**LAND SETTLEMENT BILL 1944**

**Legislative Assembly, 8 November 1944, pages 327-9**

Second reading

**The Hon. G. F. JENKINS (Newcastle—- Minister of Agriculture)—**This is one of the most important measures we have had for a long time and deserves the earnest consideration of all members. It sets out, in the first instance, to establish a land settlement committee very much on the lines of the Public Works Standing Committee. In the drafting of the Bill the draftsman has followed very largely the provisions of the Public Works Standing Committee Act, making only such adaptations as are necessary to fit it for the purpose desired.. The necessity for legislation of this kind has arisen to a great extent because modern agricultural science has proved that a great deal of land in our better rainfall areas is capable of development. I have in mind particularly the greater part of Kangaroo Island, which has an abundant rainfall. Previously the opinion held by those who knew anything about agriculture was that this land was not suitable for development because of its poor nature, but agricultural science and research has shown that it can be developed to a stage where it will carry from 1 1/2 to 2 1/2 sheep to the acre. As the country in question is free from drought it particularly lends itself to the settlement of returned soldiers. There are other areas which are more or less similar, some of it on the lower portion of Eyre Peninsula and a considerable area in the South-East. It is with particular regard to such areas that this legislation applies.

In addition to the land I have referred to, and which the Bill describes as undeveloped land, there is also in the South-East particularly a considerable area of land, held in large blocks, which is capable of great development by the sowing of subterranean clover and other pasture plants and top dressing. This land is held in such large blocks in many cases that the owners are precluded from doing the developmental work. Hence the Bill provides for the compulsory acquisition of such lands and lays down the conditions on which purchase can be carried out.

As the Government realized that this problem of land settlement is a big one and would involve the State in heavy expenditure, it was decided to appoint a land settlement committee. The development of 250,000 acres on Kangaroo Island suitable for settlement will probably mean the expenditure of £1,000,000, because it is not the policy of the Government merely to survey the land and then allot it to soldiers or other applicants, leaving to them the sole responsibility of development. Our policy is to clear or partly clear the land, sow it down to pasture, fence it, probably erect a homestead and then, when the land is in a stage of productivity, allot it to men at the assessed value at that period.

Mr. Pearson—Will it be cleared by contractors, or will the allottees be allowed to carry out the work?

The Hon.. G. P. JENKINS—It is intended to carry out clearing under the contract system. The Government felt that it was most necessary, in view of the magnitude of the public funds involved, to appoint a Parliamentary committee to deal with the question. I think members will appreciate the necessity of a committee of this kind and the value of the work it can do, particularly when they realize the importance which is attached to the reports of the Public Works Standing Committee. I do not think any member would suggest repealing the Public Works Standing Committee Act. Members look forward at all times to reports of that com­mittee and I am sure that the reports of the proposed committee will be regarded with the same degree of interest.

The object of this Bill is to provide legislative machinery for promoting the settlement of land. It deals with two main topics-—namely, the establishment of a Parliamentary Committee on Land Settlement and the acquisition and settlement of under-developed land. These two topics are, to a certain extent, linked together, because an important function of the committee will be to recommend the acquisition of land. I will first explain the constitution and powers of the committee. As regards its membership, the committee closely resembles the Public Works Committee. There will be two members of the Legislative Council on it, and five members of the House of Assembly. Its term of office will be approximately five years, i.e., until December 31, 1949. It is not proposed that the committee will be a permanent one and there is no provision for the appointment of any further members after the end of the year 1949. A member of the committee will continue to hold his office in the interval between two Parliaments, but if not re-elected he will be superseded after the election, by a new member holding office for the balance of his term.

The Governor will appoint a chairman of the committee; and if the chairman is at any time unable to act, the other members may appoint an acting chairman. Five members will make a quorum, and the committee may appoint subcommittees. The remuneration of the committee will be the same as that of the Public Works Committee, namely, a salary at the rate of £400 a year for the chairman, and £250 a year for the other members. The usual provisions are included as to the appointment of a secretary, the keeping of minutes, power to inspect land and take evidence, and to appoint assessors.

The duties of the committee are set out in clause 22. They are as follows:—•

1. To inquire into any land settlement proposals referred to the committee by the Gov­ernor;
2. To make recommendations as to the acquisition of land under the Bill;
3. Any other duties relating to land settlement which are conferred on the committee by the Governor.

It is also provided in clause 22 that if the Land Settlement Committee reports on a pro­ject, that work need not be referred to the Public Works Committee. That proviso was inserted because there are some works about which there may be doubt as to which committee should report. As an instance, the irrigation and drainage problem at Loxton which has been referred to the Public Works Standing Committee So it will be within the power of the Government to decide to which committee it shall refer the subject and then it will not be necessary to refer it to the other committee.

Clause 23 provides that certain types of land settlement proposals must be referred to the committee. This provision is on the same lines as the corresponding section of the Public Works Standing Committee Act. If a land settlement proposal is estimated to cost more than £30,000 and involves either the purchase or compulsory acquisition of land for settlement or the improvement of land intended for settlement, legislation authorizing the proposal cannot be introduced until there has been an inquiry by the committee.

Clauses 24 to 30 of the Bill deal with acquisition of land for settlement. The first stage in the process of acquisition will be a declaration by the Minister that a particular area of land is under-developed land for purposes of the Bill. Before such a declaration is made the Land Board must be satisfied that the land proposed to be acquired has not been developed to such an extent as is reasonable, and that it is desirable that the land should be acquired for development and settlement. The next step is that the Land Settlement Committee must recommend that the land be acquired. In making this recommendation the committee will of course have a free hand to consider all rele­vant factors—not merely the suitability of the land and the prospects of successful settlement, but also the question whether it is equitable to acquire the land having regard to the manner in which the owner has used the land. Clause 26 provides that the Compulsory Acquisition of Land Act will apply, with modifications, to the acquisition of land under the Bill.

The main principle of the Compulsory Acquisition Act is that in the event of a dispute as to the amount of compensation between the owner and the acquiring authority, that amount will be settled by the ordinary law courts, unless the parties agree on a single arbitrator. The compensation payable under the Act is the value of the land, including compensation for severance. The Bill, however, lays down special rules to be observed by the courts in assessing compensation for land acquired under the Bill. The first of these rules is that no compensation will be allowed for severance. The second is that possibilities of further improving the land will not be taken into account by the court in fixing its value. In other words the value must be based on what a person would give for the land assuming its permanent productive capacity to be that which it has at the time of the acquisition, and making no allowance for possible increases in productive capacity brought about by the making of further improvements.

Mr.Thompson—It will not go back two or three years.

The Hon. G. F. JENKINS—It would be unfair to make no allowance for productive work done two or three years previously.

Mr. Thompson—The owner might not have been able to do much productive work within the last year or two.

The Hon. G. F. JENKINS—I do not imagine the committee would recommend the acquisition of land where it is proved that a man has been doing satisfactory development work. During the present period it is difficult to get supplies of superphosphate for top-dressing and the owner might be able to show that during the years he was able to get supplies he did his best to develop his land by top-dressing it. A third modification of the Compulsory Acquisition Act is that the period within which the owner must commence legal proceedings for compensation after failure to agree with the government as to the amount is reduced from fix months to three months. This principle has been introduced to meet the possibility that land may be urgently required for soldier settlement. Clause 27 provides that the price offered for land must in every case be recommended by the Land Board. This clause, however, only applies to the price offered by the Government in the first, instance and not to the amount fixed by the Court in the event of the parties failing to agree. If the question of compensation goes to the Court, the Government will be bound to pay the amount awarded.

Clause 28 provides that land acquired under the Bill may be allotted under the Crown Lands Act, i.e., on lease or agreement, or under , the Crown Lands Development Act of last year, this latter Act provides for the allotment of lands on perpetual leases containing such covenants and conditions as are approved by the Commissioner of Crown Lands. Clause 29 is a machinery provision only for dealing with the title to acquired land . Clause 30 enables the Commissioner or persons authorized by him to enter and inspect land and acquire information for the purpose of the administration of the Bill. This clause is necessary in order to ensure at the information required for formulating plans of land settlement can be secured. Clause 31 contains provisions as to regulations.

I am sure members will realize that they have before them a measure of considerable importance and I trust they will give it their full consideration in order that the desires of Parliament should be met in respect of the legislation to be comprised in this Bill. I move the second reading.

The Hon R S. RICHARDS secured the of the debate.