an empty land.  

The North Australia Commission expressed a similar view in 1929 when it said that recourse to lease forfeiture would in the majority of cases mean ruination to lessees, and a greater economic loss to the general community. A later departmental report noted that while some holdings were subject to stocking conditions and improvement conditions, they were rarely enforced; the policy had been to recognise that forfeiture of land was inadvisable as new tenants might not readily be found.

It could be argued that in some respects a partially empty land might have been preferable as it would have avoided the environmental damage caused by some pastoralists. In 1951 former Major George Mitchell criticised vested corporate interests whom, he said, were against the Territory’s development. He made specific reference to the ‘Vesteys scar’, citing what he called ‘miles of eaten out waterfrontages’. A later report by the Department of National Development referred to the erosion of large tracts of pastoral land in the Ord–Victoria River area which it said was ‘probably the most extensive example of pastorally–induced erosion in north Australia and…a tragic illustration of the damage that can be done to


118 NAA Darwin: F20, item 53, Audit matters, 13 August 1929.

119 NAA Canberra: A431, item 1946/1606, Northern Australian Development Committee pastoral industry.

120 ‘Reply to Sir William Angliss, Major Mitchell’s article’, Centralian Advocate, 9 November 1951, p. 9. Mitchell was undertaking exploratory work on behalf of the Commonwealth.
The Commonwealth could have adopted Payne’s suggestion to Abbott, that pastoralists be compelled to declare their financial interests when seeking rent reductions or deferrals. The Payne–Fletcher Inquiry had recommended that pastoralists should not be permitted to let their rents fall into arrears; they should disclose their financial positions, and submit plans for repayments via instalments.\(^{122}\) If the Commonwealth did follow that recommendation it would have faced more protests from pastoral associations, and probably legal challenges. Yet the issue of rents, despite being set well below economic levels, remained a source of friction for every decade of the Commonwealth’s administration of the Territory. Some pastoralists no doubt downplayed their true financial status in order to secure assistance from the Commonwealth, as evidenced by the comment from Senior Pastoral Officer Daniel McInnes that the shortage of money cry was being overplayed, at least in Central Australia in the 1960s.\(^{123}\)

### 11.7 Conclusion

This chapter has reviewed the Commonwealth’s alleged and true failures during its administration of the Northern Territory’s pastoral industry. As has been shown, while some criticisms of the Commonwealth were valid, others were not. Although

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\(^{121}\) NAA Canberra: A463, item 1965/3493, Beef road development. This file contains comments and excerpts relating to the report on beef roads prepared by the Department of National Development in June 1965. The reference to uncontrolled over–stocking is taken from paragraph 435 of the report.

\(^{122}\) [Australia. Board of Inquiry appointed to Inquire into the Land and Land Industries of the Northern Territory of Australia, p. 24, paragraph 123].

\(^{123}\) NTAS Darwin: NTRS2500, item L1106 part 2, Remission of rent on leases, 31 May 1967.
blame is often levelled at the Commonwealth, considerable blame can also be levelled against pastoralists, both large and small, for their failure to respond to Commonwealth initiatives, and take responsibility for their own actions.

It should not be overlooked that while the Commonwealth was often criticised over the Territory’s lack of development, World War I began just three years after the Commonwealth acquired it, and the financial constraints it caused lingered after it was over. The Great Depression of 1929, followed closely by World War II, meant that for the first thirty–five years the Commonwealth only had a narrow window of opportunity in the 1920s, and it did indeed utilise that opportunity with George Pearce’s policy, comprising a new Crown Lands Ordinance to bring all leases under the same legislation, together with the creation of the North Australia Commission. After World War II the Commonwealth accepted the fact that more needed to be done, and it responded to the challenge as has been demonstrated throughout this dissertation, although many pastoralists failed to acknowledge the Commonwealth’s achievements.

In 1934 the Pastoral Lessees Association wrote to Prime Minister Lyons asserting that:

the history of the Northern Territory is indeed a tragic one. It is a tale of high hopes which have not been realised, of Government promises which have not been fulfilled, of muddled administration and inefficient control of the area.  

The Association’s reference to ‘inefficient control of the area’ was perhaps more incisive than it knew. This was the Commonwealth’s principal failure and for which it should rightly be chastised. It failed to exercise adequate control over pastoralists, and did not enforce the conditions set down in their leases, thus allowing them to do as they wished, exploit their lands and cattle, while using Commonwealth subsidies and concessions. Despite this, pastoralists accepted little responsibility for their actions, called for sympathetic understanding, and complained about the lack of assistance from the Commonwealth. At the same time they used their representative...

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124 NAA Canberra: A1, item 1934/3449, NT Pastoral Lessees Association deputation to Minister, 19 January 1934.
associations to deflect criticisms against them, and cleverly cultivated the myth of their pioneering status, as if this entitled them to greater consideration (as discussed in Chapter 10).

Kelly suggested a number of measures that the Commonwealth should have adopted in developing the pastoral industry. These included perpetual leasehold with residential conditions; the prevention of aggregation of holdings; acceptance of the Crown’s responsibility for the provision of stock and domestic water supplies; the classification of pastoral lands; prescription of minimum structural improvements, and credit facilities to enable those improvements; prescription of animal husbandry conditions; establishment of plant and animal husbandry research and experimental facilities; and the provision adequate facilities for the movement of cattle to market.\textsuperscript{125} Ironically, the Commonwealth had already adopted some of these measures. Breaking up large estates and insisting on residential conditions, however, was the one action which would have ensured fierce opposition from corporate pastoralists.

In 1935 James White, from the Gulf Cattle Company, which leased Brunette Downs on the Barkly Tableland, wrote to the \textit{Sydney Morning Herald}. Typically, White criticised the Commonwealth and said that ‘it is Governments who have failed not lessees…We who know the Northern Territory first hand…will pave the way to closer settlement’.\textsuperscript{126} In his desire to harangue the Commonwealth, White effectively illustrated in a number of ways the disingenuous nature of many Territory pastoralists, which a dissection of his article illustrates. First, White’s claim that ‘it is Governments who have failed not lessees’ – White omitted to say that corporate pastoralists occupied vast amounts of land at minimal rents with no improvement conditions, and upon which they spent little in the way of development. Indeed as late as October 1944 Administrator Abbott specifically noted that White’s own company was making ‘fantastic profits’, for which it paid no income tax, and yet it was still substantially behind with its rent payments.\textsuperscript{127} There are frequent references

\begin{itemize}
\item \textsuperscript{125} J H Kelly, \textit{Beef in Northern Australia}, pp. 21–22.
\item \textsuperscript{126} ‘Northern Territory’, \textit{Sydney Morning Herald}, 5 December 1935, p. 3.
\item \textsuperscript{127} NLA Canberra: MS1674, box 11, folder 5, Correspondence, 4 October 1944.
\end{itemize}
in Commonwealth documents to corporate pastoralists’ practice of ‘taking out’ and putting ‘nothing back’. The reality was that many pastoralists failed too.

Second, the assertion that ‘we who know the Northern Territory first hand’ – White omitted to say that few corporate pastoralists actually lived in the Territory, and could hardly assert with complete sincerity that they knew the Territory first-hand; indeed White himself lived in Muswellbrook, in northern New South Wales.

Third, the promise that pastoralists would ‘pave the way to closer settlement’ – White omitted to say that corporate pastoralists were vehemently opposed to closer settlement, and resisted all attempts by the Commonwealth to introduce it in the Territory; not because it was a flawed objective, but because it meant they would have to surrender some land.

Finally, White forgot to say that despite the alleged hardships faced by Territory pastoralists he would be able to afford an extensive overseas trip in 1936, at a time when a considerable portion of the nation’s workforce was unemployed. The recalcitrance of White and his company led one frustrated Commonwealth official to remark that ‘the leases are controlled by wealthy men’.

128 Angus McKay used the phrase in a report probably written in 1944; NAA Darwin: E1152, item S5/1/3, Meat supply report Lt Col A C McKay. So too did T H Strong from the Bureau of Agricultural Economics in a memo to his Departmental Secretary, John Crawford; NAA Canberra: A1422, item 12/1/22R, NT leases, 4 February 1954.

129 White’s comments concerning closer settlement were similar to those of F A Brodie (quoted in Chapter 8), who said that ‘in the march of time, the big property will give way to the small’, and Paul Cullen who said that ‘in the course of time big properties will be subdivided’. Comments such as these were completely disingenuous.

130 NAA Canberra: A659, item 1944/1/3990, Gulf Cattle Company rent on leases, 27 May 1935.
SUMMARY AND CONCLUSIONS

The main objective of the land administration policy over the whole period since the Commonwealth assumed responsibility for the administration of the Northern Territory appears to be the attaining of closer settlement.¹

12.1 Introduction

The Commonwealth’s administration of the Northern Territory’s pastoral industry was a period marked by considerable acrimony and blame, much of which emanated from pastoralists and their representative associations. The Commonwealth was indeed not without fault. This cannot be denied as Ministers acknowledged it on a number of occasions.

Yet pastoralists and their representative associations were not without blame either, as has been demonstrated throughout this dissertation. Many corporate lessees occupied oversized estates, upon which they spent little in the way of development, particularly in the period prior to World War II, and vehemently resisted attempts by the Commonwealth to resume their land. Their properties were primarily held on speculation, and to prevent competitors from acquiring them. Many pastoralists, large and small, neglected their land through their policies of open range grazing, and cared even less for their cattle, and then used their representative associations to deflect any criticisms against them. They blamed the Commonwealth for their misfortunes and, while adopting the role of martyr, sought ‘sympathetic understanding’, usually in the form of financial support, but at all times insisted on being left free of administrative control.

12.2 A Brief Overview of the Commonwealth’s Administration of the Northern Territory’s Pastoral Industry

When the Commonwealth acquired the Northern Territory in 1911 the choicest pastoral lands were occupied by companies under terms granted by the former South Australian Government. The leases contained no improvement covenants and the rents were minimal. Although the Commonwealth’s stated objective was closer settlement, with the aim of encouraging more settlers to the Territory, it could not access these lands as it was obliged to honour the terms of existing leases. All new pastoral leases implemented from 1912 onwards contained a series of covenants designed to ensure better management of pastoral properties, including fencing and improvements. Pastoralists, however, quickly managed to negate those covenants.

In 1922 the Minister, George Pearce, initiated what he termed ‘a complete change in our method’. He introduced new legislation in order to bring pastoral lands under the one piece of legislation in order to encourage future development. Liberal inducements were offered to persuade pastoralists to convert to these new leases, which a number of them accepted. Many pastoralists subsequently failed to develop their properties, and then resisted the Commonwealth’s attempts to resume portions of their land, even though the resumptions were a clearly stated condition of conversion to the new leases. At the same time they continued to make demands on the Commonwealth, while accusing it of unfulfilled promises, but they gave no commitment of what they would do in return if their demands were met.

It was clear that the Commonwealth looked to pastoralists to do more, but most of them did little, and the industry stagnated. Some of the Commonwealth’s initiatives at this time included railway extensions in the north and south of the Territory; the removal of the fencing and improvement covenants in 1918 and 1924 respectively; rents set well below economic levels, and then reduced by another 25 per cent during the Great Depression; income tax exemptions from 1923; Pearce’s liberal inducements to convert to new leases in 1924; an increase in the number of bores on stock routes; Paterson’s short–lived concessions introduced in 1936; freight subsidies introduced in 1936; and stud stock importation subsidies, also introduced in 1936.
By the end of World War II the Commonwealth acknowledged that earlier reports had indicated that the development of the Territory would pay its way, provided there was sufficient capital expenditure to overcome the disadvantages, yet it was impossible to prove this, and most governments had hesitated, being afraid to take the risk. Prior to the War the Commonwealth was particularly sensitive to concerns by southern taxpayers over the funds needed to develop the Territory, and there were repeated references to this issue. Those concerns lessened after the War, as there was a general consensus, by both the Commonwealth and the Australian people, that the Territory had to be developed; for defence purposes if nothing else.

Following his visit to the Territory in late 1945 Herbert Johnson highlighted the role that both the Commonwealth and pastoralists had to play in future development, and he initiated a series of administrative changes in early 1946. The arrival of the first British Food Mission in 1948 provided a guaranteed market for Australian cattle, and the Commonwealth readily embraced the notion of Johnson’s partnership, as evidenced by its funding for development in general, and beef roads in particular. Longer–term leases were introduced in 1953; the Commonwealth’s right of automatic resumption was removed; but specific improvement programs for all new leases were mandatory.

The Commonwealth also adopted a more intensive, educative role for pastoralists. John Crawford, then Director of the Bureau of Agricultural Economics, said that the Territory’s development was only possible if open range grazing was abandoned in favour of more intensive development. While the Commonwealth agreed to finance roads, stock routes, and other services, these would not necessarily increase production on individual properties he said. The Commonwealth’s expenditure would largely be ineffective if it was not accompanied by greater development on pastoral stations. It was clear that animal husbandry in the Territory was at a low level, and a vigorous effort by pastoralists was needed to make an improvement.

In 1967 the Commonwealth introduced rolling leases which, given that they could be renewed indefinitely, served as de facto perpetual leases. They were an acknowledgement that in the final years of a lease, development would taper off. They were also a means of meeting pastoralists’ repeated calls for security of tenure,
yet pastoral associations still argued for even greater security, even though they had now effectively achieved it. Despite the Commonwealth’s initiatives, while some properties underwent growth and development, others did not. In the 1960s the Commonwealth was still concerned that some pastoralists were not contributing to the development of their own industry.

Throughout the Commonwealth’s tenure of the Territory there was considerable misrepresentation by pastoralists, both of their own status and of the role played by the Commonwealth. Pastoralists made frequent references to their standing as pioneers as if this entitled them to greater consideration from the Commonwealth. The Commonwealth’s policies of closer settlement and development were regularly thwarted. Most corporate pastoralists occupied vast tracts of land upon which they spent little, and any attempt that threatened their tenure was met with concerted opposition by their representative associations: for example, the resumptions of 1935 and 1945; the new Crown Lands Ordinance of 1950; and the introduction of mini pastoral leases in 1969. Smaller pastoralists relied on the Commonwealth to support them, usually through the medium of subsidies. Pastoralists, both large and small, consistently misrepresented the facts, or made selective use of the facts, in their dealings with the Commonwealth: for example, their repeated claims that Territory rents were higher than those in Queensland or Western Australia; or their claim that they would develop their properties in return for greater security of tenure. Some pastoralists regularly asserted that without substantial Commonwealth support the industry would collapse and they would be forced to leave the Territory. Pastoralists regularly argued that they knew the good of their land, and that they were experienced and capable in land management, but again, this was not always the case. Few corporate pastoralists could sustain this argument with sincerity as they did not live on their properties. Pastoralists never accepted culpability for their actions and consistently blamed the Commonwealth for any perceived misfortunes. The Commonwealth consistently met pastoralists’ demands, and removed or watered down their lease covenants, yet many of them failed to respond. It gave them security of tenure through long-term leases, and again many pastoralists failed to respond. It supported them by providing concessions which were often exploited. It is probable that some corporate pastoralists were opposed to any expanded development in the Territory, as they felt that it would threaten their large estates.
12.3 What the People of the Past thought they were doing

This dissertation began with a quotation by Paul Hasluck, that is, ‘if the historian is to tell truly what happened in the past he needs to know what the people of the past thought they were doing’. It needs then to be asked what did the people of the past – Commonwealth governments and officials – think they were doing. They would have answered that they were creating ‘a better society supported by the economic development of resources’. They would have argued that they were acting in the national interest and were concerned with the Territory’s overall development and, given that they were using taxpayer funding for that development, they had a responsibility to ensure adequate administrative control. To accomplish this goal they looked to closer settlement, but in the early years they failed to understand that the objective was not realistic. If they were to take land from the few and give it to the many, there needed to be more intensive development programs, and greater encouragement given to smaller settlers before they would come to the Territory, much less remain there.

After he reviewed rural land administration in Queensland in 1959, William Payne wrote that land administrators had a hard road to hoe, as they often had to compete with the unreasonable self-interests of Crown tenants. Public and private interests often clashed, he said. Crown tenants wanted something that would be very advantageous to them, but quite against the interests of the State; they would press their case with persistence, and sometimes with arrogance, often with political aid, and even on occasions unleash public propaganda on their behalf. It required a big man, Payne said, to stand against this; courage and bigness were the essential ingredients in the make-up of good land administration. Without them, administration would stagnate. Payne argued that corporate pastoralists should be allowed to make profits, because they would subsequently pay tax which was, he

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said, ‘the greatest leveller of all’. All these truisms applied in the Northern Territory, except that pastoralists there did not pay income tax from 1923 to 1952.

Phelts argued that the Territory’s lack of development prior to the 1950s was due to the shortage of water and the failure of governments to provide it. Hillock argued that governments failed to provide the Territory with local autonomy and this was the reason the agricultural industry did not prosper. Both authors blamed governments for their failures, but water and local autonomy were only parts of the puzzle. The complete puzzle, by which full development could take place, was the partnership in which all sides had to play their part – governments, pastoralists, agriculturalists, and others. The changes that began in late 1945, as signalled by Herbert Johnson, accelerated over the next twenty years, as the Commonwealth moved to play its part. Some pastoralists played their part too, but others did not.

12.4 Conclusion – Where does the Blame Lie?

In Chapter 1 it was stated that the blame and negativity for failures within the Northern Territory’s pastoral industry would be apportioned. This dissertation shows that blame should be apportioned as follows:

First, the Commonwealth for failing to adequately develop the Northern Territory in the period prior to World War II, particularly with regard to stock route development and the provision of water on those routes; its strict adherence to closer settlement in the early years; its failure to adequately resource Darwin’s Administration; failing to provide pastoralists with an array of educative services; and failing to compel pastoralists to abide by the terms of their leases, or relinquish their properties.

Second, corporate pastoralists who for much of the Commonwealth era occupied vast tracts of land at minimal rents, their lands being so large they could not develop and

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5 Phelts, ‘Water and the Economic Development of the Northern Territory’.
6 Hillock, ‘Rethinking Colonial Endeavour’.
manage them, yet who resisted all attempts by the Commonwealth to resume even small portions of their land; argued for the removal of what they termed ‘onerous conditions’; and successfully had their lease covenants watered down, while at the same time calling on the Commonwealth to develop broad statesmanlike policies that would make their holdings profitable. In this context Waterhouse noted that nineteenth century Australian pastoralism operated under an ethos of entrepreneurship, with a determination by pastoralists to accumulate capital, and self–interest was the overriding consideration; many wealthy pastoralists were absentees; and their properties were managed by overseers. ⁷ As has been demonstrated, all of these features applied to corporate pastoralism in the Northern Territory during the Commonwealth era.

Third, Centralian pastoralists who baulked against attempts at administrative control by the Commonwealth; relied on the Commonwealth to support them through every crisis, and blamed it when it did not; refused to acknowledge their own contributions to those crises; exploited financial benefits to the point where one scheme was described as a ‘racket’; and relied upon subsidies to such an extent that it was said by Commonwealth officials that they were regarded as a substitute for good management.

Fourth, the pastoralists’ representative associations, particularly the Northern Territory Pastoral Lessees Association and the Centralian Pastoralists Association, who lobbied the Commonwealth for more; regularly distorted the facts in their dealings with the Commonwealth; and never accepted any criticism of themselves or their members, even when such criticism was clearly warranted. Despite their countless pleas for sympathetic understanding, when it was actually given, many pastoralists, with the support of these associations, failed to contribute to the development of their own industry.

In the end, much of the negativity and blame concerning the Commonwealth’s administration of the Northern Territory’s pastoral industry referred to throughout

⁷ Waterhouse, The Vision Splendid, p. 96.
this dissertation, rests not just with the Commonwealth, but with pastoralists, large and small, and their representative associations.
## APPENDIX 1, COMPARISON OF CROWN LANDS ORDINANCES (WITH RESPECT TO PASTORAL LEASES)

<table>
<thead>
<tr>
<th>Subject</th>
<th>Ordinance 8 of 1912</th>
<th>Ordinance 15 of 1924</th>
<th>Ordinance 2 of 1931</th>
<th>Ordinance 4 of 1953</th>
<th>Ordinance 33 of 1967</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Classification Board/Land Board</td>
<td>Three members—all public servants, positions specified in the Ordinance</td>
<td>Three members, none specified, one recommended by pastoralists</td>
<td>Three members, none specified, no direct pastoral representation</td>
<td>Three members, none specified, no direct pastoral representation</td>
<td>Panel of six members including public servants and pastoral representation</td>
</tr>
<tr>
<td>Classification of Crown Lands</td>
<td>Three classes defined by size limits</td>
<td>No classification, no size limits</td>
<td>No classification, no size limits</td>
<td>No classification, maximum area of 5,000 square miles</td>
<td>No classification, maximum area of 5,000 square miles</td>
</tr>
<tr>
<td>Multiple applications for the same lease</td>
<td>Board decided</td>
<td>Ballot decided</td>
<td>Ballot decided</td>
<td>Ballot decided</td>
<td>Board decided; ballot used if more than one suitable applicant</td>
</tr>
<tr>
<td>Division of the Territory into districts</td>
<td>Not applicable</td>
<td>Territory divided into four districts</td>
<td>Territory divided into four districts</td>
<td>Territory divided into four districts</td>
<td>Territory divided into four districts</td>
</tr>
<tr>
<td>Term of lease</td>
<td>21 or 42 years</td>
<td>42 years</td>
<td>42 years</td>
<td>50 years (pastoral development leases), or perpetuity (pastoral homestead leases)</td>
<td>50 years, with ‘rollover’ provisions between the 20th and 40th years</td>
</tr>
<tr>
<td>Leases forfeited</td>
<td>Lease subject to forfeit if rent unpaid after two years</td>
<td>Lease subject to forfeit if rent unpaid after six months</td>
<td>Lease subject to forfeit if rent unpaid after six months</td>
<td>Lease subject to forfeit if rent unpaid after six months</td>
<td>Lease subject to forfeit if rent unpaid after six months</td>
</tr>
<tr>
<td>Rent reappraisements</td>
<td>Reappraisal after the first 21 years</td>
<td>Reappraisal to take place on 1 July 1935, 1945 and 1955; increases to be no more than 50 per cent of existing rent</td>
<td>Reappraisal to take place on 1 July 1935, 1945 and 1955; increases to be no more than 50 per cent of existing rent</td>
<td>Reappraisal to take place every ten years</td>
<td>Reappraisal to take place every ten years</td>
</tr>
<tr>
<td>Appeals over rent reappraisements</td>
<td>Judge of the Supreme Court of the Northern Territory</td>
<td>Supreme Court of the Northern Territory</td>
<td>Supreme Court of the Northern Territory</td>
<td>Land Court</td>
<td>Land and Valuation Tribunal</td>
</tr>
<tr>
<td>Stocking covenant</td>
<td>Lessee to stock the property within three years</td>
<td>Lessee to stock the property within five years</td>
<td>Lessee to stock the property within five years</td>
<td>Lessee to stock to the minimum level required by the Land Board</td>
<td>Lessee to stock to the minimum level required by the Land Board</td>
</tr>
<tr>
<td>Fencing covenant</td>
<td>Lessee to fence boundaries of their properties; removed in 1918</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Mutually agreed program of improvements, including fencing and water</td>
<td>Mutually agreed program of improvements, including fencing and water</td>
</tr>
<tr>
<td>Improvement covenant</td>
<td>Not applicable; improvement covenant only included from 1918</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Mutually agreed program of improvements, including fencing and water</td>
<td>Mutually agreed program of improvements, including fencing and water</td>
</tr>
<tr>
<td>Lessees rights to property improvements</td>
<td>Value of improvements to be paid to lessee on expiry of lease</td>
<td>Value of improvements to be paid to lessee on expiry of lease</td>
<td>Value of improvements to be paid to lessee on expiry of lease</td>
<td>Value of improvements to be paid to lessee on expiry of lease</td>
<td>Value of improvements to be paid to lessee on expiry of lease</td>
</tr>
<tr>
<td>Commonwealth’s right to resumption</td>
<td>No automatic time imposed period of resumption</td>
<td>Option of resumption of one-quarter of lease in 1935 and another quarter in 1945</td>
<td>Option of resumption of one-quarter of lease in 1935 and another quarter in 1945</td>
<td>No automatic time imposed resumption, but Commonwealth could resume portions of land as part of negotiations over new leases</td>
<td>No automatic time imposed resumption, but Commonwealth could resume portions of land as part of negotiations over new leases</td>
</tr>
</tbody>
</table>
Explanatory Notes

1912: Crown Lands Ordinance 3 of 1912 permitted perpetual usage of pastoral lands. The Ordinance was never enacted, and was replaced by Ordinance 8 of 1912.

1918: Crown Lands Ordinance 2 of 1918 replaced the fencing covenant with an improvement covenant.

1923–1924: Crown Lands Ordinances 7 of 1923 and 15 of 1924 removed the improvement covenant of 1918. The 1923 Ordinance was never enacted. There was very little difference between the 1923 and 1924 Ordinances; however, they both introduced the concept of the Commonwealth’s automatic right of resumption at pre-determined future intervals. The 1924 Ordinance also introduced a reservation in favour of Aboriginal inhabitants of the Northern Territory which was not in the 1923 Ordinance.

1926: Crown Lands Ordinance 18 of 1926 permitted freehold usage of agricultural land. Freehold for pastoral purposes was not permitted.

1927: Crown Lands Ordinances were introduced for both North Australia and Central Australia (Ordinance 14 of 1927). The Ordinances were basically identical, and both were similar to Crown Lands Ordinance 15 of 1924.

1931: Crown Lands Ordinances for North Australia and Central Australia were both repealed, and a new Crown Lands Ordinance was introduced (Ordinance 2 of 1931). This Ordinance was basically the same as Crown Lands Ordinance 15 of 1924.

1943: Crown Lands Ordinance 4 of 1943 removed freehold usage of agricultural land which had been introduced in 1926.

1946: Crown Lands Ordinance 5 of 1946 limited the size of future pastoral leases to a maximum of 5,000 square miles.

1949: Crown Lands Ordinance 2 of 1949 introduced the concept of pastoral development leases. The regulations were never enacted, and the Ordinance lapsed.

1950: Crown Lands Ordinance 2 of 1950 repeated the concept of pastoral development leases, and also introduced pastoral homestead leases, which were leases in perpetuity for resident pastoralists. The Ordinance was never enacted due to objections from pastoral associations.

1953: Crown Lands Ordinance 4 of 1953 repeated the concept of pastoral development leases and pastoral homestead leases. Only five pastoral homestead leases were granted between 1953 and 1967.


1967: Crown Lands Ordinance 33 of 1967 abolished pastoral homestead leases, and introduced ‘rolling’ pastoral development leases, whereby pastoralists could apply for renewal of their leases between the twentieth and fortieth years, in exchange for a mutually agreed program of property improvements.
APPENDIX 2. SUMMARY OF COMMONWEALTH MINISTERS, DEPARTMENTS, ADMINISTRATORS AND AGENCIES WHICH ADMINISTERED THE NORTHERN TERRITORY FROM 1911 TO 1978

Commonwealth Departments responsible for the Administration of the Northern Territory, 1911–1978

1911–1916: Department of External Affairs [I]
1916–1928: Department of Home and Territories
1928–1932: Department of Home Affairs [II]
1932–1939: Department of the Interior [I]
1939–1951: Department of the Interior [II]
1951–1968: Department of Territories [I]
1968–1972: Department of the Interior [II]
1972–1975: Department of the Northern Territory [I]
1975: Department of Northern Australia
1975–1978: Department of the Northern Territory [II]

Commonwealth Ministers responsible for the Northern Territory, 1911–1978

1911: Egerton Batchelor
1911–1913: Josiah Thomas
1913–1914: Patrick Glynn
1914: John Arthur
1914–1916: Hugh Mahon
1916–1917: Frederick Bamford
1917–1920: Patrick Glynn
1920–1921: Alexander Poynton
1921–1926: George Pearce
1926–1928: Thomas Glasgow
1928: Charles Marr
1928: Neville Howse
1928–1929: Charles Abbott
1929–1932: Arthur Blakeley
1932: Archdale Parkhill
1932–1934: John Perkins
1934: Eric Harrison
1934–1937: Thomas Paterson
1937–1939: John McEwen
1939–1941: Hattil Foll
1941–1945: Joseph Collings
1945–1949: Herbert Johnson
1949–1950: Philip McBride
1950–1951: Eric Harrison
1951–1963: Paul Hasluck
1963–1968: Charles Barnes
1968–1971: Peter Nixon
1971–1972: Ralph Hunt
1972–1973: Keppel Enderby
1973–1975: Rex Patterson
1975: Paul Keating
1975: Ian Sinclair
1975–1978: Evan Adermann

Departmental Secretaries responsible for the Administration of the Northern Territory, 1911–1978

1911–1921: Atlee Hunt
1921–1928: John McLaren
1928: William Clemens
1929–1932: Percival Deane
1932–1935: Herbert Brown
1935–1949: Joseph Carrodus
1949–1951: William McLaren
1951–1964: Cecil Lambert
1964–1968: George Smith
1968–1970: Ross Kingsland
1970–1973: George Smith
1975–1978: R S Livingston

Administrators of the Northern Territory, 1911–1978

1911–1912: Samuel Mitchell (Acting)
1912–1919: John Gilruth
1919: Henry Carey (Director)
1919–1921: Staniforth Smith
1921–1926: Frederic Urquhart
1926–1927: Ernest Playford (Acting)
1927–1937: Robert Weddell
1937–1946: Charles Abbott
1946–1951: Arthur Driver
1951–1956: Frank Wise
1956–1961: James Archer
1961–1964: Roger Nott
1964–1970: Roger Dean
1970–1973: Frederick Chaney

[Note: From 1927 to 1931 the position of Administrator was redesignated as Government Resident, North Australia]

Lands and Survey Agencies, Northern Territory, 1911–1978

1911–1912: Lands Office
1912–1914: Lands Department
1914–1921: Lands and Survey Department [I]
1921–1925: Lands and Mines Department
1925–1931: Lands and Survey Department [II]
1931–1972: Lands and Survey Branch
1972–1978: Northern Territory Lands Branch

Directors of Lands, Northern Territory, 1911–1978

1912–1914: George Ryland
1914–1915: Theodore Day
1915–1917: Thomas Worgan (Acting)
1917–1921: Horace Trower
1947–1964: Hugh Barclay
1964–1967: Anthony (Tony) Richardson
1975–1978: Thomas Lawler

Northern Territory Land Boards and Tribunals, 1911–1978

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Since self-government was granted to the Northern Territory in 1978 a number of documents previously held by the National Archives have been transferred to the custody of Northern Territory Archives Service.

In addition, the National Library of Australia holds the personal records of some former Ministers and Departmental Secretaries, and the Noel Butlin Archive Centre in Canberra holds records of several pastoral companies.

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52, Legal opinions, 1921–1936

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71, Road–Maranboy to railway, 1927–1983

73, Surveys–details of expenditure on, 1927–1930

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121, Bores Connell’s Lagoon (No 72) and Rankine Plain (No 75), 1927–1930

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F48, [Pastoral Leases Investigation Committee] Correspondence files of the Chairman, 1933–1938

1, Departmental correspondence regarding pastoral stations, 1933–1934

2, Correspondence with J C Brackenreg member of board, 1934–1935

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F50, [Pastoral Leases Investigation Committee] Original reports, 1933–1934

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**F59**, [Lands and Survey Branch] Papers relating to acquisitions and resumptions, 1933–1944

2, Resumptions, 1933–1935

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**F423**, [Administrator of the Northern Territory] Correspondence files, single number with S [Secret] prefix, 1951–1978

S63, Correspondence with Canberra, 1971–1972

**F425**, [Administrator of the Northern Territory] Correspondence files, single number with C [Confidential] prefix, 1946–1959

C3, Vestey’s meat works, 1947–1958

C4 part 1, Crown Lands Ordinance, 1939–1942

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C14, Pastoral leases general policy, 1948–1951

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C35, Bovril Australian Estates committed negotiations for extensions to leases, 1948–1955

C36, part 1, Vesteys leases, 1948–1954


C37, Meat works Darwin, 1948–1949

C52, Export of cattle to Queensland disease difficulties, 1950

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C54, Proposed meat works Alice Springs, 1949–1960
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C116 part A, Central administration organisation, 1957–1965
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C165, Reorganisation Agriculture and Animal Industry Branches, 1960–1964

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11, Austral Downs, 1935
12, Auvergne and Bullita, 1935
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F1454, [Pastoral Leases Investigation Committee] Photograph albums, 1934–1934

M1406, [George Ryland] Photographs and invitations, 1901–1909
4, George Ryland, circa 1909

M1407, [George Ryland] Records (reports, diary and map) relating to George Ryland’s activities as Director of Lands, Northern Territory, 1912
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4, Plan showing principal areas held in the NT of Australia, 1920
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M4435, [David Douglas Smith] Photograph albums, 1934
58, Bogged on Sister’s Plain, 1934
143, Frank Shepherd crossing flooded creek, 1934
254, Frank Shepherd and James Brackenreg, 1934
456, Shepherd and Brackenreg barramundi fishing, 1934
729, Brackenreg (in pajamas) and D D Smith, 1934
733, D D Smith as an older man, 1960s or 1970s
NTAC1973/2, [Administrator of the Northern Territory] Miscellaneous correspondence, files, reports and itineraries, 1933–1973

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F199, Office copies of pastoral permits, 1902–1922

F1099, [Lands and Survey Branch] Folder of information regarding holdings of the Vestey group of companies, 1954


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PL524, Helen Springs, 1954–1974
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PL529 part 3, Wave Hill, 1971–1975
PL542 part 1, Avon Downs, 1923–1955
PL549, Rosewood, 1932–1962
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L12 part 1, Field officer W L Clough, 1939–1949
L12 part 2, Field officer W L Clough, 1949–1954
L12 part 3, Field officer W L Clough, 1954–1960
L13, Field officer D E McInnes, 1947–1950
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L18 part 1, Return of important events, 1947–1954
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L18 part 5, Return of important events, 1959–1964
L18 part 6, Return of important events, 1964–1966
L18 part 7, Return of important events, 1966–1968
L22, Barkly Tablelands 1945 resumptions, Avon Downs, Alroy, Lake Nash, Austral and Rockhampton Downs, 1941–1948
L25 part 1, Stock routes, 1946–1961
L26 part 1, Staff–Lands Branch, 1946–1954
L27 part 1, Supplies for settlers, 1947–1950
L27 part 2, Supplies for settlers, 1950–1956
L30, Pastoral lands for leasing 1935 resumptions, 1941–1948
L37, NT development, 1947–1950
L45, Stock routes Newcastle Waters, 1943–1948
L55 part 1, Circulars, 1946–1949
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L57, Stock returns, 1953–1962
L59, Policy re graders on pastoral leases, 1947
L60, East of Newcastle Waters pastoral subdivision, 1947–1952
L63, Compensation for improvements on resumed leases, 1947–1959
L65, Junction stock reserve, 1947
L66, Sanderson River subdivision, 1946–1952
L68, Hodgson Downs [inspection], 1947–1948
L71, Barkly stock route Brunette deviation, 1947–1963
L72, Pastoral lease reappraisements, 1935–1959
L73, Pastoral lease improvements, 1947–1948
L78, Gazette notices pastoral leases, 1943–1954
L89, Correspondence Chief Veterinary Officer, 1947–1965
L98, Annual reports, 1948–1954
L98 part 1, Annual reports, 1948–1952
L98 part 2, Annual reports, 1954–1958
L98 part 3, Annual reports, 1959–1977
L101, Maintenance of developmental roads, 1948–1960
L102 part 1, Provision of bores, 1946–1953
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L104, Field officer R McBride, 1948–1950
L117 part 1, Field officer Greatorex, 1948–1949
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L118, Soldier settlement applications for pastoral leases, 1948–1949
L129, Elkedra River subdivision, 1948–1950
L130, Movement of cattle Vesteys, 1948
L131, Names of holders leases and licences, 1948–1949
L132, Pastoral lease resumptions 1951, 1948–1950
L135 part 1, Director of Lands correspondence, 1948–1961
L135 part 2, Director of Lands correspondence, 1961–1976
L136 part 2, Lands Office transactions, 1949–1954
L154 part 2, Lands and Survey Branch, 1964–1965
L155, Field officer McInnes, 1949–1967
L156, Field officer M W S Greatorex, 1949–1952
L158, Enquiries land settlement in the Territory, 1949–1957
L159, Bores sunk on pastoral lands, 1949–1955
L160, Land Board first meeting, 1949–1952
L163, Permit to search for water, 1949–1964
L182, Resumable areas from Vesteys, 1944
L184, Estimates 1949/1956, 1949
L185, Pastoral development leases applications, 1949–1956
L186, Huckitta East subdivision, 1949–1952
L187, Conditions relating to agricultural and pastoral leasing, 1948–1971
L189, Resumptions, 1950–1954
L200, Crown Lands Ordinances, 1926–1948
L206 part 5, Barkly Tablelands, 1959–1969
L210 part 1, Field officer inspections Alice Springs, 1950–1952
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L212, Field officer inspections Victoria River, 1949–1954
L213, Field officer inspections Darwin and Gulf, 1951–1955
L215 part 1, Stock returns, 1939–1954
L242, Field officer E W Wharton, 1951–1956
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L396, Bovril appeal against resumption, 1945–1947
L475, Protected area pleuropneumonia, 1955–1966
L476, Buffalo fly rebate pastoral leases, 1950–1958
L482, Transfers of portions of lease Crown Lands Ordinance, 1955
L503 part 1, Pastoral blocks for selection, 1957–1958
L506 part 1, Pastoral leases general, 1955–1958
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L506 part 3, Pastoral leases general, 1965–1973
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L521, Phillipson stock route, 1956–1973
L522, Jervois stock route, 1956
L535, Beef cattle investigations, 1956
L536, Hugh River stock route, 1956–1964
L544, Pastoral inspector P J W Marson, 1956–1979
L556 part 1, Land Board sittings, 1963–1964
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L603, Pastoral inspector A M Haustorfer, 1958–1959
L657 part 1, Lands Office organisation, 1959–1963
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L679, Closer settlement in the NT, 1964
L739, Arrears in lease rentals, procedures in recovery action, 1960–1981
L774 part 1, Pastoral inspector R C Oliver, 1961–1970
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L775, Pastoral inspector F L Adams, 1962–1965
L985 part 1, Investigation into drought conditions, erosion, etc, 1964–1965
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L1000 part 2, Pastoral land enquiries, 1966–1967
L1000 part 3, Pastoral land enquiries, 1967
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L1000 part 5, Pastoral land enquiries, 1967–1969
L1000 part 6, Pastoral land enquiries, 1969–1970
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L1106 part 1, Remission of rent on leases, 1965–1966
L1106 part 2, Remission of rent on leases, 1966–1968
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L1199, Annual report 1965/1966, 1966
L1356, Land Board sittings default in variation of condition of leases, 1967–1973
L1482 part 1, Foreign investment NT pastoral leases, 1965–1971
L1519, Pastoral inspector R N Bradford, 1969–1971
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L2067 part 1, Organisation and staff Lands Branch, 1971–1977
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L2444 part 1, Rural subdivision small blocks near Darwin, 1972–1975
L2444 part 2, Rural subdivision small blocks near Darwin, 1975–1978
L2451, Branch registry procedures, 1973–1978
L2448, Land leasing lot register system, 1972–1974
L2454, Committee on foreign takeovers reports and evidence, 1972–1973
L2464, Pastoral station traces, 1974–1978
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L2912, Rural roads conference, 1973
L2978, Stocking levels NT policy and review, 1973–1978
L2989, Pastoral inspector B J Counihan, 1974–1976
L2991, Pastoral ecosystems of the arid zone, 1972
L3021, Daly regional development plan, 1974–1976
L3024, Senior pastoral inspector R E Wright, 1974–1978
L3039, Land ballot system, 1974
L3047, Commission of enquiry into land tenure first report, 1973
L3107, Pastoral development NT, 1975–1977
L3114, Pasture improvement study, 1975–1976
L3146, Ministerial briefing notes, 1975–1978
L3163, Forecast of Cabinet submissions, 1975–1978
L3169, Working party on land use and management, 1975
L3291, Kidman Springs research station, 1976–1978
L3362, Pastoral inspector Brian Stapleton, 1977–1978
L3377, Pastoral inspector R M Dawson, 1978
L3394, Land legislation proposed consolidation, 1978
L3423, Survey of foreign investment pastoral leases, 1978
L3468 part 1, Regulations under Crown Lands Ordinance, 1972–1978
L3491, NT Cattle Producers Council, 1972–1978

NTRS2575, [Department of the Chief Minister and Cabinet] Cabinet submissions and decisions, 1978–2003

Volume 10, submission 292, decision 338, Cattle freight subsidy scheme, July 1978

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Volume 15, submission 416, decision 480, Pastoral leases rollover policy, November 1978

**NTRS2667, [Lands and Survey Branch] Pastoral lease case files, PL series first system, 1910–1961**

PL1943, Bond Springs, 1898–1939
PL2110, Willeroo and Manbulloo, 1920–1928
PL2114, Alexandria, 1922–1943
PL2123, Alexandria, 1929–1943
PL2232, Brunette Downs, 1917–1919
PL2233, Brunette Downs, 1920–1923
PL2234, Brunette Downs, 1920–1923
PL2294, Huckitta, 1917–1958
PL2295, Huckitta, 1917–1955
PL2296, Huckitta, 1917–1956
PL2312, Queensland National Pastoral Company, 1918–1950
PL2334, Powell’s Creek, 1918–1930
PL2344, Huckitta, 1918–1957
PL2346, Gordon Downs, 1918–1920
PL2347, Gordon Downs, 1918–1920
PL2348, Gordon Downs, 1918–1920
PL2350, Wave Hill Pastoral Company, 1918–1919
PL2351, Wave Hill Pastoral Company, 1918–1919
PL2352, Wave Hill Pastoral Company, 1918–1919
PL2475, Connor Doherty Durack, 1921–1929
PL2484, Burnside and Marrakai, 1921–1929
PL2519, Huckitta, 1923–1955


NTRS2686, [Lands and Survey Branch] Miscellaneous correspondence files, 1929–1944

Box 1, Export of live cattle to Western Australia, 1936–1938

Box 1, Refusal of application for grazing licence A E Sergeant, V M Sergeant and M O’Sullivan, 1933–1935

Box 2, Burnside and Marrakai – pastoral leases open for application, 1940

Box 2, Correspondence regarding land registration and administration, 1914–1939

Box 2, Correspondence relating to Lands Office staff, 1926–1942

Box 2, Enquiries about land, 1934–1942

Box 2, Instruments of Crown leases Alice Springs, 1942

Box 2, North Australian Pastoral Company Limited, 1923–1941


NTRS2741, [Land and Survey Branch] Register of pastoral lease applications, 1914–1930


NTRS3133, [Lands and Survey Branch] Papers relating to development and improvement concessions, 1936–1940

1, Freight and improvement concessions, 1936–1940

2, Rosewood concessions, J A C Kilfoyle, 1936–1938

3, Freight and improvement concessions, 1936–1938

4, Gulf Cattle Company, 1936–1939

NTRS3298, [Lands and Survey Branch] Register of improvements on pastoral holdings, 1948–1954
NTRS3313, [Lands and Survey Branch] Folder of information regarding holdings of the Vestey group of companies, 1954

NTRS3345, [Lands and Survey Branch] Correspondence files, alphabetical single number series, 1915–1929

A49, Advances to settlers, proposed regulations, 1914–1916
A89, Covenants pastoral leases, 1916–1917
A108, Permanent improvements pastoral leases, 1917–1918
A127, Mustering of stock on Crown lands, 1918
A148, Avon Downs, 1919
A193, Australian Meat Council trade with east, 1926–1935
A195, Auditor–General’s reports, 1926–1932
B85, Pamphlet ‘What the NT offers the farmer’, 1915
B189, Brunette Downs extension of time for erecting homesteads, 1918
B241, J M Bourke asking for particulars of land, 1920
B264, Bovril Estates survey of boundary, 1921
C111, A E Christiansen, application for Pellew Islands, 1917–1920
C183, A J Cotton proposed subdivision of Brunette Downs, 1920–1922
C188, Cattle dips and stock reserves, 1921–1924
D81, Recommendations for amended regulations for grazing licences, 1920–1921
D84, Dalgety’s Review, 1920
D89, Annual report [Lands], 1919
E227, Grazing licence regulations, 1916
F91, Freehold enquiries, 1921
H285, Advances to Settlers Act, 1924
H307, Notice to press, amendment of Crown Lands Ordinance, 1925
L62, Land Board meetings, 1915

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L103, Leases, improvement conditions, 1919
L138, Land policy NT, 1923–1928
L146, Land Board Crown Lands Ordinance amendments, 1925
L153, Land Board tour of inspection, 1925
M251, Improvements sanctioned by Minister, 1924
N129, NT Pastoral Lessees Association correspondence, 1926–1928
O19, Ordinance amendment, 1918
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O31, Ordinance amendment, 1918
O40, Ordinance rulings, 1924–1930
P135, Pastoral leases dates of expiry, not dated
P138, Pastoral leases correspondence, 1919
P166, Pastoral leases rent overdue, 1921
P177, Pastoral leases granting lesser period, 1917–1918
P213, Pastoral holdings particulars of, 1928
P214, Pastoral holdings names and addresses, 1928
R86, D A Roberts applying for leases on behalf of Wright, Shillingford and Brodstone, 1916–1922
R212, Appraisements of rents by W B Hicks, 1921–1922
S241, Stock route proposed, 1923
S242, Stock route proclaimed, 1921–1927
S287, Stocking conditions minimum, North Australia, 1928–1929
S288, Stocking conditions minimum, Central Australia, 1928–1929
V13, Vestey Bros, 1913–1920
NTRS3346, [Lands and Survey Branch] Pastoral lease case files, single number series with N [North] suffix, 1925–1931

PL110N, Samuel Vestey, 1918–1954
PL111N, Wave Hill, 1918–1954
PL120NA, Victoria River Downs, 1926–1948
PL121N part 2, Victoria River Downs, 1948–1957
PL122N, Johann Schmidt, 1926–1960
PL135N, Brunette Downs, 1924–1951
PL156N, Burnside and Marrakai, 1927–1935
PL186N, Willeroo and Manbulloo, 1920–1949
PL187N, Willeroo and Manbulloo, 1920–1957
PL189N, Alexandria, 1930–1942
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PL197N, Waterloo, 1920–1950
PL198N, Ord River, 1930–1949
PL206N, Willeroo and Manbulloo, 1930
PL208N, William Grant, 1930–1948
PL221N, Nutwood Downs, 1931–1949
PL222N, Nutwood Downs, 1931–1948
PL339, Victoria River Downs, 1936–1957
PL340N, Alice Springs J A Breadon, 1936–1957
PL380A, Bradshaw and Coolibah, 1940–1959
PL438, Willeroo and Manbulloo, 1942–1954


First two boxes sampled.
NTRS3349, [Lands and Survey Branch] Pastoral lease case files, single number series with C [Central] suffix, 1925–1931

PL178C part 1, Huckitta, 1927–1954
PL194C part 1, Lake Nash, 1915–1951
PL194C part 2, Lake Nash, 1951–1955
PL203C, Avon Downs, 1924–1958
PL210C, Mount Doreen, 1930–1948
PL211C, Mount Doreen, 1930–1957

QUEENSLAND STATE ARCHIVES – BRISBANE

436405 (SRS194/1/11), 3426, William Labatt Payne, Chairman–Land Court, December 1959
436405 (SRS194/1/11), 3427, William Labatt Payne, Chairman–Land Court, December 1959
435810 (SRS189/1/72), A3200, John William Fletcher, Chairman of the Queensland Primary Producers’ Co–operative Association, early 1960s

NATIONAL LIBRARY OF AUSTRALIA – CANBERRA

MS52, Arthur Atlee Hunt

Series 18, General NT correspondence, 1908–1920
Series 19, Correspondence with H E Carey, 1912–1916
Series 24, Correspondence with E L Batchelor, 1908–1911
Series 28, Correspondence with P McM Glynn, 1913–1917
Series 29, Correspondence with H Mahon, 1914–1915
Series 40, Miscellaneous correspondence, 1909–1916
Series 43, Miscellaneous correspondence, 1913–1920

MS213, George Foster Pearce

Series 5, Miscellaneous correspondence, 1910–1935
Series 9, Miscellaneous press cuttings, 1917–1934
Series 14, Papers relating to Parliamentary and Cabinet business, 1909–1927

Series 21, Miscellaneous papers, 1915–1929

**MS574, Egerton Lee Batchelor**

Folder 1, Newspaper clippings UK, 1911

Folder 2, Newspaper clippings regarding death, 1911

Folder 3, Correspondence, 1899–1911

Folder 4, Correspondence regarding death, 1859–1912

**MS936, John Arthur Perkins**

Series 2, folders 36–39, Political correspondence, 1930–1934

Series 2, folders 50–54, Newspaper cuttings, 1925–1934

Series 2, folders 68–73, Miscellaneous political material, 1922–1943

Series 3, folder 95, Diaries, 1932–1934

**MS937, Hugh Mahon**

Series 6, Correspondence and press cuttings re NT, Papua and Norfolk Island, 1911–1917

Series 19, Press cuttings, 1907–1917

Series 26, Printed pamphlets on the Territories, 1914–1916

**MS1674, Charles Lydiard Aubrey Abbott**

Visitor’s Book Government House, Darwin and Alice Springs, 1937–1946

**MS1827, George Foster Pearce**

Series 3, Development of North Australia, 1909–1937

Series 6, Development of North Australia, 1923–1936

Series 8, Development of North Australia, 1923–1936

**MS1927, George Foster Pearce**

Series 3, 958–1089, Memoranda, correspondence and reports on the development of North Australia, 1928–1929

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Series 3, 1090–1156, Correspondence, memoranda and draft report of Development Branch of Prime Minister’s Department, development of North Australia, 1927–1935

Series 3, 1157–1303, Correspondence, memoranda, cuttings, and draft report by Development Branch, development of North Australia, 1932–1935

Series 3, 1304–1406, Correspondence, memoranda and reports on the development of North Australia, 1934

Series 3, 1407–1505, Memoranda and correspondence regarding Northern Australian development, 1934–1935

**MS2021, Herbert Victor Johnson**

Press cuttings, 1945–1952

**MS2034, Thomas Paterson**

Box 1, Press cuttings, 1935

Box 1, Letters to wife written during NT visit, 1935

Box 1, Reminiscences of the NT, diary kept by private secretary Roy Rowe, 1935

**MS4653, Patrick McMahon Glynn**

Series 16, Correspondence, Minister for External Affairs, 1913–1914

Series 18, Correspondence, Minister for Home and Territories, 1917–1920

**MS4742, Robert Archdale Parkhill**

Folder 1, Correspondence, 1904–1935

Folder 4, Photographs, 1933

**MS4744, Charles Lydiard Aubrey Abbott**

Box 11, Folder 1, Published articles C L A Abbott, 1929–1952

Box 11, Folders 4–5, Correspondence, 1929–1966

Box 11, Folder 6, Miscellaneous C L A Abbott and Hilda Abbott, 1927–1965

**MS5274, Paul Meernaa Caedwalla Hasluck**

Box 33, 1, Publication—*Development in the Northern Territory: Notes on Expenditure, Investment and Achievements during the Ten Years to 30 June 1961*, 1961

Box 33, 3, Publication—Development of the Northern Territory, 1956

Box 33, 4, NT visit June–July 1956, 1956

Box 33, 5, Wise’s overseas visit, 1955–1956

Box 34, 7, Territories notes for speeches, 1962–1963

Box 34, 8, Notes for Budget debates, 1954/55–1962/63

Box 34, 9, Notes on the Northern Territory, 1952

Box 34, 10, Notes in answer to inquiries made by a Parliamentary delegation to the Northern Territory, 1955

Box 34, 11, Development of the Northern Territory, statement made to members of a Parliamentary delegation regarding representations made by the National Farmers Union, 1955

Box 34, 12, Information supplied to the High Commissioner of Canada, 1956

Box 34, 13, Ministerial visits, 1954–1955

Box 34, 17, Appointment of F J S Wise, 1951

Box 34, 19, Correspondence with Lionel Rose, 1956–1969

Box 36, Publications, report by K O Campbell The Rural Development of Northern Australia, 1962

Box 36, Publications, booklet by Lionel Rose Australia’s Top Half: A Survey of the Northern Beef Cattle Industry, 1960

Box 36, Publications, Animal Industry Branch extension article number 1 Legislation administered by the Animal Industry Branch, 1960

Box 38, The Northern Territory 1951–1963: Public Addresses and Articles (other than speeches in Parliament)

MS7212, Charles Lydiard Aubrey Abbott

Folder 1, The Commonwealth Government: the First Seventy Years, 1970

Folder 2, The Commonwealth Government: the First Seventy Years, 1970

Folder 3, The Commonwealth Government: the First Seventy Years, 1970
TRC121/11, John Henry Kelly

Kelly, J H, Transcripts of oral history interviews with Mel Pratt, Canberra (February 1971 and September 1974)

BASSER LIBRARY – CANBERRA

MS007, [John Anderson Gilruth] Personal papers, 1890–1954

NOEL BUTLIN ARCHIVE CENTRE – CANBERRA


42/13, Correspondence with the NT Pastoral Lessees Association, 1951–1954


119/4/1, Bovrils Australian Estates Ltd correspondence Australia and London, 1927–1930

119/4/2, Bovrils Australian Estates Ltd correspondence Australia and London, 1930–1932

119/5, Bovrils Australian Estates Ltd Perth, 1935–1937

119/6, Australian Mercantile Land and Finance, Sydney, and Bovrils Australian Estates London, 1939–1947

119/7, Australian Mercantile Land and Finance, Sydney, 1953–1955

119/8, Private correspondence, manager S McColl, 1954–1955

119/9, Land resumptions, 1933–1947

119/10, Pastoral leases and carrying agreements, 1925–1955

119/12, Annual reports and balance sheets Northern Australian Estates Ltd, 1957–1959

119/13/1, Station manager’s correspondence with W L Buckland, 1955

119/13/2, Station manager’s correspondence with W L Buckland, 1958–1960


Box 2, folder 10, Cattlemen’s Association of North Australia, 1973–1974

Box 2, folder 11, Cattlemen’s Association of North Australia, 1974–1978
Box 2, folder 12, Northern Territory Pastoral Lessees Association, 1976–1977
Box 2, folder 13, Northern Territory Pastoral Lessees Association, 1973–1975
Box 9, folder 2C9, Northern Territory Pastoral Lessees Association, 1974–1978
Box 9, folder 2C9, Northern Territory Cattle Council, 1978–1979
Box 12, folder 3G2, Submissions to government, 1974
B. PRINTED BOOKS AND JOURNAL ARTICLES


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C. THESES


D. ORAL HISTORY INTERVIEWS

Graeme Fagan (current Director, Rangelands Management Branch, Northern Territory Government) and Tony Fowlestone (current Manager, Pastoral Leases Administration, Northern Territory Government); interview conducted on 14 February 2008.

Tony Fowlestone; interview conducted on 9 May 2007.

Graeme Hockey (former Senior Pastoral Inspector of the Northern Territory); interview conducted on 7 June 2008.

Parker Marson (former Senior Pastoral Officer of the Northern Territory); interview conducted on 11 December 2007.

Vern O’Brien (former Director of Lands of the Northern Territory, and First Assistant Secretary, Department of the Northern Territory); interview conducted on 12 February 2007, and brief conversations held subsequently.

Notes taken during the above interviews are held by the author.
E. NEWSPAPERS

Advertiser (Adelaide)

The Age (Melbourne)

Argus (Melbourne)

The Australian Worker

Brisbane Courier

The Bulletin

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Herald (Melbourne)

Northern Standard

Northern Territory News

Northern Territory Times

The Pastoral Review

Sun (Sydney)

Sydney Morning Herald

The Times (London)

Wall Street Journal

West Australian

(Only selected issues of each newspaper were sighted).