**WASTE LAND BILL 1874**

**Legislative Council, 14 July 1874, pages 905-11**

Second reading

The CHIEF SECRETARY (Hon. A. Blyth) moved the second reading of this Bill. In doing so he said his task had been rendered somewhat which easy in consequence of the lengthy discussion which took place on the formal motion that he had leave to introduce the Bill. The primary reason for the introduction of this measure might be said to be the limitation of the action of the Government, caused by the definition of what was known as the line of rainfall—a line laid down on the map off the colony, not for the purpose of agricultural settlement, and not at all in connection with the amendment of the Land Act as they understood those words, but a line laid down on the map entirely in connection with the question of pastoral leases of the Crown. It was a little singular that the question of what was pastoral and what was agricultural land had been gradually extending year after year. He was old enough a colonist to know the time when it was asserted that the land north of the Para River was not fit for cultivation, and could not be ploughed. Subsequently agricultural settlement was extended to Gawler, and they had gone on step by step until a feeling was entertained two years ago that the line of rainfall laid down by resolution which mentioned that this line on rainfall should be the boundary of agricultural settlement. He had no recollection of it being stated that this was likely to be a boundary that would be exceedingly crippling to efforts of the survey parties, or whatever Government were in office, who were anxious to meet the bona fide demand for land. But such had proved to be the case; and if hon. members looked at the configuration of the Counties of Frome and Dalhousie and the Hundred of Gregory they would see how unsuited this line of rainfall had been for determining what land was fit for agricultural purposes. They had gone right up to this boundary in one quarter, and people were wanting land beyond that. That was with regard to the North. He had always held that it was no use for the Government to say, “This land is suitable and that land is not,” but that the duty of the Government was to survey the land and let the people select the land which they considered would be suitable for their purposes —(Hear, hear)-and it needed no strong prophecy on his part or on the part of hon. members to see that some of the land which was now considered utterly useless or exceedingly inferior might be found to have a peculiar use and value of its own. They had seen some of the finest crops grown on the Murray Flats, which a few years ago were looked upon as of little value. The survey parties had worked right up to this boundary line in one case, and there were applications made for land on the other side. It was generally admitted that this line of rainfall was one which should not be allowed to continue to exist as an obstacle to further settlement. As an obstacle it needed to be removed. That was one of the first great principles which induced the Government to bring forward an amended Land Bill. There were, however, two or three matters of great importance which the Government would endeavour to deal with. Next to altering the first schedule of the existing Act, which fixed Goyder’s line of rainfall as the boundary of agricultural settlement, was the necessity of making a fixed upset price for the lands of the colony—making, as had been said, the advertisement of the colony with reference to upset price fixed and perfectly easy to be understood. There was nothing very novel in this. We were going back to the time—many years ago—when the land was put up at an upset price, and when if there was only one person who wanted it he invariably got it for £1 an acre, or some small fraction above that. Then, again, in reference to the time that land should be open for selection, instead of its being one year, it was proposed by the Bill to make it two years. Practically, at the present time, it was two years; but the Bill proposed to make that period compulsory instead of optional. Another great principle of this Bill, and one upon which there might be a difference of opinion, was the means adopted by the Government—for which they were, he thought, entitled to credit—to grapple with the question of dummyism, which he might define as the practice of intentionally obtaining land contrary to the wish of the people as expressed by the Legislature—the obtaining of land in large quantities by persons who had no desire to settle upon it and cultivate it. He was afraid from all he had seen and read that this evil had always existed, and that it still continued. The Bill sought *to* grapple with the evil by appointing a tribunal. Although the powers which were given to that tribunal were large, and might be by some people considered excessive, extraordinary powers must be given. Whatever was done would be done, he hoped, in the face of day openly; and if persons were con­victed of improper dealings with the land they should be summarily dealt with. He had touched very lightly upon this subject; but he hoped the House would strengthen the hands of the Government in grappling with this evil, and dealing with it as it should be dealt with. Another question which had provoked a great deal of discussion was the manner in which simultaneous applications should be treated, and the colony was divided into two or three parties. One party, which, judging from the public meetings and the petitions sent to the House, was the largest, was in favour of the principle of drawing lots. A more unsatisfactory state of things he could hardly imagine. He did not like it in theory, and he was sure that in practice it would be exceedingly unpleasant. In the first place, there was nothing fair about it. There was nothing in it that could be commended. Whatever plan was devised for carrying it out, accusations of partiality and interference would be sure to be made. Then, again, he would say at once that individually he felt a great objection to familiarizing the people with the lottery, as he thought it would have a very injurious effect among us. A second class of people, who were small, but certainly very intelligent, proposed to deal with simultaneous applications by tender. In theory, he thought, the principle was correct, but in practice he was afraid it would not work, and he would say how and why. If the transactions in the Land Office were few, and only a small number of people applied simultaneously for certain sections, and if the principle were carried without any collusion between the applicants themselves or people outside, he could imagine that it would work fairly and properly, but knowing that a large quantity of land was thrown open a large number of people made applications, and that it would be impossible to submit all the applications at once to tender. They would have to adjourn or set the matter aside, and communication among the people would inevitably bring about that sort of arrangement among themselves which would only prevent the country getting the full benefit, while the parties who applied for it would not be benefited. With all the faults which were urged against the present system, and after all the consideration he had been able to give to the matter, he preferred the existing system of limited auction to the principles of lot or tender. A petition presented that day had called their attention to a matter which was once a foremost object of attention. Some of the constituents of the hon. member for Port Adelaide had called attention to the question of personal residence, and although under that system there would be a considerable number of cases of hardships, and a certain class would not be able to occupy the land if called upon to personally reside upon it, they could not shut their eyes to the fact that this question was one that had not been lost sight of altogether by the community. At the present time he was not going to advocate a recurrence to that principle, although would say for himself individually that he had always been among its advocates. This Bill sought to remedy, and he thought there would be no difference of opinion upon this question, a mistake made in the Act of 1872 by which the Scrub Lands Act was repealed. Then the Bill contained a definition of what suburban lands were. Last session the Government were taken to task, and blamed in some quarters, and certain members of the Government were not merely blamed, but called names, by word of mouth and in other ways, for not bringing in an amending Bill immediately upon the Parliament assembling last session—the session after the Act had become law. Whenever there were amendments which it was necessary to make it was the duty of the Government—and this (government recognised the duty—to bring forward a measure embodying them. No one could justify altogether the laying down of an arbitrary line by which it should be said “the agricultural land is south of this line, and the pastoral land is north,” or "the agricultural land is west of this line, and the pastoral land is south and when it became apparent, not in theory, but by actual experience in the administration of the. department, that the Land Act had weak points which could be easily remedied then, and not till then, it was the duty of the Government to bring in an amending Bill. This Government having administered the Act for about a year had brought down a Bill dealing with these main and essential points. One point had been particularly alluded to at public meetings—about the interest being taken as a part of the purchase-money. He would say at once that the Government intended

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deal of labour and anxiety must be thrown upon him, because in discu.-simr mpoo„..

had read the Bill and knew anythin\* 0,^e law knew that there were certain matterg of tll(; required amendment, which amerdnWf wl|icli made in this Bill, aud if the Bill did nnt Vvere all that was conceived to be necessary it cn?n.tai,i a very large pr portion of goo sufficient • ncJ the House in giving its assent to the Bill ulify he now moved be read a second time.

After a pause,

Mr. ANGAS said he was surprised te hPn a lame and inefficient speech from 1

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Minister as the Chief Secretary. He tniaVu a th *t* the Bill did not contain all that was nPP(, era but. if that were the case he had no hnci! 1 bring it forward. (No.) The words of Mien?-4 Secretary were as follows:—“This BilfdL,l,ef contain all that is necessary, but I consider nnot is sufficient good in it to induce memher<» E, te the second reading.” ers to *^*

The CHIEF SECRETARY (Hon. A. Blvtto What I said was, that if hon. members the Bill does not contain all that is neceasaJv I still think there would be found sufficient in it. 8000

Mr. ANGAS was sorry he did not catch theexm meaning of the Chief Secretary, and acknowlefW, the explanation. The construction of the Hi appeared to him to be very confused. The. Uovern ment. in dealing with some other subjects, had re enacted certain Bills and introduced amendment Why had they not adopted the same course in this instance? This Bill was governed by other Ac's\* and the whole system of law relating to land was so complicated thatjthere were few persons whocould understand the relations of the various Acts, a blunder seemed to have been made in 1872 in re­pealing the Scrub Lands Act, by which the whole system of dealing with those lands was clone away with. The Chief Secretary said, however, that he wished to restore the Act, and the second clause, in a manner somewhat confusing to laymen! sought to remedy the evil. With regard to the limited auction system, he agreed with the Chief Secretary that that perhaps was the least objection­able plan of dealing with land for which there were simultaneous applications, and although it might work expensively to the purchaser, the Govern­ment reaped the benefit, aud the Treasury was enriched by the large amount paid for the Jand. When the selectors had five years given them to pay for the land, there were many contingencies which might arise, and render the tenant unable to complete his purchase; and after all it was a misi.omer to call this the sale of land upon credit. It was merely the letting of the land with a right of purchase. He wished the Government would look at the matter more in that light, and then better care would be taken in dealing with the tenant\*; of the Crown. At the general election nearly three years ago one of the important questions asked the candidates was whether they would or would not support substituted residence. He most unhesi­tatingly said he would vote for substituted resi­dence, and his view met with the genera! approval of his constituents, and he believed, although he was not considered to be one of those very radical land reformers, and was perhaps somewhat con­servative, that the electors throughout the district he had the honour to represent and a large proportion of the community agned ffitn him upon the general views which ne held with regard to the land laws. It was the intention of the Chief Secretary, as far aB ne could gather, to do away entirely with any doiumj or limits to the operation of the Land Act. presumed that the supposed boundary between ti Northern Territorv and South Australia

*■* -nn prevented him; and the Government *Pr°''s‘,*living no rental for runs which might have \*erehid such prohibitory regulations not been been ' some l‘rait mU8t exist in the interest of >" ,orU,riies between the lands occupied for pas- boH; p“,..griculturol purposes, or neither could tor"U.«s/ul. They had heard a great deal about tw '““iftters picking out the eyes of the country. B\* -“lent regulations prevented anyone pur-

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, ttfrnment; but no one interest should be

“trnved for the benefit of another. There were **S** i, claims which the agriculturist had which lid be: provided for; but there was another Suable occupation which had claims also, and he hnned the Government would arrange their plans fn as to protect each industry, and give each party « fair opportunity of successfully prosecuting its operations. Supposing they carried out the nrincioles which the Government proposed in this fc i when the new Parliament assembled it would doubtless want to make fresh alterations. One of the great objections to the land laws of South Australia was that they were being continu­ally amended and altered, and no one knew from one year to another under what system lie held his property. He knew an instance in which a person who had held land in the colony for nearly a quarter of a century sold out the whole of his extensive property because the Government were continually altering the system, and he had no conlidence in South Australian lands as a permanent investment. It was undesirable that such a state of things should exist. It did exist, and dissatisfied in my people and drove them away Jroin the colony. They were told that the farmeis were leaving the colony because the land laws were not sufficiently liberal He did not believe any­thing of the kind. It was stated by an hon. member some time ago that several farmers were leaving the neighbourhood of Kapunda because of the illiberally of the land laws, but he had since learnt that they were leaving because they could make a better thing by depasturing stock in Vic­toria than they could by cultivation in South Aus­tralia; so that this cry about the want of libe­rality of the land laws was to a great extent without foundation. People would change their residences, and no Act of Parliament could prevent that. He hoped that whatever the House in its so-called wisdom might do they would not make the laws worse than they were for the agricultural and pastoral interests. He had heard it said outside that day that the present system was worse than the former, and that people had to pay ajhigher - price for the land than heretofore. If in amending the law they were to make things worse he thought it would be “better to bear the ills we have than fly to others that we know not of.’r (Hear, hear.)

The motion for the second reading was carried.

In Committee.

Mr. WAKD asked if the Government would fix a day upon which they would take this Bill in lotnmittee as the first Order of the Day.

The CHIEF SECRETARY (Hon. A. Blyth) would endeavour to fix a day that would be gene­rally convenient.

The preamble was postponed.

The CHIEF SECRETARY (Hon. A. Blyth) movet-l that the House resume and the Chairman

North looking for land, and had found it quite impossible to get it. He was disgusted with the delay

The CHAIRMAN—The question before the Committee is that the House do now resume. The hon. member can address the House upon the question of fixing the Orders

■ -nn prevented him; and the Government Pr°''s‘,living no rental for runs which might have \*erehid such prohibitory regulations not been been ' some l‘rait mU8t exist in the interest of >" ,orU,riies between the lands occupied for pas- boH; p“,..griculturol purposes, or neither could tor"U.«s/ul. They had heard a great deal about tw '““iftters picking out the eyes of the country. B\* -“lent regulations prevented anyone pur-

of the Day.

The House resumed and die Chairman reported progress.

The CHIEF SECRETARY (Him. A. Blyth) moved that the consideration be made an Order for Tuesday next, when he should bring it on as the first Order of the Day unless prevented by the privilege quest ion.

Mr. PEARCE presumed he would be in order now in continuing his explanation. Mr. Angas must certainly have been misinformed. (Mr. Angas— “No.”) He did not wish to exaggerate the case, but he knew a considerable number had left Waterloo and other places to go to Victoria, and their prospects were such that they had written for their brothers and neighbours. A person named Hrior, who went to Horsham, wrote a fort­night ago, stating that he had made a selection of 320 acres of the best land he ever saw, and that he had not been there a month before the Commissioner (he presumed it was one of the sub-officers he meant) met the selectors, promised them the surveyors should be on the ground before a month’s time, and that before another twelve months they hoped to pass a Bill enabling them to select 640 acres, and in addition to that would immediately take steps to run a railway into the place whe;e the selections had been made. That showed the liberal efforts being made in the adjoining colony to induce settlers from >outh Australia. He could give other names to vouch for the assertion that many of their best colonists, being dissatisfied with the impossibility of getting farms on such terms as they expected, were moving off' to the other colonies where they were enabled to do so. If they did not give facilities to persons to secure large blocks at a reasonable price, and not such as the land was sold at yesterday, they could not ke ep the population in South Australia. Mr. Angas said if the farmer suffered the revenue gained, but that did not follow. A report by Mr. Booth by, the Govern­ment Statist, contained a very serious statement as to the number of sections which had fallen back into the hands of the Government. Mr. Boothby stated that during 1873 period purchases were completed for 24.000 acres, while agreements were revoked applying for 11,384 acres. Thus more than half as much fell back to the Government as was purchased. When he read the statement he was perfectly astounded. He was satisfied that many selections in-ide at such exorbitant rates as they were would never be purchased. (Hear, hear.) The present system fostered rash competition, and there was no doubt many entered into bargains which they had no intention to carry out. Then it was not they who would suffer, but the revenue. He held while it was not their duty to give the land away it was very dangerous to force people into these agreements, which placed them in a false position and jeopardized the revenue. Mr. Angas asked why they should amend the land system if they were: going from bad to worse. He would ask who was most answerable for the system v.hich was bringing in an average of nearly *£2* an acre instead of a little more than £1. That was owing to the action of those who, like the hon. member Mr. Angas, thought that no amendment of the old system was necessary. Mr. Boothby went on to show that the area of the new selections undec crop instead of 12 per cent, was only about 5 per cent, and he said the explanation was that she- selectors could not cultivate the required proi'iortioiu in the first year; and that in fact two or three year.1-: must elapse before the effect could be fully realized. Now, he denied the deductions which were there drawn. He attributed only one-fifth of the land being under crop to the fact that the blocks \'ere opened to selection at times when the farmers could not go to inspect them. He would • \* - \*1 rriorita nf the. Bill, but he

Mr. ANGAS though the hon. member had attempted to show that his (Mr. Angas’s) state­ments in reference to the removal of farmers were unreliable, but he had signally failed. He received his information from a very reliable source, and his remarks had not been in any way disproved

Mr. KRiCHAUFF said Mr. Pearce quoted Mr. Boothby’s statement, as if the 24,000 acres pre­viously held on credit and the 14,000 acres sold had a relation to each other, but they had not; they must take into consideration that only a small number of credit purchases could be carried out in 1873.

Mr. TOWNSEND supposed there tages in having the words placed in and preamble of the Bill, but he would 6 tml have a little more information as to to were and how they would operate. llat thP„

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The CHIEF SECRETARY (Hon. A. Blyth) asked whether the hon. member was in order.

The DEPUTY-SPEAKER said, according to the ruling of the Speaker, the hon. member was not in order, and he should rule in accordance with the Speaker’s decisions. The question before the House was that the further consideration of the Bill be an Order for Tuesday.

Mr. W ARD should support the motion, and took the opportunity of acknowledging the courtesy of the Chief Secretary in fixing a day convenient to hon. members. He purposely refrained from speaking on the motion for the second reading of the Bill, not wishing to throw any impediment in the way, but being willing to avail himself of the opportunity to amend the Bill in Committee. But he joined with Mr. Pearce in saying that unless the Bill was very considerably altered in Com­mittee it would be his duty to vote against the third reading. If passed as the Government pro­posed, it would be simply extending what had proved to be just about as bad a law as they could invent. It would leave entirely untouched the evil pointed out by Mr. Pearce.

Mr. TOWNSEND—We must have the same law for one as the other. (Hear, hear.)

The DEPUTY-SPEAKER—I think the hon. member will see that my ruling must apply to the observations which he was addressing to the House.

Mr. WARD did not wish to discuss the principle of the measure. He was giving his reasons for supporting the motion, which he appre­hended was in order. However, he would content himself by saying he should vote for the motion, and trusted on Tuesday next the Chief Secretary would be able to take the matter first, so that they might have a fair day at it. He was quite willing to adopt the course suggested by the Chief Secre­tary, and give notice of his amendments so that they might be in print, and the House would have a fair opportunity of determining between them and the Government propositions.

The motion was carried.

THE WATERWORKS BILL.

In Committee.

Schedule 2.

Townships of Kensington and Norwood.

The COMMISSIONER of PUBLIC WORKS (Hon. H. E. Bright) moved that the paragraphs defining these townships be struck out, as he intended to provide for their inclusion iu the title of the Bill.

Mr. CARR did not see what claim Kensington and Norwood had to be included in the title of the Bill.

The COMMISSIONER of PUBLIC WORKS (Hon. H. E. Bright) said it was thought by the Engineer-in-Chief when the matter was last brought under his notice that it would be far better so than to have separate schedules.

Mr. CAJEfcR wished the Engineer-in-Chief had Informed them why it was far better. (Hear, Ihear.)

Mr. BRAY thought it was reasonable for the House to require to know the reason. It would be necessary to insert the provision in some other place besides the title of the Bill.

The COMMISSIONER of PUBLIC WORKS (Hon. H. E. Bright) said the words would have to be inserted in the title and preamble and one of the clauses of the Bill.

Mr. SMITH could not understand the opposition her for Noarlunga. The schedules

Mr. PEARCE wished to know if thp

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of Kensington and Norwood in the *acU* oat inserting them in the preamble would give same privileges and advantages as lb.

by the City of Adelaide and Port Adelaiil En^°r«4 which was the right to water the streets thought it would be granting a power Committee on a previous occasion hart i.I<cl1 tit grant. He asked the Minister of Jus>i’s tl\* lo effect the amendment would have. e

The MINISTER of JUSTICE (a0B w Bundey) said his attention had not IwU 8. specially to the Bill, and he would not lik? a reply off-hand. The Commissioner »i Works, however, had informed him th t amendment would not have the effect of »n ^ Kensington and Norwood to have the wa street-watering purposes.