**SCRUB LANDS BILL 1867**

**Legislative Council, 8 January 1867, pages 1445-18**

Second reading

**The COMMISSIONER of PUBLIC WORKS (Hon. T. English)** said it had been found desirable to table a measure for the purpose of bringing scrub lands into use. The Government in introducing that Bill had done so with a view of carrying out the express wishes of the Council. They had retained the practice of putting up land to auction, and, having passed the hammer, those scrub lands would be submitted to competition as leased scrub lands. A plan had been sent down, upon which was traced all that class of country, the greater part of which would come under its operation, except Yorke’s Peninsula and some other land which was of no use whatever. The Government had not included land intended for pastoral purposes, but only that description which the Hon. Mr. Barrow and others had mentioned when the matter was discussed in the Council. He trusted that the Bill would meet the views of hon, members, and that it would be passed.

The Hon. J. H. BARROW said that, having introduced the subject, perhaps the Council would indulge him for a few moments while he made some observations upon it. That Bill had its origin in the application of a number of agriculturists resident in the Bremer and Mount Barker Districts, who thought if scrub lands could be made available they might be able to cultivate them. That Bill was, then, not the result of any political idea. It, first of all, ran in the minds of the farmers themselves, about 20 of whom waited upon the Commissioner of Crown Lands, and represented to him that if they could get such land upon easy terms they would be prepared to take it up. It was not intended to include any portion of any leased land in the possession of the pastoral lessees of the Crown, or to infringe upon the rights of others; but simply to take up laud unoccupied at present, and which no one would occupy in its present state. The matter had been carried through another House, and it was now presented to them. He should support the second reading, but at the same time must point out that the Bill was defective. It no doubt granted what the deputation asked for, because there were farmers in the Districts of Bremer and Mount Barker who spoke of the particular land mentioned in the Bill; but when a Bill for leasing scrublands was brought in others would want to avail themselves of it, and take up the land in other districts which were not included. The Willunga and Port Elliot and Strathalbyn scrub land was not included in the Bill. The Commissioner of Public Works had said it contained nearly all that scrub which was of any use. As to what land was or was not of use, that point should be left to the settlers themselves to determine. He knew one fanner living near the Strathalbyn Scrub who would be prepared to take up a portion of it, and he was much surprised to learn that it was not included. He (Mr. Barrow) accepted this as an instalment, not that he meant it was the thin end of the wedge to lease the Crown lands altogether, but as far as scrub lands went. There was no reason why in granting the Murray Scrub, parties should not have other land if even still more worthless. He did not know if it was competent for the Council to extend the schedule of the Bill. Essentially it was a Money Bill, as it dealt with the disposal of the waste lands of the Crown, and must be considered as affecting the revenue. If they were to enlarge the schedule it might be said they might as well go further and bring in a new Bill. He wished to see the principle, as far as it was just and right, carried out, so that all classes of the colony might benefit by it. It was no use to tell a settler at Port Elliot that he could have scrub land at the North Rhine when he wanted it close to his own holding. It was the contiguity of such land to their own holdings that made it valuable to the farmers For some months of the year the farmer had no employment for his labour, and during such time he could work to advantage in reclaiming the scrub land. He was sorry in this respect that the Bill had not gone further, though he should support it as it stood, because in another session Government and Parliament he did not think would object to bring in a supplementary measure to carry it further if the present trial proved successful. He had received some communications from persons interested, who complained of the 5th clause. By that clause all land to be leased was to be put up at auction, and any person who liked could go to the Land Office and levy black mail, while the bon& fide agriculturist might be shut out from sharing in the benefit of such advantages which were intended for him. The objection was that the leases should be put up to auction. It was not like land that was already cleared for occupation. He wished particularly to bring those two points under the notice of the Council—first, that the schedule was not extensive enough, because it did not include all scrub lands, which it was the intention of the Legislature it should do; and in support of this he would refer to the terms of his motion on the subject. On the 20th November he (Hon. J. H. Barrow) moved — “That in the opinion of this Council it is desirable that a Bill be introduced into Parliament during the present session for the purpose of enabling farmers to occupy and reclaim certain tracts of inferior country in this province now useless and unoccupied.” The question was put and passed. We hoped it would be understood that next session the schedule would be enlarged. The other point was the selling the lease by auction, by which it was alleged speculators might deprive agriculturists of the benefit of the Act. He should support the Bill, but would be glad if it could be amended so as to remove those objections.

The Hon. J. T. BAGOT was not prepared to argue the question whether an amendment such as that suggested could be made; but was willing to abide by the decision of the President on the matter. He should oppose any amendment which would have the effect of throwing the measure out, although agreeing with the Hon. Mr Barrow that it did not go far enough. Other portions of land should be included in the schedules; and if this could not be done this session, he hoped the Government would take steps for extending the benefits under the Bill early in next session. The experiment should be fairly made; and it could hardly be said that this was the case under the present form of the Bill, scrub lands adjoining the settled districts should be thrown open under its provisions, and every opportunity be given of ascertaining whether the farmers were in earnest on the subject. With regard to clause 5, he was satisfied that the difficulties pointed out by the Hon. Mr. Barrow would not arise if the Government vigorously and carefully attended to the sales of the leases. He should support the second reading, as well as the insertion of additional words in the schedule, if it was competent so to do.

The Bon. J. BAKER should vote for the second reading, although he was not satisfied that the Bill would prove a great benefit to anybody. He believed that generally speaking the farmers were too shrewd and too conversant with the character of the Murray Scrub to clear that for purposes of cultivation. If they went there with that object they must either have great faith in prayers for rain or in something else with which he was not acquainted, for, however much might be spent in clearing the land, grain could not be produced upon it without rain. He knew of many instances in which no rain at all fell on the other side of the Bremer Ranges, although this side of them was visited with plentiful showers. On the subject of interfering with pastoral runs, he might state that he had leases in that neighbourhood; but he would consider it quite right if agriculturists, or any other person likely to make a better use of it than he himself did, should want the land that they should have it. He would be willing, therefore, to include in the schedule land within leases as well as outside of them, for he took it that pastoral tenants held their runs on the understanding that they would be deprived of them if a more profitable mode of occupying them and a mode more advantageous to the public offered. The only particular in which the Bill might interfere unduly with vested rights was in the matter of commonage, and it would be scarcely fair to place commonage rights in the hands of persons who had not entered into competition for land at auction. To allow this would be an infringement of their land principle which might prove rather dangerous. Either the provision touching this question must remain inoperative or it would prove a source of danger. At present, however, much injury from this quarter need not be apprehended. The operation of the Bill was limited to certain blocks of country; and while there might be such land as the Hon. Mr. Barrow alluded to as abutting on the sections proposed to be leased in quantities up to a square mile in the Hundreds of Monarto, Freeling, and perhaps Brinkley, he did not think that any would be found in other hundreds. The country coming under his description was only to be found in isolated parts, and where it was covered with pine forests his belief was that it would be better to retain those forests than destroy them under this Bill. If labour were cheaper, they would, he was of opinion, yield a profitable article of export. Several years ago he had some trees tapped, and the report on the produce was that it was equal to the material obtained from America. The only question involved was the cost of extraction, and it was possible, as labour became more abundant, these pine forests would acquire a greatly increased value. This being so it would be very unwise to destroy them for no purpose whatever; for certain it was that unless the plains on which they grew were irrigated with water from the Murray their cultivation would be an endless source of loss. There was not a square mile marked oft' on the map which would form a profitable agricultural farm. Still if the farmers wished to have the land and make the trial, by all means give them the opportunity, for without question the country would be greatly benefited if the land was brought under agricultural occupation. It was not likely, however, that persons would resort to the scrub when there was plenty of good land available. It would be found that in England, and in the moors of Scotland even—where labour was abundant—there was plenty of country unreclaimed; and did it not appear folly to encourage persons to go into the Murray Scrub and spend money which might be much more judiciously invested elsewhere?

The Hon. H. MILDRED concurred in many of the remarks of the Hon. Mr. Baker, but it must be remembered that much of the land in the North towards Port Wakefield had been reclaimed from its original scrubby character, and now bore splendid crops. The experience in this locality might be repeated elsewhere; and if it was found desirable to extend the provisions of the Bill so as to include more country, this could be done early next session. He thought it would be dangerous for them to attempt to interfere with the present mode of parting with the land. It was by far the best test, and tended to put down jobbery if land was put up for competition in the block. The restrictions introduced into this measure would he believe have the effect of giving the farmers the exclusive benefit and not throw the country open to speculation and jobbery. He hoped the council would agree to leave the Bill as it was, as an amendment might seriously jeopardize its passing. He had for years advocated that certain lands in the country should be leased at a nominal rental of 1s.per acre for 14 years, with right of purchase, and his belief was, that if that plan had been followed thousands of pounds would have been brought into the Treasury, and hundreds of thousands more acres would now lie occupied profitably. He had long held the opinion that the Murray Scrub would furnish good crops, and it was confirmed by what he had heard respecting the country in the Port Wakefield district. It was well known that the mallee root contained moisture, and he had frequent opportunities of practically testing this fact. He supported the motion.

The Bill was read a second time.