**CROWN LANDS AMENDMENT BILL 1878**

**House of Assembly, 26 June, pages 218-21**

Second reading.

**Mr. BRIGHT**, in moving the second reading of the Bill, said the matter was pretty well discussed when leave was given to introduce the Bill. He would not therefore detain the House further than to state that the purport of the Bill was to allow lands surveyed prior to the passing of the Crown Lands Consolidation Act to be placed in the same position as those lands which had been surveyed since the passing of that Act. There were 460,000 acres that required to be resurveyed.

Mr. BRAY said he understood from the discussion the other day that the object aimed at was to enable the Government to sell the lands surveyed before the passing of the Act.n The Bill before the House would, however, just prevent their doing that. (Laughter, and Mr. Ward— “Oh.”) As Mr. Bright and the Commissioner of Crown Lands were appointed a Committee to bring in the Bill, he supposed the House must look upon it as a Government measure. If it was he certainly could not compliment them on the way it was drawn. It was very doubtful whether the Bill referred to the Act or clause 12 of the Act. He was willing to take it either way the hon. member wished, but he supposed it was intended to refer to clause 12, which said:—“No Crown lands shall be granted or contracted to be granted in fee-simple under the provisions herein contained, unless the same shall have been surveyed and properly marked upon the ground, and shall have been delineated in the public maps in the offices of the Surveyor-General in such sections as may be deemed convenient, but so that no one section shall contain a greater area than 500 acres.” The object was to allow the sale of the land surveyed before the coming into operation of the Act. The 12th clause went on to say that after the land had been surveyed, the Commissioner might declare the same open for sale upon credit by giving notice to that effect. The proposed amendment said :— “ Provided that nothing herein shall apply to any land that may have been surveyed previous to the coming into operation of this Act. So that the effect would be if the Bili were carried that the Government could not sell the land, and the intention of the House would thereby be completely upset. They were distinctly told that the Bill should not apply to land surveyed before the passing of the Act. He would like to know under those circumstances what the Government would do with the land. He did not know whether they would throw it open for cash or under Strangways's Act, or how they would deal with it. He trusted that the hon, member and the Government would withdraw the Bill and bring down a measure that would really carry out the intention of the House as expressed the other day.

The Hon. L. GLYDE objected to the Bill, as he differed entirely from the hon. member as to the way in which the Act was to be amended. He objected to give larger holdings to individuals, as it was undoing what was done last session. Mr. Bright said there were 4,600 sections that would have to be resurveyed. He felt sure the Commissioner never used such large figures as those, or intended that they should be resurveyed—(the Commissioner of Crown Lands—" Yes”)—because among them were included a good many square-mile blocks.

The COMMISSIONER of CROWN LANDS (Hon. T. Playford) said there were 400,000 acres.

The Hon. L. GLYDE said then he must protest in the strongest possible language to the Bill. The figures stated by the Commissioner gave very nearly a thousand blocks, and of course a thousand men would be cut out from purchasing such blocks because they could not afford to take up such an area. He was surprised that the Commissioner of Crown Lands was agreeing to the Bill so readily, and he questioned whether hon. members if they understood thoroughly the effect of the measure would support it. In putting up the land in square-mile blocks the poorer class of farmers was prevented getting the land. That was why he and other hon. members advocated the reducing the 640-acre selections to 320 acres, although 500 acres was ultimately accepted as a compromise. The expense of survey had been referred to. The Commissioner told them that there were 400,000 acres to be surveyed. He supposed the expense would not be very considerable. (The Commissioner of Crown Lands—“ £1,000.”) That was a mere drop in the bucket compared with the principle of letting the poorer farmer have a chance against his richer neighbour. He trusted the Bill would not be carried, as he considered that it was only brought forward in the interest of those who were anxious to purchase 1,000-acre blocks, and had been earwigging Mr. Bright in order to secure their purpose. As the Bill would do a great injustice to nearly a thousand farmers he should oppose it even if he had to divide the House on the question.

The COMMISSIONER of CROWN LANDS (Hon. T. Playford) said the hon. member Mr. Glyde had founded his remarks upon an assumption, as there was no reality to support them. The poorer man would not be debarred from taking up a smaller quantity of land than a square mile if he desired it, as if he would pay for the cutting up of the block it might be done. The expense of surveying the 400,000 acres the Surveyor-General told him would be over £1,000, and that two months would be saved if the survey were carried out. With the exception of the Tatiara district the land was of an inferior description. The best portions had been picked out before the coming into operation of the Lands Consolidation Act. The division surveys had been stopped, and the surveyors transferred to other places. As soon as the Bill was passed the 400,000 acres would be thrown open for selection. With respect to Mr. Bray’s remarks regarding the drawing of the Bill, he would say that he would take upon himself the whole blame. It certainly did not carry out what it was intended to effect, as the Premier, in looking into it, agreed that Mr. Bray’s criticism was a just one. The fact was the Bill was drafted by himself and Mr. Bright, and not by the Attorney-General or law officers of the Crown. He was anxious, however, to carry out the intention of the House that the Government should be able to sell any land surveyed previous to the passing of the Lands Consolidation Act in larger blocks than 500 acres. To meet the difficulty he would propose after the word “ shall” in the third line of the clause to strike out “ apply to” and insert “ prevent the sale without resurvey in larger blocks than 500 acres of.”

Mr. KRICHAUFF said last session he voted with the hon. member Mr. Glyde, but he was rather surprised that he should have raised the objection he had. The Commissioner had stated that the blocks might be cut up if a person was willing to pay for such being done. He thought, however, that it would cost at least £10 for having a single block cut up. In that case it would certainly cost more than £1,000 to resurvey 400,000 acres. He would point out to Mr. Glyde that the eastern half of the Hundred of Palmer, containing sections exceeding 500 acres was resurveyed and reoffered for sale, but there was only one selector; showing, he thought, that all the best land had been previously picked out, and that there really existed no necessity for a resurvey in order to cut the block up into smaller lots. (Mr. Ward— “Hear, hear.”) He believed it would be throwing good money away to have the lands in question resurveyed irrespective of the waste of time, inasmuch as the surveyors might be employed to greater advantage in opening up other land for the farmer. He should support the Bill with a view to meet the difficulty which had been raised.

Mr. WARD said the opposition of the hon. member Mr. Glyde was not unexpected when he considered the illiberal spirit in which he treated not only the land question, but many other questions. Hon. members were fully aware how thoroughly the hon. member opposed the offering of square-mile blocks, and he must admit that he had been thoroughly consistent in that spirit of illiberality. He would point out that it was purely through an oversight that the area had been reduced, but under the circumstances he thought the Government were quite right in withdrawing the land, as it would have been illegal to have offered it. It was to remedy that difficulty that the hon. member Mr. Bright brought in the Bill, and he thought he deserved the thanks of the House for his action. Reference had been made to land in the Hundred of Palmer, which had been resurveyed and offered for sale, and for which there was only one applicant. He mentioned a similar case in the Hundred of Parawurlie, where a section exceeding 500 acres was withdrawn, subdivided, and offered for sale. Only three lots were then taken, showing, he thought, that the best land had been previously picked out, and that there was no necessity for a resurvey to reduce the section. He maintained that the farmers were in a far worse position than they were under the old Act, inasmuch as they could then take up 640 acres, whereas they were now tied down to 320 acres. That was never intended by the House, and he hoped the House would be prepared to remedy the injustice, and say in effect that the area of land that a man might hold on credit should be independent of what he held previous to the passing of the Act. He believed the Government were willing to support that principle; but if they would not introduce a clause to that effect, he would be prepared to move—“ That notwithstanding any provision in the Crown Lands Consolidation Act, 1877, the maximum area to be held upon credit by any one person shall be calculated irrespective of any land which such person may have previously held upon credit.” He believed that would be in accordance with the intention of the House. (The Hon. J. Carr— “No.”) He was sure if the country were polled on the question the farmers would rather revert to the old Act than go on under the present one.

The COMMISSIONER of CROWN LANDS (Hon. T. Playford) said the Government would introduce a Crown Lands Amendment Bill, but whether it would include a clause similar to that suggested by the hon. member he could not then say, as the matter had not yet been considered by Cabinet.

The Hon. J. CARR said that the desire of the House and the Government was to stop the spirit of speculation that was rife in the taking up of square-mile blocks. It was a matter of frequent occurrence that a man took up 640 acres and soon transferred them and then took another 610 acres and again soon transferred them, and so went on. The object aimed at was to stop that sort of thing, and if possible place the bona fide farmer on the land. It was a different matter where the bona fide farmer transferred his land, and such cases of course ought to be considered by the Government. If Mr. Ward would agree to make his amendment refer to lands that had been taken up prior to the passing of the Act he thought that would be a very satisfactory compromise. He was not aware under what provisions of the Act the Commissioner was empowered to cut up the blocks. Possibly it might be in the regulation, although he had not seen it. He believed a section might be cut up, provided selectors were willing to take a portion of the section thus divided. If the sections could be cut up inexpensively he saw no objection to it; but if the Commissioner had power to cut up a section upon application being lodged he saw no necessity for a resurvey. The whole thing might be done in half an hour in the Survey Office by drawing a line across the section on the map. (An hon. member—“It must be done on the ground.”) He felt that the Ministry would have done well to do as all of her Ministries did when an Act proved unworkable, namely, break it. (Cries of “Oh.”) No Ministry had ever held office without breaking an Act of Parliament, and if Minister would not do it they were unworthy of their positions. (Oh.) He maintained that they were if they had not the courage to traverse the law where the public interests demanded it, afterwards asking the House to indemnify them. He thought the hon. member for Wooroora was entitled to thanks for introducing the measure, which he would support.

Mr. CAVENAGH supported the Bill and hoped the hon. member would not press his amendment, as it was desirable the Bill should be passed as soon as possible, and the question of the increased area would lead to a long discussion. The hon. member for Gumeracha was in error in stating that the omission was an oversight. It was a compromise and as such was thoroughly understood. The Commissioner of Crown Lands was also slightly in error as regarded cutting the sections. A man would not be allowed to cut a section except for the purpose of making up his 640 or 1,000 acres. The sympathy of the Hon. L. Glyde was thrown away on the poor man, as taking a section of 320 acres in the Far North would be more likely to keep him poor than if he got 640 acres. In the old days 80 acres of first-class land were sufficient for a man to live on; but now everything was changed, and unless the farm were a large one the man would not be likely to prosper.

The TREASURER (Hon. J. P. Boucaut) had every confidence that the public interests would be safe in the hands of the Commissioner of Crown Lands, but he rose respectfully and moderately to protest against the most startling doctrine just laid down by the late Commissioner of Crown Lands (the Hon. J. Carr), who said that it was the duty of a Ministry to set the law aside when they differed from it. (The Hon. J. Carr—“No.-’) What the hon. member said amounted to that; and he protested against it. The Ministry were no more above the law than Magistrates or ordinary subjects. This was the true doctrine of Ministerial responsibility— that in any great emergency or case of extreme pressure, trusting to immediate indemnity, they might depart from the written law, coming down to Parliament immediately afterwards for the purpose of getting that indemnity. (The Hon. J. Carr— “Hear, hear. ) But that did not warrant the principle laid down by the hon. member for Noarlunga that the law might be departed from in a small matter like the present(The Hon. J. Carr—“It’s the same thing.”) He did not think so. What the hon. member had said amounted to a sneer at the Commissioner of Crown Lands, but he had not departed from the law in the matter now under discussion. Had the Commissioner done so, he would have been guilty of a grave dereliction of duty. (Hear, hear.) Had he done so in a small thing like that where the law was clear, he would have been subject to the censure of the House and the people. This was certainly not one of those great questions where a Ministry was called upon to take the responsibility of acting contrary to the law even for a short time.

Mr. COGLIN said that when the Land Bill was under discussion last session he was always a strong advocate of combining agricultural and pastoral pursuits. Therefore the Hon. L. Glyde must be in error when he said that he voted for the 320 acres in place of 1,000 acres. “Hansard” showed that he voted for the 1,000 acres. He did so because he felt that a man with a large family could not get a good living on a small area now that the eyes of the country had been picked out.

Mr. BRIGHT said if the Bill were carried he would in Committee ask to amend clause 1, as it had been critically noticed by the hon. and learned member for East Adelaide (Mr. Bray). He looked at the Bill with the Commissioner of Crown Lands, and he naturally concluded that it was correct. When the amending Bill was under discussion he would do his best to give effect to the amendment shadowed forth by Mr. Ward, although he knew he should not have any sympathy from the Hon. L. Glyde. But somehow he and Mr. Glyde had never been at one on the land question. If the hon. member ever could have learned wisdom from anything—(laughter)— as far as the sales of the waste lands were concerned, he ought to have learned it from the success that had attended the disposal of the waste lands Bince the alteration of the Waste Lands Act in 1867 or 1868. If that had failed to convince the hon. member nothing that he or any other hon. member could say would now lead him to change his opinions. (Laughter.)

The second reading was carried.

On the motion for going into Committee,

The Hon. L. GLYDE said Mr. Coglin had misunderstood him. What he said was that the hon. member supported the same view as himself in favour of limiting the size of the sections, and not that he voted for the smaller total area.

Carried.