**WASTE LANDS ALIENATION BILL 1872**

**Legislative Council, 7 August 1872, pages1826-30**

Second reading

**The CHIEF SECRETARY (Hon. H. Ayers)** moved that this Bill be read the second time. The laws for regulating the alienation and sale of the waste lands of the Crown had more than any other subject occupied the attention of Parliament and the public during the last four years. The Act No. 14 of 1868-9, generally known as Strangways’ Act, effected a great alteration with respect to the occupation and alienation of the wastelands. Under its provisions and those of the amending Acts, No. 4 of 1869-70 and No. 27 of 1870-1, a vast area of land had been selected, occupied, and cultivated. The selections under these Acts from the 6th September, 1869, to the 31st July, 1872, seven days ago, comprised no less a quantity than 583,330 acres, for which the total amount of the purchase-money agreed to be paid was £745,267 14s., the interest alone being £90,390 19s. 3d. These figures were a striking proof that the changes made by those laws had been favourably regarded. They had also encouraged settlement in distant parts of the province, where few persons ever expected to find the country applied to purposes of tillage. The measure to which he invited the attention of the Council that afternoon sought to continue the same principles as those contained in Strangways’ Act. The Bill would not alter those principles, but its objects were to enlarge them, and to amend slight defects which had been discovered in practice, and which it would be wise to remove. The Bill dealt with all the unsold and unselected lands in the province south of the line popularly known as Goyder's line of rainfall, which line was defined in the first schedule of the Bill, excepting therefrom such lands as had been already, or may hereafter be, dedicated for a lawful purpose; and also all lands leased with a right of purchase under the Scrub Lands Act of 1866. The land coming within the operation of the Bill was designated as “waste lands,” and were to be surveyed before selection. The Bill sought to repeal all existing laws with regard to the alienation and sale of waste lands, as set forth in clause 4. The first of these was No. 5 of 1857. The first 11 clauses of that Act related to the alienation of land, and were entirely repealed; but there were nine other clauses in that Act having reference to pastoral and mineral leases and to timber licences which were not repealed. The next Act was No. 18 of 1858, only one of the clauses of which, namely, No. 5, was repealed. That clause gave to the Governor authority to fix a higher upset price upon suburban land than the lowest upset price fixed for waste lands. The other clauses applied to annual leases, to commonage, and to various licences. The Act No, 14 of 1868-9, already referred to, and the two amending Acts—that was to say, Mr. Strangways’ Act and the two Acts passed to amend it—were altogether repealed, and their principles were embodied in this Bill. With regard now to the price and different descriptions of land. Country land—that was “all surveyed waste lands not being town, township, or suburban lands, reclaimed lands, improved lands, or reserves”— might be sold upon credit for not less than *£1* nor more than *£2* per acre. Then, also, reclaimed lands, which were “all waste lands reclaimed or improved by means of Government expenditure upon drains or other public works and proclaimed as such,” might be sold upon credit at not less than *£1* an acre in addition to the estimated cost of reclaiming them. Improved lands—that was to say “all waste lands on which improvements have been made by selectors or lessees from the Crown”— might also be sold on credit at not more than *£2,* or less than £1 an acre besides the value of the improvements. As to the 10 per cent, to be paid on application in addition to the improvements, that was to be regarded as three years’ interest in advance upon the purchase-money. Within fourteen days of the termination of the three years another 10 per cent, had to be paid, which would be regarded as a further payment in advance of three years’ interest on the purchase-money. Then, at the end of the six years the purchase-money might be paid and the grant obtained, or the purchaser at his option might pay half the purchase-money and have an extension of time not exceeding four years for paying the balance, he paying in the meantime annually in advance at the rate of 4 per cent, thereon. Then the provision was made that a selector, who was a bona fide resident upon the land selected, who had made improvements to the value of 10s. an acre, and otherwise fulfilled his agreement, would be entitled to pay the purchase-money at the end of the first five years. This gave to those in actual residence the liberty to pay one year sooner than those not in residence. The provisions as to what improvements were to be made would be found in the agreement in the 4th schedule to this Bill, and as they were not very different from those required under the existing law, he need not refer to them in detail. A new feature was that personal residence had been dispensed with under certain circumstances. He referred hon. members to the 23rd clause, where the cases were described in which this held good. That was a new feature in the Bill, and he believed it would be an acceptable one to the Council. He found that their neighbours in Victoria, who were in advance of them in land reform, had found it necessary to allow substituted residence. A measure was now before the Parliament there not only copying their Bill in that respect, but also increasing the size of the blocks of land allowed to be held by one person from an area of 320 acres to 640 square acres.' The limit of holdings to persons under this Bill was 640 acres, in not more than three separate or detached blocks, although provision was made that if precisely that amount could not be obtained in three blocks it might be extended to 60 acres more, providing the extra acres were paid for by cash. Then followed various provisions as to selectors’ agreements, the transfer of agreements, and for revoking agreements if the conditions had not been fulfilled. This brought them to Part 3, which referred to “alienation and sale by auction for cash or credit.” Lands which had been or might be offered at auction and not sold might be sold for cash or credit by private contract at not less than the respective upset prices. Township and suburban lands must be sold by auction for cash and not upon credit. Country lands which remained unselected might be offered for sale at auction for cash or credit. The period for selection under the existing law was two years, but under this Bill was one year. If any remained unsold for five years it might be leased in blocks of not more than 3,000 acres for 10 years, at a rental of not less than 6d. per acre, with a right of purchase during the currency of the lease at 20s. per acre, such leases were to be offered at auction to the bidder of the highest annual rent. But no lands would be sold by auction until a statement of them had been submitted to Parliament. Special country Jots were “any single section or block of country lands which may be surrounded by sold or selected lands, and which shall have been heretofore offered for sale and not sold.” Hon. members were aware that in many parts of the country there were isolated sections unsold which did not come under the area system of Strangways’ Act, as that measure set aside certain districts for areas to be selected from. These block were disregarded by persons wishing to select land because they were too small, but it was necessary for them to be dealt with by the Government. Under this Bill they would be offered for sale as occasion required by auction for cash or credit with the exception of suburban or town lands, which must be sold for cash. Then followed a number of clauses containing regulations for working out that part of the Act. They then came to the fourth and last part, which applied to general matters and procedure, including in clause 47 the right of selectors under repealed Acts availing themselves of consolidating or surrendering their agreements, and taking new agreements under this Bill. It also dealt with cases of unauthorized occupation of land by fraud. These were some of the general features of the Bill in its important aspects, and he congratulated the Council in having to submit such a measure to them as that which he held in his hand. With the divided views held on this subject—commencing with those who desired no change whatever in the existing law, and extending to those who called themselves advanced land reformers—most conflicting opinions obtained, and it was something accomplished to submit a Bill, after it had undergone 13 weeks' discussion in another place, which might be considered generally acceptable, and which very fairly respected the interests of all those immediately concerned in it. A great and complex question such as this could not be easily settled. It had taken up much attention in this and the other colonies, and he trusted no hon. member would expect to find all his particular ideas embodied in the Bill, he must be satisfied if a great many of his views were there, and must not expect that in legislating upon the subject all views could be met. It was only by a certain amount of compromise on the part of each that a satisfactory result could be obtained. He was pleased in submitting this measure, as he believed it would be found to respect the interests of all in a fair and liberal spirit. In the eyes of some it might not seem a more liberal Bill than Strangways’ Act, but that had been more successful than its supporters at the time expected; and the tables he had referred to, showing the results under that Act, he should lay upon the table, and move to have printed. Hon. members would then see what country people had taken up under that measure, and the confidence of the people generally in their land system as it was at present. He should not detain them with further remarks now, and if any hon. member should point out something he ought to have referred to, but failed to, he should have the opportunity of speaking upon those points by-and-by. He now moved the second reading of the Bill.

The Hon. T. ENGLISH seconded, not merely in a formal manner, but because he believed the passing of this Bill would set at rest—at least for some years to come—the question which had been so long under discussion, namely the disposal of the waste lands of the Crown. It was a subject of great importance, and on that account it demanded all possible attention from hon. members. Because of its importance, too, he hoped there would not be more delay in passing the Bill than was necessary for proper discussion. He remarked that during the session of 1870-1 a Bill of very similar character to this was introduced, but when it came to that House it was not so liberal in many respects, and the Council made amendments in it, which made it more liberal when it left them than when it came up to them. But they had made it too liberal in some respects, for those who were called the advanced land reformers voted against the amendments, and upon the amendment referring to personal residence threw out the Bill when it was on the threshold of passing. The measure was then returned and re-returned. At last there was a conference between the two Houses, at which the Council insisted upon their amendments, and that was the reason of that measure being thrown out after there had been six or seven months’ discussion upon it. He referred to this because hon. members would see that the Government in preparing the measure before them had considered what would be likely to pass that Council as well as the House of Assembly. (Hear, hear.) He admired the Treasurer for the boldness with which he had stated in another place, although it might strengthen the opposition, that the Government had brought in a Bill which was likely to pass both Houses. He thought it was not wise for the House of Assembly to spend two or three months discussing a measure which the Council could not admit, and the Government ought to get credit for introducing a Bill which included almost, if not all, the amendments previously made by the Council. He hoped the Council would pass the Bill and without amending it, because if amendments were made it would have to go back to the other House, and there were parties there who were not only willing to take advantage of every opportunity to delay the measure, but to throw it out altogether. He believed the passing of the Bill would be to the advantage of the country; and although there were some points in it he did not quite agree with, still he did agree with all the principles of the measure, and because there was a great deal of good in it he hoped it would be passed without delay, and the question be put at rest He did not intend referring to the clauses with the expectation of giving more information upon them to hon. members, but he would refer to some to show why he wished the Bill to be passed. (Hear, hear.) He would refer to clause 12, which provided that the highest price of land as first offered should be £2, and that the lowest should be £1. It was to come down by gradual reductions, and the mode in which they were to be made he thought must meet with the approval of the Council. Some might object that some of the land was worth more than £2, and in clause 16 a provision was made which would meet that objection. That clause referred to limited auctions. If more than one person applied for the same section, it was to be put up at auction between them not later than 2 o'clock the same day. That would partly compensate those who thought £2 too little for some of the land. He had no doubt that the Government would get the full value of the land, especially if three or four parties should compete for it. They had only to compete with each other, and not with those who wanted to get hold of the land for speculation. It was to go into the hands of bona fide settlers, and those who would really use it. The Chief Secretary had gone very lucidly into the matter, and had explained the Bill generally, so it was unnecessary for him to refer to clauses he intended to. But it seemed to him that the £1 estimated average price of land after the cost of draining or improving was allowed for was a very wise principle. There was also a privilege given to persons residing on the land. The privilege was not very great, only that they were able to buy the land one year earlier than those who did not reside on it. He thought therefore that there would be no objection to that. Personal residence he had always objected to, and it had not answered its purpose under Strangways’ Act, as a great many persons had dummied land and defied the Government. It had not prevented dummyism as it was thought it would. The provision for improvements to be made under this Bill would be a more successful prevention of dummyism than any residence clause. If the Bill had enforced personal residence he should have voted against it. The provision as to insolvents was also very good. The value of the improvements was to go to the creditors. That was a proper provision—(Hear, hear)—and likely to prevent injustice, for when an honest and industrious man failed to carry out his engagements the creditors would get the benefit of any improvements he had made on his land. Some objected to the Bill because parties could not purchase where they liked for cash. It was an improvement, however, that the land was only to be open for selection one year instead of two years. That was little enough for selection, but did not lock up the lands for too long a time. It might be said that during the one year the best of the land would be taken up on credit, and only the worst would be left for cash purchasers. He did not know how that could be avoided, still the one year for selection was better than two years. Clause 46 had been objected to in another place, and some voted against the third reading of the Bill because of it. The clause was not in the Bill as introduced by the Government, but was inserted on the vote of a large majority, he believed, without a division. But although some hon. members might not agree with it, he did not believe it would have the effect of dummying land to the extent some believed it would. They found that clause in the Bill, and seeing it was carried without a division, and seeing the third reading was carried although some voted against it on account of the clause, he hoped the Council would not throw it out, as if they did so it would endanger the Bill altogether. The public generally seemed to think that this measure would be good for the country. Public meetings had been held opposed to the Bill while it was before the other House; but they had signally failed by not giving any arguments against the measure, and they had never carried any important resolution showing that the measure would not be good for the country. He hoped the Bill would pass quickly, for if it was delayed much longer those engaged in agricultural pursuits would lose any benefit from it for the next season. He hoped members would not counte­nance delay on the plea of checking hasty legis­lation. It had been a long time before the other place, and hon. members had therefore had the opportunity of watching the progress of the measure there. The Victorian Government had found it necessary to make their land laws more liberal. They were following us in intending to increase the sections to 640 acres and in reference to personal residence, for they were going to give that up; and he saw no reason why they should not pass the Bill as soon as possible.

The Hon. W. MILNE hoped that the Chief Secretary would adjourn the debate to enable them to consider what had been said. He moved that the debate be adjourned until the next day.

Carried.