**CROWN LANDS CONSOLIDATION BILL 1876**

**House of Assembly, 5 October 1876, pages 1447-51**

Second reading

**The COMMISSIONER of CROWN LANDS (Hon. J. Carr)** said he could scarcely exaggerate the importance of this question. He would have ample time that afternoon to lay before the House the principal amendments proposed in the Bill and the great objects which it sought to achieve. Crown lands legislation had attracted a great deal of attention on the part of the Legislature for some years, and a great many Acts had been passed. There were at the time 32 in full force, together with a great number of repealing Acts; and the object of the Bill was to crystallize or consolidate all these measures referring to the alienation of the land, mineral leases, the granting of land to corporate bodies, &c. It was desirable that the whole of this legislation should be consolidated, and so put into an intelligible form; and he believed the Bill before the House would effect this object. He was not so sanguine as to suppose that the Bill would put an end to all further legislation on the subject; yet the Bill, if passed, would be found to improve existing systems, and it would give them an opportunity of making a good start so far as the future was concerned, facilitating, as it did. the operation of the land system in all its branches. (Hear, hear.) While the measure was to great extent one of consolidation, there were a great many important amendments comprised in its provisions. If hon. member turned to clause 27 they would find an extension of our credit system, which would be an improvement. The amendment carried out the same principles which had governed legislation on the subject in years past, and it placed the entire system on a better basis. At present, as hon. members were aware, when the selector had been declared the purchaser on credit, he paid 10 per cent, purchase-money, and that was regarded as the interest on three years. At the end of three years he paid another 10 per cent, as the interest for a further period, and it was now proposed to give a farther credit of three years upon payment of a like percentage, making the term of credit nine years in all. It was proposed to allow the personal resident, if he chose, to complete the purchase at the end of three years, instead of taking the second period of credit. Under the old system a provision existed whereby a selector, at the end of the second term, by paying half the purchase-money could hold the other half for a further term of four years on payment of interest, but this did not seem necessary when the period of nine years was given. The provision never had been of much use, because if a man could pay half the purchase-money he could readily borrow the remaining half. (Hear, hear.) He was not stating too much, he thought, when he said it was a matter of self-congratulation and thankfulness to him that this credit system had worked so well, considering that he had identified himself with Mr. Hay in the introduction of the system. At one period these land reformers had been considered in advance of their time, and he well remembered the small number of hon. members —he believed only eight, including himself, the Hon. A. Blyth, Mr. Townsend, and Mr. Bright- who went into the lobby with Mr. Hay on one occasion. “Truth was mighty and would prevail,” and the Act known as the Strangways Act, which was their first step in the direction of liberal land legislation, was very successful compared with Acts in other colonies aiming at the same object. (Hear, hear.) He knew there had been a great deal of dummyism in connection with the Act—Hear, hear)--but not nearly so much as in the other colonies. It was comparatively easy for the pastoral lessees to comply with the condition of residence by placing boundary-riders or shepherds in cottages on their selection, but it was not so easy for them to comply with the condition of cultivation, when this condition came to be more fully in force. This legislation had, however, been a success, inasmuch as it had accomplished the bare object to which it was devoted, viz., the increase of the area of agricultural land. In 1868 the land alienated was 99,000 acres, and at the present time the amount alienated in cash or credit was 864,000 acres, besides 163,000 acres held under ten years' lease at sixpence an acre. The melancholy results that they were told would occur to the proprietors and occupiers of land had not come to pass. They were told that the squatters would be ruined, but the squatters had never had a more successful time of it than since this legislation had been effected, though he did not say that their prosperity was owing to legislation, while he was certain that it had done them no harm. The pastoral lessees had never sold so much wool or paid so little rent as at the present time. Before 1868, when the land legislation was liberalized, they held 52,000 square miles, and paid £76,000 in rent, and now they held 120,000 square miles, and paid only £55,000 in rent. It was evident from those figures that the new legislation had not damaged the farmers or squatters in any respect. They had been told that the land in the neighbourhood of Adelaide would decrease in value, and that the occupiers of it would seek fresh fields and pastures new, and that it would be sold for a mere song; but they found that land so situated had risen in price, and when the Legislature was hardly criticised it would be well for those who criticised it to speak a word on its behalf for the good that it had done in land legislation. More useful legislation had been accomplished than the Real Property Act; and while he had only had a small share in the work, he gave the two Parliaments that had preceded this the credit for having accomplished in this direction more good for the country than any Parliament could now accomplish. One reason for the extension of the credit system was the well-grounded claims proposed by some occupiers for consideration, owing to circumstances over which they had no control. The selectors in the Hundred of Mount Muirhead were in this position, having to complain of damage which it seemed might have been to some extent averted with a little extra diligence on the part of the Government. This extension would, he thought, to some extent meet their claims. Although settlement in the North had been exceedingly successful, some wished consideration owing to the season, and they would find it, he thought, in this very proper extension of their tenure. A change would be effected by the 17th clause, which was the same as section 15 of Act 18 of 1872. He believed that the Bill was well drafted—(No)—except that there was a slight deficiency as to index, but when the Bill was passing through Committee he would be glad to see that all necessary information was furnished to hon. members. They meant to change the system of auction, which was so inconvenient under the present Act. Complaints of inconvenience at the Land Office were frequent two or three years ago, but the inconvenience had been to some extent obviated by the abandonment of the system of putting up only small blocks of land in widely separated districts. That prevented many persons from getting what they wanted, and gave people a great deal of trouble in travelling to see the land, and waiting about in the city, as they had often to do for a week, only to be disappointed. The Ministry of Mr. Boucaut, and he thought that which had preceded it, had made a change for the better by putting up large blocks of 50,000 or 100,00 acres on one day. That was the cause of the decrease in the average price of land, which hon. members would notice as having occurred during the past year or two, but there was still inconvenience at times. Last month a large block was offered in the Hundred of Curramulka, on the Peninsula. There were 270 applicants altogether, and of these 120 were disappointed in obtaining land. A great deal of land was left to be sold in the hundred, and those who attended the sale would have been glad to purchase it, but the present law did not allow them to deal with any except that opened for selection on that day. Consequently men, who had been several days in the city had to go home disappointed. He did not say that the plan the Government proposed would altogether obviate this, but it would lessen the competition, and do away with much disappointment. Those who tendered for the land would compete for the right of choice in a particular hundred, and the highest bidder would have the right of selection first. In that order the selections would be taken, the first person being allowed to select up to the limit allowed by the Act, which was two square miles. The selectors, in order to show their bona fides, paid 10 per cent, as a deposit. The system of competing for the choice of selection instead of for the land was, he thought, proposed in a Bill that Mr. Cavenagh’s Ministry had brought in, and had since been advocated by that gentleman. They also lowered the upset price of reclaimed land to £1 per acre by repealing Act 3 of 1872, and enacting that the upset price of reclaimed lands should be £1 per acre instead of £2 under that Act. To this would only be added the actual cost of reclaiming the land. There were a number of new clauses —46 to 50 inclusive were aimed against dummyism. (Hear, hear.) These he found in the Bill which had been drafted before he took office, and he had been at first disposed to consider them useless, seeing that the matter was left where it originally stood in the 57th clause, which was the 35th clause of Act 15 of 1872. Great powers were vested in the Commissioner of Crown Lands, and in matters of grave importance he would no doubt consult with his colleagues; but he thought from his own experience that the powers of the Commissioner of Crown Lands under the Bill were by no means too large to allow him proposing to deal with dummyism. These clauses would give him a better opportunity of ascertaining the truth by having persons summoned before Justices of the Peace and examined as to the facts of the case. In clause 55 the time allowed for selection before land could be sold for cash was extended to two years instead of one, and in this they were only making law what had for some time been the practice. It had been the custom for three or four years past to keep the lands open for selection for two years instead of one, and he took to himself some credit for assisting to bring about the practice. That he considered was a very moderate time to allow the real cultivators to make their choice before they threw the land open for cash. For the cultivation of the land he considered was a much greater object than the revenue, which was to be derived from the subject. Clause 62 would startle hon. members at first sight, it would seem so different in its provisions to the rest of the Land Bill. It was, however, only a provision of the old Scrub Lands Act reenacted, and schedule connected with it, remained the same as it was in the old Act except that some small portions of scrub lands which needed to be introduced into that schedule had been introduced. In clause 61 there was a provision allowing land to be leased for 10 years at 6d. per acre. That was provided in the Act of 1872, but it was a proviso allowing the lessee to purchase after one year’s occupation at £1 per acre. This provision it had been found had greatly favoured the capitalist. Farmers would have been glad to have cultivated the land if they could have rented it for 10 years at 6d. an acre; but capitalists competed with them, intending simply to hold the land for a year and purchase at the end of that time at £1 per acre. It was here provided that the purchaser could purchase at the end of ten years, and the farmer would be protected from unfair competition by the rent that would have to be paid in the meantime by the capitalist selector. (Mr. Coglin —“I don’t believe in that.”) The hon. member would believe in it when he saw the wording of the clause. Some objection he was sure would be offered to the provision extending the area that might be selected by one person from one square mile to two, but the matter had had full and careful consideration at the hands of the Government. It had been urged that as the farmers receded from the sea-coast they got upon somewhat inferior land. He did not, however, think that we had exhausted our best land, and thought that some of the best land in the colony had yet to be sold. (An hon. member— “ Where is it?”) He was sorry to say that the rainfall was not so certain in the good land to which he referred as it was nearer the coast, but that was a reason why the area should be increased; two square miles could be farmed with more advantage by one person than one square mile and farmers would become better able to stand a dry season. They had endeavoured in this Bill to enable the pastoral lessees to stamp out the evil of their grass being eaten down by stock falsely known as travelling stock. He knew that it was a difficult matter to deal with. They wished to give every facility to persons travelling stock to market, but the privilege of travelling stock over other people’s land had been so frightfully abused that the Government had been compelled to try to put down the abuse. A provision to clause 79 gave the Commissioner of Crown Lands power to charge six times the usual fee in the case of stock that were not really in his opinion travelling to a market, and in clause 85 they gave the lessee power to make a small charge for stock travelling across his run. The House he thought would say with the Government that the lessee should be protected from travelling sheep travelling simply to rob him of his grass, and the small charge would answer he purpose . When the stock got off the run of the lessee into travelling stock reserves the Government would try to meet him by a proviso to clause 136. Persons desirous of having the use of the reserves would have to apply for a licence from the Crown Lands Ranger and pay a small fee. All this would have the effect of placing travelling stock under control, and they would be in a position to winnow the chaff from the wheat. They would also try to introduce a new clause or clauses for the purpose of giving effect to a proclamation of 1858. Notice had then been given by proclamation that transfers of leases would be executed at the Crown Lands Office in a cheap and expeditious way, and that was done for some time, but it had been found that the proclamation had not sufficient authority to override the Act. They now sought to make that law, and enable the Crown Lands Department to also assist lessees in arranging boundaries. He would not touch upon the other alterations that would be made in the Act, but they were neither few nor small. The miscellaneous provisions of the Act had been considerably altered to secure simplicity of working. The mineral lease clauses, which would be found at Part V., beginning with clause 87, would be also much altered, and he thought that they would say that they conceded to the companies not more than was necessary for fostering and encouraging our mineral industry. Great advantages would be given to the lessees of mines which they did not at present enjoy. The working of the present system seemed unfair. The wealthy mines paid comparatively little in the shape of rent, though he knew that they paid a large amount under a very injurious system—that of lines for renewal of lease. For when the owners of a mine had to pay a heavy fine for renewal of the lease every fourteen years, and that this fine was calculated on the value of the mine, it was not in human nature to be expected that they would work the mine at its best during the later years of the lease. They found another class of mines that suffered under the present system, and those were the mines which he hoped had a good fortune before them—on which a considerable sum of money had been expended while no dividends had been realized—such mines as the New Cornwall, the Hamley, the Yelta and others. It seemed hard that they should be subject to a heavy renewal fine at the end of 14 years, during which they had been worked without profit, and when the public were the only gainers by the labour employed. The system of royalties which he had advocated in the past scarcely met the difficulty. They would be all right in the case of wealthy mines, but in respect to mines where a considerable quantity of ore was raised at a loss they would amount almost to a cruel infliction. The Government did not propose to charge royalty, but to substitute a smaller rent for the larger one, and also to levy a charge of 5 per cent, on the profits made.

Mr. COGLIN called attention to the state of the House. A quorum having been made u.

The COMMISSIONER of CROWN LANDS (Hon. J. Carr), continuing, said—I move the second reading of the Bill.

Mr. PLAYFORD moved the adjournment of the debate.

Carried.