**CROWN LANDS ACT AMENDMENT BILL1915**

**House of Assembly, 7 December 1915, pages 2810-13**

Second reading

**The COMMISSIONER of CROWN LANDS (Hon. C. Goode)—**In rising to move the second reading of this Bill I do so with regret, owing to the short period which has elapsed since the passing of the previous Act. But it is necessary to have a consolidating measure. I am glad to be able to take this opportunity of drawing honorable members’ attention to the comprehensive index which has been prepared by Mr. Messent of the Crown Lands Department, which I am sure will be appreciated by legal gentlemen and anybody who has anything to do with landlords. The object of this Bill is to cure certain inadequacies and inconveniences which have become apparent in the provisions relating to the acquisition of land for closer settlement, and in dealing with the land subsequent to acquisition, and to make some minor amendments. Section 153 of the principal Act (re-enacting the provisions of the Acts in force before the consolidation) places certain limitations upon the acquisitions of land for closer settlement, but the Acts in which these limitations occur do not expressly make them apply to the lands taken under the Closer Settlement Act, 1910, and the amendments thereof. There can, however, be no doubt that when parliamentpassed the last-mentioned Act it intended the limitations in Part X. of the Crown Lands Act to apply to all lands acquired for closer settlement, whether under the Crown Lands Acts or the Closer Settlement Act. It is very desirable that this should be plainly stated, and that object of clause 3 of the Bill. Clause 4 of the principal Act contains provisions for the acquisition of land on or adjacent to the River Murray. The object of clause 4 is to make it clear that the River Murray in this connection includes all branches of the river and the lakes. Authority has already been given for the preliminary survey of Lake Albert, with a view to its ultimate reclamation, but we recognise that in present financial position nothing can be done. A great deal of information must be secured before we can take action and we are getting all the data ready. It will be necessary to know the levels in order to see what quantity of water will have to be pumped out.

The Hon. A. H. Peake—Do you not think it would be a mistake to destroy one of our permanent pieces of water?

The COMMISSIONER of CROWN LANDS - From a sentimental point of view there may be something in that. No definite scheme has been put forward but the idea is to leave a navigable- channel right round the foreshore, to provide water for the adjacent owners.

The Hon. A. H. Peake This is one of beautiful pieces of water we have.

The COMMISSIONER of CROWN LANDS - That may be put forward from a sentimental point of view, but considering our interest in the Murray, we are not justified in allowing such a large quantity 0f -water to evaporate from these lakes when we are contending for an adequate supply down the Murray.

Mr Laffer - The water in Lake Albert is too salt for irrigation.

The COMMISSIONER of CROWN LANDS – Yes, but there will be a channel from the Murray through Lake Alexandria to Lake Albert, which will ensure supply of fresh water.

Mr. Angus—When the lake is empty the soil will be found to be so impregnated with salt as to be perfectly useless.

The COMMISSIONER of CROWN LANDS—In Holland portion of the sea has been reclaimed, and the land made ready for intense culture.

Mr. Angus—Part of the lake will never be drained.

The COMMISSIONER of CROWN LANDS—It is not wise to prophesy before we know, but the work will not be proceeded with until we are certain it can be done effectively. Although the principal Act contains power for acquiring for closer settlement lands on the Murray and “high lands” adjacent to the lands which have been acquired as being lands adjacent to the Murray, there is no provision for adjacent lands which, by means of irrigation from the Murray, are capable of being rendered suitable for closer settlement, but do not come strictly within these descriptions. It is also desirable that there should be power to acquire lands which, though not “large estates” within the meaning of the principal Act, are capable of being rendered suitable for closer settlement by means of drainage works. The new sections proposed to be enacted by clause 5 will give power to acquire both of these classes of lands in the same way as lands adjacent to the Murray are acquired. In the one case the recommendation of the Surveyor-General and the Director of Irrigation and Reclamation Works will be required before acquisition; and in the other, the recommendation of the Surveyor-General and the Engineer-in-Chief. I have been struck in the South-East with the difficulty the State has to acquire land that has been drained on satisfactory terms. If the drainage has been carried out, it means that the State has to pay for the work, and then if it wants to secure possession, it has to pay for the improved value of the land given to it by the drainage.

The Hon. Sir Richard Butler—If you cannot get it at a fair value you should take it compulsorily.

The COMMISSIONER of CROWN LANDS—I am encouraged by that remark, because I feel we have not sufficient power at present. I hope we can improve the position in regard to this matter. If the Government purchased the land before the drainage is complete it has to pay interest on the construction before the land is improved, and we are trying to arrange for the owner to make an agreement to sell the land and remain in occupation until the work is carried out. The price will be fixed, but the purchase money will not be paid until possession is taken. Section 168 of the principal Act gives the owner of a “large estate” which is acquired for closer settlement the right to retain for himself land in one block, or, if that is not convenient, in several blocks, provided the total does not exceed £20,000 in value. The effect of this right to retain in several blocks is that “the eyes of the country” can be picked out, so that the acquisition is rendered of little value. Clause 6 restricts the owner to the retention of land in one block. There may be something to be said in favor of getting a man an extra price because he is being deprived of his home, but we do not want anyone to stand in the way of the progress of a district, and it does seem that additional powers should be given to deal with estates exceeding £20,000 in value. We are not going so far as Sir Richard Butler, when he thinks we ought to have the power to take the lot. We do not wish to bring that controversial factor into this measure when it might prevent the passage of the Bill through another House, especially at this late stage of the session. We do not desire any delay, in view of the importance of several of these clauses in their relation to highly important matters dealing with some transactions that have already been negotiated. I have a report from the Surveyor-General, in which he points out that this provision of the £20,000 being retained by the owner, and in a number of different blocks, practically makes the compulsory clauses of the principal Act a dead letter, because an owner can thus pick the eyes out of the country, and so make the estate unproductive for closer settlement. With respect to clause 7, section 170, off the principal Act, which sets out the method in which land acquired becomes vested in the Crown, requires that the purchase price shall have been paid or tendered; gold is legal tender and so are Australian notes; but it would be an extremely difficult thing always to tender either one or the other. The orders on the Treasurer specified in Clause 7 are the usual means of payment by the Crown, and that clause provides that the tenderer of such shall be sufficient tender for the purposes of section 170. I can assure honorable members that there is no objection on the part of owners to accepting Treasury orders as legal tender. In fact, land is being offered to us all over the State, and all that is being asked for is for Treasury bonds in full and no cash required. It is satisfactory therefore, to know that there will be no objection to taking these orders. In connection with clause 8, sometimes whenlands are acquired for closer settlement it is necessary to make certain improvements thereon, especially by means of drainage or irrigation. There is power by section 178 of the principal Act, in certain circumstances, to grant miscellaneous leases of such lands prior to agreements therefor being entered into; but that provision is too cumbersome and inelastic for the purpose of granting a right of occupation for such a limited period as is sufficient for carrying out the improvements abovementioned. Claues 8 is merely for the purpose of enabling the Commissioner to allow the owner to remain in occupation under terms agreed, or, if he does not wish to remain in occupation, to arrange for short tenancies by other persons pending the improvements. Clause 9 is inserted to overcome a difficulty which hasarisen in connection with the acquisition of certain lands in the hundred of Cadell on the River Murray. The circumstance are set out in the preamble to the clause. The mistake was made of appointing arbitrators and allowing them to proceed in the matter without appointing a Judge of the Supreme Court to act with them, as was required by section 17 of the Closer Settlement Act, 1910. One consequence of the mistake is that the time limited by the Act within which the land may be acquired has expired without any formal arbitration having been completed

The effect of Clause 9 is simply to rectify this error, and too extend the time for acquisition so that an arbitration can be formally carried out, and the purchase money, as determined by the arbitration tendered to the owner.

Mr Angus—There would be another Arbitration

Court appointed.

The COMMISSIONER of CROWN LANDS Yes. If we do net pass this clause the whole of the Arbitration proceedings will have to be gone through again and another 12 months’ notice will have to be given. Under the Arbitration Act the Judge was brought in is arbitrator, and a member of the Land Board and an outsider were appointed under the Arbitration proceed- They disagreed, and a Judge of Supreme Court was brought in as umpire. It now transpires that he shold be a member of the Arbitration Board. It seems to me to be one of technicalities which sometimes prevail, and which, for all practical purposes, amount to the same thing. I am sure honorable members will recognise there is need to proceed with this work at an early date. I trust honorable members will pass this clause, as the machinery has been ordered, and a great of the work already done. I gave a false impression just now when I spoke of Treasury bills. I should have said Treasury orders—either Aus- notes or Treasury orders. I trust honorable members will assist us in securing the passage of this Bill, because it is one which will very much facilitate the operations in connection with closer settlement, and enable us to deal very much more speedily with the lands for closer settlement purposes. We are looking forward with every hope of settling people on the land in happy and prosperous conditions.

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The Hon. O’LOUGHLIN secured the adjournment of the debate until December 8