**CROWN LANDS ACT AMENDMENT BILL1879**

**House of Assembly, 14 October 1879, pages 1411-22**

Second reading

**The COMMISSIONER of CROWN LANDS (Hon. T. Playford) moved** the second reading of “A Bill for an Act to amend the Crown Lands Consolidation Act and the Crown Lands Act, 1878.” He said that one of the most difficult problems Parliament had had to solve was how to obtain a fair value for the Crown lands sold—a good price for the best lands, and a lower price for the inferior lands. When the system of deferred payments was commenced the lands were sold by Dutch auction. A hundred was put up at a price the Government thought the best of the land was worth, and week by week it was reduced till it reached the minimum of third £1 an acre. Selectors were in the meantime able to take the land at the price they thought it was worth. That system had not been tried long before it was found unequal, and the House altered it. They then adopted limited auction. When a new hundred was opened persons desirous of taking up land there filled in their forms applying for individual sections, and if two applied for the same section that section was put up for auction, which was limited to the persons who had applied for that particular section, the right being given to those who did not get the whole quantity they desired to throw up what they got. That system was tried for a time; but, like its predecessor, it was found unequal, as selectors might get two or three sections they wanted and then be run up to too high a figure for the rest. When the Consolidating Land Bill was introduced a further alteration was made for the purpose of enabling a selector to get his land in one block and at a fair price. A whole hundred was put up, and the bidding was for the choice of any particular section, with the right of taking the adjoining sections at the same price. This system had been in operation two years, but it had failed to give satisfaction. If hon. members had gone through the report of the Select Committee they would see that the Committee recommended an alteration in the mode of disposing of the Crown lands. With hardly an exception the whole evidence was decidedly against the present system, entirely on the ground that the persons bidding for choice were practically bidding in the dark, and that persons who had land in an existing hundred and wanted to take up some adjoining in the new hundred to make a compact block, allowed themselves to be run up to a high figure lest they should lose the land, and afterwards discovered that the person bidding against them wanted land in quite a different part of the hundred. The two men were thus bidding against each other when they were really wanting different blocks, and by this means they were induced to bid higher than they otherwise would do. He had no doubt that many cases of that sort occurred, and it did seem rather hard for a man who was desirous of getting a particular section to be run up very high by auction and then to find that the person who had been running him was able to get land immediately afterwards at £1 an acre because no one run him, the land wanted being on the other side of the hundred. In order, therefore, first, to get the highest price for the land, and, secondly, to give the selector power to take up contiguous sections, the Select Committee recommended a modification of the system of auction for choice; that land should be put up in the same way as at present, with this exception, that the best land in the hundred should be put up first. The surveyor would hand to the auctioneer immediately before the sale a list of the best sections in the hundred, and the bidding would be for individual sections, with the right, if the person got the land knocked down to him, to take the contiguous sections until he got what he required at the same price. That would practically limit the completion to two, three or four sections, as the case might be, in proportion to the quantity in which the land had been surveyed. By the Act now in existence no section could be of greater area than 500acres; so that a selector desiring to take up the maximum of 1,000 acres would have power to take up at least two sections on one bid; but as sections were very frequently surveyed of smaller area than that, it might, therefore, be fairly stated that the number of sections practically, though not actually, put up would be three, and that would limit the competition to the radius of two or three sections round the section being put up. He considered that would be an improvement on the present system, and to a certain extent remedy the only evil which resulted from the present system, or what was supposed to be an evil by the selectors. But it would not be an actual cure, for it would not enable persons who wanted to get land in a new hundred adjoining their present selections to make sure that they were going to get contiguous blocks, because it might so happen that the very first section in the new hundred put up might not be the one contiguous to the one he held, but a section or two further off; and the person who had the right of choice by having the section knocked down to him would be able to select two or more sections, which might not be the contiguous ones. There would thus be a certain amount of uncertainty in the matter. But it would never do to put up sections singly without the power to the person to whom one was knocked down to take contiguous sections to make up his block, because otherwise they might scatter a man’s selection all over a hundred. He might be outbid, and sooner than buy what he wanted in the first instance he might prefer to actually take land a considerable distance apart, and by that means considerably increase the working expenses of his selection, and therefore they had to give the selectors bidding the right of taking contiguous sections, and the right which was given them under the limited auction system, if they did not get the whole of what they wanted to throw up what they did get. He thought that this recommendation of the Select Committee, which he himself approved, would work on the whole perhaps better than the system of auction for choice. He failed to see in what way they could prevent undue competition in many cases. He knew that people who went in for land had extremely opposite views as to the value of land. (Hear, hear.) Any person who had acted as agent for selectors knew that when a new hundred was open for selection he very often had requests from his clients to bid for certain blocks of land for which one was not willing to give more than 25s., another 30s., a third £2, and a fourth £4 or £5 *.* He knew that the system they proposed to adopt would give the department immense trouble, and he had no doubt it would cause a great deal of dissatisfaction outside, because with every desire to do what was right and proper, and to put up the best section in the hundred, selectors would always hold all sorts of different opinions on the subject, and some might even go so far as to say that the section, instead of being the best, was the worst. But yet he thought the system worthy of a fair trial, and it would to a certain extent curtail the evil attendant on the present system of auction for choice. If hon. members would look at the Bill and compare the clause with the clause in the Crown Lands Consolidation Act they would see that very little alteration was made in the wording. The words “auction for choice” had been taken out, and with a very few other alterations the recommendation of the Select Committee could be grafted upon the present mode, and all the forms would be continued which had given universal satisfaction so far as the working of that system was concerned. The next point that the Bill proposed to deal with was the celebrated thousand-acre clause. When introducing the Bill of last session he was reported in “ Hansard” as saying with regard to clause 25 of the Crown Lands Consolidation Act, providing for the maximum amount of land which might be taken up—“The first point to be noticed was in respect of clause 25, which made no provision in cases where persons holding only a portion of the quantity of improved land allowed by the Act might take up the balance in country lands if they wished to do so. That clause stated that any person might hold 1,000 acres of country land or 640 acres of improved land, but it made no provision in case pf a person holding say 300 acres of improved land who wished to make up the balance with country land. Then another point in the Bill was that it prevented any person from holding 1,000 acres of ;and at any one time, and at the same time it was retrospective in its effect, for it computed in the 1.000 acres, all land that might have been held for years previously. Some thought that no alteration should be made in the law, while others thought that there should be no limit to the holdings; and there were others again who believed in limiting the holdings, but would not be retrospective in computing the quantity of land which might be held. He and his colleagues in the Ministry numbered themselves with the last-mentioned class.. In passing the Crown Lands Consolidation Act the House determined that 1,000 acres should be the limit which any person should be allowed to select on credit; but clause 25 was drafted in such a way that land which had been held under previous Acts was also computed in the 1,000 acres, and many persons who had completed their purchases of holdings which they had taken up in early days and sold out with the idea of being able to take up larger holdings found that their previous holdings were computed against them as regarded the 1,000 acres, and he consequently brought in last year an amending Act, and, to make it clear, as he thought at the time, he put in that no person should be able to hold more than 1.000 acres upon credit at any one time, and that land held under previous Acts should not be computed against him. That was, that he should be allowed, under the Crown Lands Consolidation Act, to hold 1.000 acres irrespective of any land he previously held. (Mr. Boss— “ That was the intention of the House.”) The Surveyor\*General considered that it was intended by Parliament that, a man should be able to hold 640 acres under an old Act, and at the same time 1,000 acres under the Crown Lands Consolidation Act, making his holding at any one time 1,040 acres. He (the Commissioner) and the House never intended anything of the sort. The Surveyor- General thought so, and allowed some people to take up the increased area, but that had been rectified since. He (the Commissioner) thought it well to take the advice of the Crown Solicitor upon the point, and he held a directly opposite opinion to the Surveyor-General, holding that the word “agreements” in the fifth clause would mean all agreements under the Crown Lands Consolidation Act or any previous Acts, and he read it that in computing the area of land which any person might be entitled to hold under that Act there should be deducted therefrom all that he held under previous Acts. That was just the point which he (the Commissioner) intended to cure, and thought he had cured, but the Crown Solicitor considered he had left it quite as vague as it was before. The Attorney-General was inclined to the same opinion, the Treasurer held a different opinion, and the consequence was that it was necessary to cure doubts upon this particular clause, and that he should make it as clear as possible that in no case should a person be able to hold more than 1,000 acres, deducting all land that he might have held under agreements prior to the passing of the consolidating Act of 1877. If hon. members would turn to the Bill they would see that it practically re-enacted the fourth clause of the Act of 1878, with the exception that the words "at any one time” were inserted after “credit” in the eighth line; and then, to make the matter quite clear, the sixth clause stated—“ Any person who shall have selected since the passing of the Crown Lands Consolidation Act the maximum area of land allowed under the provisions of sections 4 and 6 of the Crown Lands Act, 1878, shall not be entitled to make any further selection of land upon credit.” He proposed to amend this in Committee by adding— “Provided that land surrendered under clause 30 of the Crown Lands Consolidation Act shall not be computed as part of the selection so made.” If the Government accepted the surrender of a selector’s agreement he did not think the House desired to compute its area against the maximum which a man might hold on credit under this Bill. It might be said that in bringing forward this Bill he might also have included in its provisions the recommendations of the Select Committee on the land question. and he should have been very happy to have done so, but that it would have required an immense amount of time , labour, and consideration on his part which he could not possibly devotee to the subject. When he pointed out the recommendations of the Select Committee hon. Members would see that they involved fundamental alterations of the present Act; in fact to give effect to them the easiest way would be to re-enact the whole of the existing provisions relating to credit selection. One of the recommendations of the Select Committee was that power should be given to selectors to leave their selections for six months at a time when seeking for work, or on account of sickness or temporary absence from the colony. Another was that a transferor should not be debarred from selecting for five years, if he had not already exhausted his right of selection. A third, that a selector who held 1,000 aces should not be allowed to also hold 3,500 of scrub lands. A fourth, that small runs be let for mixed holdings (grazing and cultivation) when too far from port or railway for ordinary farming. That was introducing a new system altogether—one he had had in his eye for years, and was extremely desirous of giving effect to, but he felt that the limit must he reached by the farming population before they do that. Then the Committee recommended that when the second and subsequent instalments fell due selectors should have the option of paying 4 per cent, interest in advance, or the 10 per cent, interest in advance for three years as at present. That was a very considerable alteration of the existing law, and even supposing he agreed with every word of it it would require a great deal of care before the Act was altered so as to give practical effect to it. And then the Committee recommended the granting of the option to selectors at the end of the ninth year to pay one fourth of the purchase money, and the balance to remain by paying interest at the rate of 6 per cent, in advance lor eleven years, with the right of completing purchase at any time during that term. He opposed that on the Select Committee. He should have been quite willing to have embodied in the Bill, if he bad had time to give to the subject the due consideration it demanded, a number of tire recommendations of the Select Committee; but what with the Electoral Bill, the business of his office and the House, and other matters which he was bound to bring forward for the consideration of the House, his time was so fully occupied that be could not properly have introduced a Bill giving effect to all the proposed amendments this session. He therefore only proposed to meet the two points which undoubtedly required attention at the earliest possible time, and he proposed early next, session to introduce a Bill giving effect if not to all to some of the recommendations of the Select Committee.

Mr. BOSS did not quite understand the Commissioner. He said that although the whole of a hundred would be offered for sale practically only three sections would be put up.

The COMMISSIONER of CROWN LANDS (Hon. T. Playford) said the department would put up what they considered to be the best section in the hundred first, and the bidding would be confined to that section. The person to whom it was knocked down would have the right if he desired to take up the adjoining sections at once at the same price. Practically this would be offering in a great many instances more than one section, because the selector would have the power, which he would very likely exercise, to take up more than the one section, and in some instances three or more sections could be taken up under the one bid.

Mr. WARD gave the Commissioner of Crown Lands every credit far desiring to remedy what was acknowledged to be a defect in the present system of biding for choice. He quite admitted that it was a mistake, though to some extent he might be made responsible for it. But he was very doubtful whether the amendment the Commissioner proposed would do any good; further, he was doubtful whether it would not absolutely do harm. If he provided that a particular section in a hundred should be put up for competition in the first instance, and the man who secured the first block had the right to take up the maximum quantity afterwards from the sections surrounding it, he questioned whether a man would not be induced to give a higher price than he was now tempted to give, and that was what he desired to avoid. The hon, member for Yatala further pointed out that under this system of indicating one section which was to be competed for, with the right to take other sections, one man, who wanted a section perhaps half a mile off, would be pitted against another who wanted a section in the middle of the hundred, and a third who one perhaps on the other side of the hundred. But the main argument was that selectors would be induced to give higher prices than they were now tempted to give.

Were there any sound reasons for insisting on this change? (Mr. Furner—“The farmers want it.”) He was a farmer himself, and he took the liberty of speaking for the farmers, and he said they very often did not know their own minds—(laughter, and Hear, hear)—and they very often were in favour of something of which they did not clearly see the meaning. They were led away very often by popular cries and popular agitation—(laughter)—and they were very often induced to give their adhesion to something which was against their own interests, and opposed that which was really for their own good. (Some hon. members—“Physic ! and laughter.) He would ask the Commissioner in his reply to say whether he had considered this point, and whether he was prepared to assure the House that personally he considered this a solution of the difficulty, and whether it was not probable that the effect of the alteration would be to make prices higher than they were at the present time. Mr. Furner had just now said that the farmers themselves had been asking for this alteration, and that such men as Mr. Michael Kelly and Mr. Patrick Heath, of Laura, were all for a change; but what did the farmers want if we went so far as to give them what they desired? They wanted the Parliament to adopt the Victorian system of selling the land at £1 per acre, and making the instalments part of the purchase-money. They had been inundated with petitions for this purpose, but it would be most unreasonable to do that. As we had obtained credit ourselves that could be properly given to the farmers; but as the Government had to pay interest the credit could not fairly be given to the farmers without interest. The reason our system had been superior to other systems was that that principle had been followed. The Commissioner of Crown Lands had told them the other day that the South Australian system was better than that of Victoria; but why was it better? Because we did not sell the land for less than it was worth. If we did that we would have the people going in for gambling over it—men who were entitled to select doing so at £1 per acre and transferring to men who were willing to pay them more. That was done in the case of a great deal of land in Victoria, and the selector’s profit was made at the expense of the colony. (Hear, hear.) His objection to the law as it at present stood was that there was a tendency to get more than the fair price of land, and he felt that the present alteration would not be an improvement. He thought that clause 6 in the Bill was not one that should be passed, and that the Commissioner of Crown Lands ought to have it struck out. If they were going to provide that a man who had selected 1,000 acres of land should not be allowed to select more they should not make any exception; but he did not see why a man who had selected a thousand acres and improved them and complied with all the conditions, should not be allowed to do the same thing over again if he chose to do so. He hoped that the Commissioner would be able to give a satisfactory answer to the House on the first question he had raised, and that he would strike out clause 6. He was opposed to unlimited transfer. He knew that it was very easy at present to obtain permission to transfer, and it was therefore urged that it would be well to make it unlimited. But he did not think that they should pass a provision that would encourage a shifting population. It was much better that men should have an interest that made them settle on their freeholds for the purpose of making their home there. (Hear, hear.)

Mr. CAVENAGH thought the Commissioner of Crown Lands seamed very much in the position of the old man and the ass, for the farmers were dissatisfied with all the plans that had been proposed, and he had no doubt would be dissatisfied with this too. We wanted a scheme under which the farmer would get his land in one block, so that there should be no collusion, and that the land put up should fetch a fair price. In the present proposal he thought that for blocks first put up twenty or thirty persons would be bidding, as they would be interested, and that it would only answer the case of two men who wished to get blocks on opposite corners of a hundred, who of course would not bid against each other. So long as the conditions were complied with Mr Ward thought that a man should not be restricted to the selection of 1,000 acres, but thought that transfer should be unlimited, and that a resident population could hardly be got in a new country, while a population with more movement and life was more likely to suit it.

Mr. BLIGHT thought this was an honest attempt on the part of the Commissioner of Crown Lands to grapple with this question, and that on the report of the Select Committee it was well to do away with auction for choice. He knew that Mr. Ward had brought forward this provision, but like most others he had made for the benefit of the farmer it had required to be altered. Bidding for choice in the dark was a bad thing, and now the farmers would know what they were bidding for, as the best would be put up first, and he did not see why it should not work well. It was true, as Mr. Ward had said, that our system was better than that of the colony of Victoria, but it was not so long ago since Mr. Ward had been holding the latter system up as something that was well worthy of being copied. He did not see why the country should not have the full value for its land, especially when the farmers got it on such easy terms, and he had no sympathy for the class of men who wished for credit selection without interest. He would support the second reading of the Bill, and hoped that the recommendations of the Committee would be carried out.

Mr. ROSS was glad to find that the Commissioner of Crown Lands had only taken up two main points to be treated in the Bill. Before long another Bill for the amendment of the law would have to be brought in, and it would then be necessary to alter these provisions, but he would have no hesitation in voting for the Bill. He thought it would secure as nearly as possible a fair market value for the land, and he did not see why any other principle should be followed. It was monstrous that we should make railways and roads and build bridges, and at the same time sell the land to the farmer below its fair value. In New Zealand a railway had been made in the Middle Island through a tract of country not sold, and when the land was put up for sale it had sold so that the Government were repaid the outlay upon the railway by the improved value of the country. (Hear, hear.) That is what should be done here. As to the clause limiting the extent of selection, he thought it was necessary to clear the provision of any ambiguity, and that it was liable to be misconstrued had been proved by the misconception of it on the part of the Surveyor-General-

Mr. FURNER said he would support the second reading of the Bill, though he was not sure that the alteration to be effected would be an improvement, but he thought it fair that the Bill should have a trial. With the hon. member for Gumeracha he could not see any reason why a person who had fulfilled all the conditions and improved the land he had taken up should be debarred from taking up more because he had selected 1,000 acres.

Mr. W HITE would support the second reading of the Bill. The evil in the present system of auction for choice was that the farmer was bidding for something that was not a reality. What people wanted mostly was to know what block they were bidding for, and this amendment, he thought, would provide for that. As to giving people the right to select more land after having selected and improved 1,000 acres there were differences of opinion, but he thought we should be as liberal as possible with persons who took up land for the purpose of producing from it articles which could be exported.

Mr. HARE was surprised that his colleagues in the representation of Wallaroo should not be more united than they were over this matter. He thought the Bill a step in the right direction, and consequently would support the second reading.

Mr. COGLIN thought that it would be very necessary to amend the Land Act very considerably next year. With reference to the 6th clause, by which a previous selector was excluded from the privilege of selecting land, he thought that the principle it contained was wrong. No selector with a large family could do with less than from 1,200 to 1,500 acres of land. He also thought that there should be a clause inserted in the Bill to have the 10 per cent struck out altogether. He did not even that 6 per cent should be paid in advance. He did not find much fault with the Bill; but he hoped that he would live to see the day when a new amended Land Act would be passed. The hon. Member for Gummeracha , who professed to be the mouthpiece of farmers, knew nothing about farming, and his views were reprobated by the farming community generally. Victoria would not be populated as it was to-day had it not been for the liberal land laws of that colony.

Mr. LANDSEER would have no objection to support the Bill before the House. One of the features of the present Land Act which many farmers objected to would be met by this Bill. He had no doubt that hitherto many farmers had been induced in ignorance to bid for land which they absolutely did not want. This Bill would enable a man to know exactly for what he was bidding, He could not endorse the view that all land should be sold at £1 per acre. Farmers themselves were the best judges of the value of the land they desired to purchase, and he could not understand why the State should sell the land for less than its value when it was expected to provide all other conveniences. Whilst that difficulty existed he thought that the land laws should remain mainly in their present condition; but he had no objection to the removal of the difficulty which now existed amongst would-be selectors as to knowing exactly what land they were bidding for. He would support the measure as it stood.

The COMMISSIONER of CROWN LANDS (Hon. T. Playford) said that the hon. member for Gumeracba (Mr. Ward) had asked him whether this Bill would improve the position of selectors. He understood the hon. member to mean would it prevent undue or unfair competition. He could not say whether the Bill would do so or not, but he thought that it was a scheme which certainly bore upon its face the promise to do away with undue competition to a considerable extent. However, as it was impossible to make every man sensible by Act of Parliament, he had not the slightest doubt that people in the auction-room would very often still do foolish things, but he considered that the scheme was well worth trial. The great majority of selectors approved of it as one that would at all events limit the competition to a very great extent— as one that would not increase the price of land or multiply the evils of the present system. If this scheme were found to fail then they could revert to the auction for choice, or resort to some other system. The hon. member referred to clause 6, and asked that it should be struck out. That clause was the law of the land at the present time. The particular question affected by that clause was fought out when the Crown Lands Consolidation Act was before the House in 1877, when the principle in question was affirmed by a majority of the House. If they allowed a man who had taken up 1,000 acres on credit to again select on credit after he had purchased his first selection, they allowed him to compete with new and young selectors who had never yet had a chance to obtain any land, and the advantages were unduly in favour of the old selector. Land for agricultural purposes was limited and was getting more limited every day. He thought that it was only fair that they should say to a man who had already selected 1 000 acres on credit " You have exhausted your powers as far as obtaining land on credit is concerned. Let others have a chance.” The reasons why the previous Acts were alluded to he had fully explained when moving the second reading of the Bill. Last year they had affirmed the principle that if they introduced a new provision debarring men from selecting more than a stated quantity of land they had no right to make that provision retrospective. Therefore, they now excluded persons who had taken up land previously to the passage of the Crown Lands Consolidation Act.

The motion was carried, and the Bill read a second time.