**LAND SETTLEMENT ACT AMENDMENT BILL (GENERAL) 1974**

**Legislative Council, 15 August 1974, pages 2675-6**

Second reading

**The Hon. A. F. KNEEBONE (Minister of Lands**) obtained leave and introduced a Bill for an Act to amend the Land Settlement Act, 1944-1973. Read a first time.

The Hon. A. F. KNEEBONE: I move:

*That this Bill be now read a second time.*

It has as its principal object the making of amendments to enable the principal Act to be consolidated under the Acts Republication Act, 1967. It also contains certain amendments consequential on or consistent with other legislation enacted by Parliament. Clause 1 is formal. In clause 2, paragraphs (a), (b) and (c) are consequential on the change of title from Commissioner of Crown Lands to Minister of Lands. Paragraph (c) strikes out the definition of “the Western Division of the South-East”. That definition, and other related and consequential amendments to the principal Act, were enacted by the Land Settlement Act Amendment Act, 1948, but those amendments have never been used in the administration of the Act. The Land Settlement Act initially provided, inter alia, for the acquisition of underdeveloped land either by agreement or by compulsory acquisition. The 1948 amending Act provided for the acquisition of any land in the Western Division of the South-East, whether the land was underdeveloped or not.

The Western Division of the South-East was defined in the schedule to the principal Act by reference to specific sections in various hundreds in the counties of Grey, Robe, MacDonnell and Cardwell, and that schedule was enacted by the 1948 amending Act. Many of those sections have since been renumbered and some have been subdivided; therefore, the description of the Western Division of the South-East as presently contained in that schedule is out of date and, if the schedule is retained in the Act, it would need considerable investigation to up-date it before the Act is consolidated, and no useful purpose would be served by such investigation as no land in the Western Division has ever been acquired nor is it intended that any such land will be acquired in the future. In other words, the schedule and all references to it in the Act are now a dead letter, and accordingly this Bill proposes to repeal them.

Clause 3 repeals section 10 of the principal Act which fixes the salaries of the Chairman and members of the committee. These salaries were last fixed in 1969, but are capable of being altered by regulation under the Statutory Salaries and Fees Act. The amendment of one Act by regulations made under some other Act is not a desirable procedure, and clause 3 enacts a new section 10 to provide that the salaries and rates of salaries may be fixed from time to time by determination of the Governor and, until the Governor determines otherwise, shall be the same as they were immediately before this Bill became law. This procedure would retain the same flexibility in the fixing of salaries without referring to any specific amounts in the section which would be capable of alteration and which would become out of date if amended by regulation under the Statutory Salaries and Fees Act.

Clause 4 converts two references to 20 miles in paragraphs (a) and (b) of the proviso to section 11 (1) to 32 kilometres, being the nearest practical conversion. Clauses 5 and 6 make consequential amendments. Clause 7 makes amendments that are consequential on the repeal of the Compulsory Acquisition of Land Act, 1925, and the enactment of the Land Acquisition Act, 1969. Clause 8 makes further consequential amendments. Clause 9 repeals section 27a of the principal Act. This is consequential on the repeal of the definition of the Western Division of the South-East by clause 2 (c) and the repeal of the schedule by clause 16.

Clause 10 is also consequential on the repeal of the definition of the Western Division of the South-East by clause 2 (c) and the repeal of the schedule by clause 16 Clauses 11, 12, 13, 14 and 15 are consequential. Clause 16 repeals the schedule to the principal Act which, as I have already explained, is a dead letter.

Later:

The Hon. M. B DAWKINS (Midland): The Hon. Mr. Story, in referring to the South Australian Meat Corporation Act Amendment Bill, referred to it as being a consolidation. This Bill could be described in the same way The Minister in his second reading explanation said:

This Bill has as its principal object the making of amendments to enable the principal Act to be consolidated under the Acts Republication Act, 1967. It also contains certain amendments that are consequential on or consistent with other legislation enacted by Parliament. Having examined the Bill in relation to the principal Act, I believe that was a fair and accurate statement. Clause 2 refers to the change of title from the “Commissioner of Crown Lands’’ to “Minister of Lands”. That occurs not only in clause 2 but in several other clauses throughout the Bill. It must be almost 20 years since the title of the Minister in charge of Crown Lands was changed from “Commissioner of Crown Lands” to “Minister of Lands”. Rather a long period has elapsed since it was necessary to make this correction. Clause 2 also seeks to do away with the definition of “Western Division of the SouthEast”. That Division was enacted by the Land Settlement Act Amendment Act, 1948.

The Minister explained that the amendment to which I have just referred has never been used and it is not intended that it will be used It also follows that the description of “Western Division of the South-East” presently contained in the schedule to the Bill is out of date. The Minister defined in some detail “Western Division”, and I certainly do not intend repeating what he had to say. I accept that it is redundant and that the Bill sets out to repeal that section of the principal Act Clause 3, too. repeals a section of the principal Act. being the section which enabled the salary of the Chairman and members of the committee to be determined. These salaries were last fixed about five years ago. At present the salaries can be altered by regulation under the Statutory Salaries and Fees Act. It is intended by this Bill to repeal section 10 of the principal Act and to insert the following new section: 10. (1) The Chairman and each other member shall be entitled to receive such salaries and at such rates as are from time to time fixed by determination of the Governor. (2) Until the Governor determines otherwise, the chairman and other members shall continue to be entitled to receive such salaries, and at such rates, as they were entitled to receive immediately before the commencement of the Land Settlement Act Amendment Act, 1974. I accept the contention that the fixing of salaries and allowances by regulation under the Land Settlement Act is much tidier than doing it under the provisions of another Act. The other clauses of the Bill are basically consequential amendments. One clause deals with a metric conversion and several other clauses alter “Commissioner” to “Minister”. At least two clauses make consequential amendments on the repeal of the Compulsory Acquisition of Land Act, 1925, and the enactment of the Land Acquisition Act 1969. In clauses 7 and 8 “notice to treat” is intended to be struck out wherever it occurs and be replaced by “notice of intention to acquire the land”. That is only to correct the situation, as the verbiage of the Land Acquisition Act. 1969, refers to the matter in that way. The remainder of the clauses are consequential on the consolidation that I mentioned at the beginning of my speech, and the Bill has my support. Bill read a second time and taken through its remaining stages.