**SCRUB LANDS ACT AMENDMENT BILL 1867**

**Legislative Council, 27 August 1867, page 446**

Second reading

**The CHIEF SECRETARY (Hon. H. Ayers)** moved that this Bill be read a second time. The Scrub Lands Act of last session had been found to work satisfactorily in some respects, a considerable number of leases having been disposed of at rents considerably above what could have been expected, as in some cases there had been considerable competition, and other large areas of scrub land had been disposed of at fair rates. But the Act was defective in this particular, that there were no means by which the Government! could dispose of the lands which had passed the hammer without offering them again at auction. In regard to lands offered for actual sale, they could be taken up at the upset price after they had passed the hammer, and the object of the Bill was to make the same provision in respect to the scrub lands, and to provide that fresh leases may be issued in respect to lands held under previous leases, but which became forfeited in consequence of the lessees failing to fulfil the covenants and conditions of such leases.

The PRESIDENT (Hon. J.Morphett), in reply to the Hon. W Parkin, said he did not consider this to be a Money Bill, as it did not provide for the appropriation of any part of the revenue.

The Hon. J. T. BAGOT thought the operation of the Act of last session should have been enlarged by extending it to other districts. He, however, had much pleasure in supporting the present motion.

The Hon. J. BAKER did not intend to oppose it, but he would like the opinions of the law

officers of the Crown, which had been that day transmitted to the Council, to be read.

The Clerk of the Council read the document referred to. (See above.)

The Hon. J. BAKER continued. He believed that the legal opinion just read would have the effect of preventing litigation in the country; and at any rate it was desirable that when a man obtained a lease of land he should know precisely what terms it had been granted. He thought also that the opinion of the law officers met the justice of the case. The Bill provided that the Government should have power to deal with forfeited leases, but it should have gone further. Those who failed to fulfil the covenants of their leases should be held liable, and the penalties should be strictly enforced, as otherwise parties would come in and take up large tracts of land merely because it was offered upon such easy terms, and upon the supposition that the Government would not take the trouble to enforce the performance of the covenants of the leases. And not only so, but they would claim their rights of commonage to the detriment of the holders of purchased land. (Hear, hear)

The Hon. J. H. BARROW had the honour of introducing the Bill of last session in accordance with the recommendation and suggestions of a number of agriculturists who waited upon him, and represented to him that the scrub lands adjacent to their holdings would be valuable to them if they could obtain them upon easy terms, so that they might be able to clear and reclaim them by degrees, and at those times of the year when they could best spare the labour required for that purpose. The only thing they now com­plained of was in respect to the surveys, which were commenced in the heart of the scrub, four or five miles away, instead of being made adjacent to their farms. It had been pointed out to him that the land was of no use to them unless they could obtain it near their present holdings. Complaints were made that the Act faded to accomplish the object for which it was intended, because the surveys were made at too great a distance from the farms. A second objection was that the scrub lands selected were too limited. Why should they confine the operation of the Act to one locality? Why not deal with Willunga and Port Elliot scrubs as well as that of the Bremer? These were representations made to him by practical farmers. He hoped they would have an amended Act applicable to all the scrub country in the colony, and that it would be properly surveyed. The present system was only a mockery. The farmers must have the surveys brought up to their present holdings, or it would be of no use. (Hear)

The Hon. T. HOGARTH said he thought if it was intended to give the lessees of scrublands under the Act the same privileges of commonage as those possessed by the purchasers of freehold land, it would be decidedly unjust to the latter. He wanted to know if this was the case. (Hear.)

The Hon. Captain BAGOT saw a difficulty in carrying out the Hon. Mr. Barrow’s plan. Who was to determine what was scrub land and what was not? ( Mr. Barrow—“The Surveyor-General") Was he then required to find scrub land near every man’s farm? That was simply impossible. They who wanted to occupy land under the Act must, except in a few instances, go some distance.

The CHIEF SECRETARY (Hon. H. Ayers) said the Hon. Captain Bagot had answered the Hon. Mr. Barrow. It was simply impossible that surveys of scrub lands should be brought down to every man’s farm. The Surveyor-General would justly be blamed if land worth more than £1 an acre were declared scrub lands only worth 10s. a mile, as he must do if he brought the survey close up to every farm. (Hear.) A square mile of purchased land was worth £640, the interest on which at 10 per cent, was £61, while the rent of a square mile of scrub was only 10 s. It could not be expected therefore that land worth £640 a mile would be given for 10s. rental, in order that the farmers might have the land close up to their sections. The leases gave the Government power to enforce their conditions, just as pastoral and mineral leases did, and those conditions would be enforced in all cases when it was thought desirable. Those who leased scrub lands were required by the terms of their lease to remove a certain amount of timber every year, and it would be the duty of the Government to see that those terms were fulfilled. (Hear.)

Carried.