**CLOSER SETTLEMENT BILL 1910**

**House of Assembly, 2 August 1910, pages 219-22**

Second reading

**The TREASURER,** in moving the second reading, said the main principles of the measure were sanctioned by members of the Government Party, and also by certain members of the Opposition. Even those who might require provisions of the Bill to be different should feel they were with the Government in respect to the main principles, particularly as he believed some of them were committed to closer settlement and compulsory repurchase. The Bill was substantially the same as that carried by the Assembly, but rejected in another place in 1905, and again introduced in the Assembly in 1906 and 1909. In 1906 the second reading debate was not concluded, and in 1909 it was not reached. A few alterations had been made. The main principle of the measure was contained in clause 7, which gave the Commissioner of Crown Lands power to compulsorily purchase certain lands under certain conditions for the purpose of closer settlement. He, of course, already had power under part X. of the Crown Lands Act, 1903, to purchase lands for that purpose where the owner sold voluntarily, and the Bill only

referred to voluntary sales incidentally. It had been found that the Commissioner’s power had not been sufficient in some cases. Under the existing Act many large estates had come into the hands of the Government, some at rates which had been profitable and others possibly at not quite so profitable a price. Taking them as a whole, however, the bulk of the purchases had justified themselves. The total area repurchased was 508,313 acres, and the purchase money paid was £1,230,260. That was exclusive of the land repurchased in connection with reclamation of swamp lands on the River Murray, which was 13,996 ½ acres, for £52,738. A considerable amount of land was still in large estates, which in the interests of the public required sub­division. Some had certainly been reduced, and the Federal Progressive Land Tax might have the effect of inducing others to subdivide, but necessarily the Government required power to repurchase an estate if it should be so desired. The number of closer settlement blocks offered was 1,459, and for them there had been about 7,000 applications, including those from people who had applied possibly on more than one occasion for different blocks. The number of settlers on the repurchased lands was about 5,000. Some whose repeated applications could not be satisfied had unfortunately left the State. The great demand for land in the settled districts was shown by the number who sent applications for the blocks in Koonoona and Wepowie Estates. The land at Koonoona (8,862 acres) was offered in 36 blocks, for which there were 402 applicants. (Mr. Young—“Twenty applications from one person in some cases.”) Even so, but for each block there was a large number of applications indeed, and many had to go away with their land hunger unappeased. In connection with Wepowie Estate, 7,947 acres was offered in 14 blocks, and applied for by 137 persons. The Bill provided for the compulsory purchase of large estates and lands adjacent to the River Murray which were suitable for reclamation. A large estate was defined in clause 4. When the same owner or owners owned land which in the aggregate exceeded £20,000 in unimproved value, the land so owned, or any part of it, was what was called in the Bill a large estate. Land was not to be deemed adjacent to the River Murray and suitable for reclamation except on the Surveyor-General’s certificate (clause 7). He was sure Mr. Butler particularly, who had done excellent work in connection with the River Murray, would recognise the urgent necessity for having power to purchase lands along the River Murray. One owner out of perhaps half a dozen concerned in a large swamp might refuse to part with the land, and the Government would be unable to purchase the whole swamp. The first step in the procedure for acquiring land under the Act was for the Commissioner to give a preliminary notice .to the owner of his proposal to acquire the land and his intention to inspect the same. After four weeks the Government valuators might enter and value the land. The immediate effect of the Commissioner’s notice was that he thereby acquired a right to purchase the land within 18 months, notwith­standing any intermediate dealings with it, and within that period the notice bound all persons interested in the land; provided that if the land was under the Real Property Act the notice must be registered. The next step was a notice to the owner of the Commissioner's intention to acquire the land, stating the amount at which it was valued and the price he was prepared to pay for it. Then followed two clauses to prevent an unreasonable exercise of the Commissioner’s power. Clause 13 gave the owner the right to retain, out of the large estate as to which final notice has been given, land in one block not exceeding £20,000 in value, exclusive of the value of the buildings. And clause 14 gave the owner the right to prevent the Commissioner from taking part of his estate and leaving the rest, so that the owner could not be left with land which it was undesirable to hold in consequence of other land being taken. That only applied in ease of adjoining land. There was similar power under the Pastoral Act. The provision was a reasonable one, because an owner did not want left on his hands only undesirable land. Those rights must be exercised, if at all, within six months after the final notice. After the expiration of that period and within 18 months after the preliminary notice of intention to acquire the land, unless the owner had in the meantime transferred the property to the Government, clause 15 empowered the Governor, by proclamation, to declare that the land was compulsorily taken. Thereupon it became Crown lands, and the Registrar-General on receipt of a copy of the proclamation made all entries necessary for evidencing the vesting of the same in the King and cancelling the certificates of title. It might be asked where it was necessary to acquire land compulsorily at present. In the south-east there were certain large estates which would largely benefit by the system of drainage to be carried out, partly at the expense of the Government. It was therefore advisable to have some power to acquire lands that had been rendered fertile, so that they should be utilized to the fullest extent. The fixing of the price to be paid was dealt with in clauses 17 and 18. (Hon. R. Butler— '‘Weakest clauses in the Bill.”) No, the strongest. A better valuation would be secured. In the past the estates had been under-assessed. While the Taxation Department was theoretically liable, it was impossible to ascertain the exact value of country throughout South Australia. (Hon. R. Butler—“But the fluctuations are extraordinary.”) There had been frequent assessments in connection with the estates adjoining them. If an owner desired to get a fair value for his land he had only to pay a fair tax upon it, and the Government was prepared to add 10 per cent. This was a considerable advance upon the improved value. Unless the parties agreed within one month after the vesting of the land in the Crown (which time, however, the Commissioner had power to extend), the price was to be fixed by an arbitration under the Crown Lands Act, section 216, in the usual way. The price was to be the fair value, as defined in clause 4—i.e., the land tax assessment of the unimproved value, plus 10 per cent, thereon, plus the value of the improvements; and to protect the owner against any injustice, if his land tax assessment was too low, he might at any time appeal on that ground under clause 6. The award of the arbitrators, or umpire, was final, and might, as usual, be enforced as an order of the Supreme Court. It was provided by clause 20 that the owner might, if he desired, retain possession of the land for a period not exceeding six months after the vesting thereof in the Crown, the price being liable to reduction on account of any damage or depreciation of improvements which occurred during such occupation. Finally, clause 23 excluded land in the Nor­thern Territory and within the City of Adelaide from the operation of the Act. The alterations which had been made in the Bill since it was last introduced were the following:—That (1) the former Bill provided that the preliminary notice of intention to acquire the land took away for nine months the owner’s power to dispose of his land without the Commissioner’s consent. The present Bill accomplished the same ob­ject in another way, namely, by making the notice binding on all persons, and giving the Commissioner power to take the land within the prescribed period notwithstanding any intervening dealings with it. 2. The provisions of clause 14 were new. This clause gave the owner the right, within six months after the final notice of intention to acquire was given, to require the Commissioner to take any adjoining lands of which he was the owner. It would be readily seen that without such a provision the Act might work unfairly. The clause was adopted from the Victorian Act of 1901, and was a distinct improvement to the Bill. 3. The former Bill enabled the Governor to make the proclamation vesting the land in the Crown at any time after one month from the final notice of intention to acquire. This might not give the owner ample time to exercise his powers under clauses 13 and 14 to select what (if any) block he desired to retain and what (if any) adjoining lands he desired to have taken and to give the necessary notices. The time had therefore been increased to six months, and in consideration of that extension of time the period for the exercise of the Governor’s power to proclaim the land had been extended to 18 months after the preliminary notice. It was formerly nine months, which, in any case, was rather short. 4. The former Bill allowed the owner to remain in occupation of the land for nine months after it had been acquired by the Crown, but as the Bill in clause 15 allowed the owner six months’ ownership (instead of one) after the final notice of intention to acquire, clause 20 allowed him six months’ further occupation instead of nine. If anything, the Bill was more liberal than the Bills of the kind introduced previously. Most members of the House were committed to some such measure. Any differences of opinion regarding the question of valuation, or others of detail, could be adjusted in committee. He trusted the time was not distant when members in another place would be ready to sanction the principle. It had been wanted for years. It had been the hope of his party and the Liberal and Democratic Union in 1905 that the measure would be given effect to. Still they were waiting, however. The appeal from one end of the State to the other was for land, and that the large estates should be subjected to the people’s needs. They had been told often that South Australia required population. There had been activity in urging immigration as a means to that end, but when their own farmers’ sons were compelled to go out of the State to find land to settle on, what was the use of bringing in immigrants to make more competition for what land was available? Their farmers’ sons had made the pioneer farmers of lands in New South Wales, Western Australia, and Victoria. Members of the Wheat Commission had attended a lecture in New South ,Wales by Mr. Sutton, the wheat experimentalist of that State, in which the speaker had mentioned that a large number of South Australian farmers had come across the border with their wives and families and settled in New South Wales. Working the land in many instances on half-shares, they had by a better system of farming often out-stripped their competitors. The lecturer had added that South Australian farmers were the “best we ever knew. They taught us how to develop the land.” In Victoria evidence had been given by an ex-member of the Assembly that before South Australian farmers came across to the Wimmera district the Victorian men did not know how best to utilize their land. He had given an instance of a couple of poor farmers from this State who had taken up a little bit of country on which it had been considered impossible to make a living. But they had utilized it properly, and had shown that they could get more off that little area than some of the neighbouring farmers could get off double the area. In Western Australia a whole district had been taken up by South Australian farmers. There had been an exodus there. Mr. Miller had told the House how he had gone through the western districts of Queensland and found South Australian farmers even there. The Government was opening up Crown lands as fast as it could. Unfortunately there was not a surveying staff sufficient to cope with the Crown lands of the State. The Government had had to offer better inducements to its surveying staffs to remain with it, because Western Australia was asking for surveyors, and would take fully 20 if it could get them. A. surveyor could not be trained in a few months. The Government was actually trying to get a man from New Zealand, and was prepared to take them from anywhere, to push on with the surveying of lands. Private surveyors in the State had more work then they could cope with, and were earning splendid salaries. Besides, it was not satisfactory to have private surveyors working with Government officers. The Government had not the same hold on them, and if their work was unsatisfactory it had to be done all over again. He did not suggest, of course, that the private surveyors were not capable men. That difficulty of surveyors was one of the great obstacles to opening up Crown lands, and made it urgent to unlock the large estates. Never had there been a bigger demand. New railways had been opened which ran through or on the fringe of some big estates; and these lands could not compare in railway revenue production with the farming lands. Mr. Butler had pointed out that when the Yongala Estate was opened up the extra railway revenue at Yongala had been more than sufficient to pay the whole of the interest on the cost of the purchase. (Hon. K. Butler—“And I was criticised for purchasing it.”) It was one of the best purchases Mr. Butler had ever made. Farmers were now paying heavier railway freights than would be justified if the large estates were opened up. It was-not wise to build lines through deserts or lands allowed to remain practically as deserts, so far as railway revenue was concerned.

On the motion of the Hon. R. BUTLER the debate was adjourned till August 4.