**REGULATION OF WASTELANDS BILL 1857**

**House of Assembly, 12 May 1857, pages 93-9**

Second reading

The COMMISSIONER OF CROWN LANDS said, in moving the second reading of the Bill, it would be seen that it was not proposed to make any material alteration in the law existing up to the proclamation of the new constitution. The Bill was rather a curtailment of the old law than an alteration of its provisions. A clause in the old Act relating to special surveys was omitted, and the 4th clause of the present Bill was put in its place. With reference to the 5th clause, authorising the Governor to sell, he would observe, that there was no power to grant leases in the Bill; that the words were precisely the same as those of the old Act, and therefore the words were sufficient; as they had been construed as giving power to grant leases. There were but two classes of land (town and country) now instead of three—town, suburban, and country—as heretofore. Several matters provided for in the old Act, such as making payment in England, were now considered unnecessary, and consequently were omitted. Under the Act of 1846 (9 and 10 Vic.) a pre-emptive right was granted to the holders of leases under certain circumstances. They were never adopted in the regulations, and they were not included in the present Bill. He moved that it be now read a second time.

Mr HUGHESasked if the old rule of not expecting members to pledge themself to principles in agreeing to the second reading of a Bill held good in this House.

The CHIEF SECRETARYcould not lay down any principle for the guidance of hon. members.

Mr HUGHES would be obliged, then, to oppose the second reading of the Bill. The last clause struck at the very root of the principle upon which the colony was founded. It provided that the proceeds of the land sales should be paid to the credit of the general revenue. Under the old Act the purchaser of land had a know­ledge, that one moiety of the purchase-money went for public improvements, and the rest for the introduction of labour; but under the new system they would have no certainty of any advantage from the proceeds of the land sales. (Hear.) He considered that any purchaser of land should have a right to nominate parties as immigrants. He was not for the immediate outlay of the Land Fund, but he insisted that a portion of it should be kept sacred for immigration purposes, on which the labouring man, who became a purchaser of land, might operate lor the introduction of his relatives. How was the money expended which had been applied to what was called reproductive works ? What benefit was it to the country to expend a large amount on the bridge and road between North and South Adelaide ? What benefit did the country derive from the Glenelg Jetty or the City Water Works? If the Government persisted in the proposed system they would soon prove the fallacy of the Attorney-General’s declaration that there could be no parties in that colony, as it was certain to raise up a country and a town party. He was alarmed to hear the Commissioner of Crown Lands decry the importation of labour because labour was dear. (Hear.) The Government never could be the great employers of labour in that colony, for if they so raised the rate of wages as to render it impossible, by increasing the cost of production, for the farmer to sell his produce in other colonies, the result must be to destroy the Land Fund by discouraging the extension of farming. He admitted that in 1854 there were many labourers unemployed, but that was owing to the shameless selection of improper labourers, just as they afterwards had been burdened with unsuitable Irish orphans. (Hear, hear.) The development of the South Australian mines had, he was persuaded, attracted as many or more laborer’s from other colonies than had afterwards left for the Victorian gold-fields. (Hear ) A moiety of the Land Fund was not a whit too much to set apart for the purpose of introducing labour. He thought a clause might with propriety be introduced into the Bill to raise a revenue from newly issued pastoral leases, that might help to pay the interest on the railway bonds, and give confidence to the public creditor. He was not an employer of labour, and had no particular interest to serve, but, as a South Australian, he must enter his protest against the ruinous policy which the Bill before the House would initiate; and he must oppose its second reading, as the hon. the Chief Secretary had intimated that he must take it as a whole, and not attempt to modify any clause in Committee.

Mr. WATERHOUSE would support the Bill. He admitted that the old land sales system had been highly beneficial, and that it was difficult to say whether the colony owed most to the sale of land in small sections, or the continuous introduction of labourers. He was constitutionally inclined to let well alone; but he thought that where the Legislature was competent to its other duties, it must be competent to declare from year to year how much of the public revenue could be wisely applied to the introduction of labour. (Hear, hear.) It was possible, he thought, to apportion the expenditure so as not only to introduce labour, but to keep it here. (Hear.) It was quite possible that town and country parties might arise, but he apprehended no mischief from that. There was power to sell and to lease in the Bill; but there was no power to grant mineral leases. He considered such power highly essential to the development of colonial wealth. If the discoverers of pastoral districts were to have the benefit of their discoveries, surely the discoverers of mineral wealth should have a similar advantage. He was of opinion that land once having passed the fall of the hammer should be open to be claimed on lease, with a right of purchase, by poor cultivators. (Hear, hear.) He would support the second reading of the Bill, reserving the right to suggest amendments in *i* Committee.

Mr. BURFORD did not agree with the hon. memberfor the Port, for he thought the altered circumstances of the colony required the alteration in the management of the waste lands proposed in this Bill The i colony had attained a pre- eminence which was likely to induce a large immigration, and if the nomination principle was adopted it would be better than any gratuitous system. He did not think the public creditor would see anything in the proposed alteration to alarm him. The best policy for the future would be to provide for the distribution of wealth, and not its concentration. That was a state of things perhaps inseparable from the old system of indirect taxation, but it required alteration. They would do wisely to resort to a better plan, and the public creditor would derive additional security from the adoption of that plan. By cutting down the size of the sections for sale to the means of humble purchasers, who would, by cultivation of their purchases, become a stalwart yeomanry, they would obtain prosperity—that best of security. He had no fear of evil from the existence of town and country parties. Opposition was always beneficial to progress. He saw nothing in the argument founded on the vote for public works. (Hear, hear.) It was found that at public meetings there was generally an outcry against immigration, but the labourers had settled the question long ago, by showing their perfect independence. He confessed that the principle of the Bill, which was like the postscript of a lady's letter,was what he most admired in it (Hear, and a laugh.) If the Government could not be trusted in one respect, they could not in another, but if they had a Government in which they could trust as to public works, they should also trust them as to immigration. (Hear, hear.)

Mr. Babbage supported the second reading of the Bill, feeling that the expenditure for immigration should be regulated, not so much to meet the demands of a class, as to secure the general welfare of the community. He had sufficient confidence in their constitution, to leave to that House, and to future Houses, the management of all matters on which the public prosperity depended.

Mr. Dunn said the people were buying land weekly under the impression that when labour was required it would be imported. It was clear that when the revenue fell off, the departments would be provided for in the first instance, and a diminished sum would then, of necessity, be set apart for immigration. It should be borne in mind that this was solely an agricultural country, and that wheat was the only staple produce. (No, no.) To raise the price of labour 25 per cent., therefore, would be ruinous to the farming interest.

Captain Hart felt called upon to support a proposition to set apart a certain sum for the introduction of immigrants; and he did so in opposition to a Ministry whom he had formerly opposed when they submitted a scheme for borrowing £500,000 for that very purpose. (Hear, hear.) The question was, that a sum should be set apart to be held sacred until required for immigration. That was the simple principle upon which the second reading of this Bill was opposed. The Bill, however, was supported on another ground—that was, that there was no necessity at all for providing for the importation of labour. That, in fact, was the real question before the House. He was opposed to the old system where inapplicable, but a reaction was taking place. They were now in want of labour; their payments were now high enough to compete with other colonies. The question now was, were they prepared to legislate so as to compel capitalists to leave the colony as labourers had hitherto done. (Hear, hear.) He maintained that the public creditor would not have the security or the confidence under the proposed arrangement that he would have if there was a fund in reserve, or a constant importation of consumers to augment the revenue to which he looked for payment. The question to be decided that day was whether or not they were to have immigration. (No. no.) The argument as to trusting the Government went for nothing, as they could not introduce immigrants when they were required, if the means of the colony were already applied to other purposes, and he never knew a legislature that did not appropriate all its available means. He had purchased while in England £500 worth of colonial land for the express purpose of bringing out the artisans and labourers which he required, and the intention to leave that power out of the Bill was an evil which he would attempt to remedy in Committee, while be intended also to oppose its second reading.

Mr Mildred supported the Bill, as it proposed to carry out the great principle of the Constitution, that of placing in the hands of the colonists a control over their Land Fund. It would be the duty of the Legislature to see that the revenue was every year properly appropriated. He held that it lay with the House to determine the quantity and quality of labour required. He believed it would be impolitic at present to import labourers unless some equitable arrangement was made with Victoria, by which she would supply her own wants. He was opposed to assisting persons who on arrival would work for themselves. That he thought would be unjust to the capitalists.

The Treasurer should, had he not been acquainted with the Bill, have supposed from what he had heard that it was intended to prevent immigration, while it was in fact expressly intended to forward that object. (A laugh.) No clause in the Bill had been referred to as preventing the introduction of immigrants. The part of the Bill most objected to left it to the House to determine what immigration was required each year. Supposing that a portion of the revenue was laid aside for immigration, what would be the result ? Under the Bill, they could offer as a security the whole of the revenue ; but if a moiety were set aside--

Captain Hart said that the Treasurer was not fairly putting his argument. He did not contend for setting apart a moiety, but a certain sum.

The Treasurer certainly thought he heard the word sacred

Captain Hart had not denied the use of the word sacred, but of the word moiety.

The Treasurer : that would not mend the argument, for any sum set sacredly apart for immigration would not be sacred lor the payment of the interest of a debt. How, then, could it increase the confidence of the public creditor? They had sufficient set apart for immigration at present, but if, in addition to that, they had to set apart £80,000, the means of progress would be reduced to that extent. He would not recommend any loans that would involve interest exceeding £100,000 per annum but if the £80,000 was to be set aside, he could not recommend borrowing to any such extent. No doubt the colony had progressed under the old system, but it did not follow that under this altered circumstances it should continue to prosper by that system. To introduce labourers now would be to throw the money away. Persons would combine to purchase land, notwithstanding the guarantee as to the appropriation of the Land Fund had ceased. That had not been acted on for some two years, and yet the land sales had not fallen off . After the Bill had passed, it would be competent to capitalists to purchase land in England, and get embarkation orders all the same as at present.

Mr. Marks supported the second reading of the Bill. When the Government proposed to borrow £500,000 for immigration purposes, he had no doubt but that such a measure was necessary. (No, no.) However, what occurred then had nothing to do with what existed now, and he could not see what object any one had in opposing the second reading of the Bill. (Hear, hear.)

Mr. Youno thought if the House was competent to deal with one-half of the Land, it was competent to deal with the whole of it. That was the principle on which the country had expressed itself fully some years ago, when objecting to the presence in that House of nominees. If a portion of the revenue was set apart for one purpose, another part could be set apart for other purposes ; but it was the right of that House to deal with the entire revenue of the colony.

Mr. Reynolds supported the Bill. An hon. gentleman present had referred to his opposition purposes. There was, however, a slight inaccuracy in the reference. At that time an opposition was offered to the intention of the Government to borrow such an amount for the prosecution of public works, and the provision as to immigration was only contingent on the derangement of the labour market. (Hear, hear.) Were it not for the discovery of the gold-fields, he did not know what would have become of the unemployed labourers then in the colony. There was at that time a state of things which should not have arisen had the colonial Legislature power to alter the immigration system. He considered that the fact that a majority of the members in that House were country members, would always secure a vote for the introduction of labour when it was required. If South Australia would pay as highly for labour as her neighbours those who were now casually employed would come in the hope of obtaining constant employment. If she could not offer such wages, the men introduced by her Land Fund would not remain ; they would go to where they could obtain higher wages. They should avoid the old system, by which the colony lost, in the desertion of immigrants, a sum equal to one- half of the moiety derived from the land sales. If the motion placed on the paper by the hon. member (Capt. Hart) was carried, there could be no doubt that there would be an increased demand for immigrants . He (Mr. Reynolds) was also in favour of smaller sections than those containing 640 acres ; but he would support the second reading of the Bill.

Mr. Scammell considered that the sale of land in blocks so large as 640 acres would tend to throw it into the hands of jobbers, who would put it up and sell it to the cultivators at a greatly enhanced price. (Hear, hear.) He thought also with the hon. member (Mr Waterhouse) that the discoverers of mineral wealth should be entitled to leases of such discoveries. He was also inclined to consider that the leasing of land that had been offered for sale and passed would be an important mode of developing the agricultural capabilities of the colony. If some such plan were not adopted, considerable tracts of land would, he feared, fall into the hands of speculators. With regard to the principle in the last clause, it had been acted upon some time back, the colony would have been greatly benefited. He felt that the arguments of the hon. member (Captain Hart) had been misrepresented. He merely a ked for the retention of a certain sum for each year, at the end of which, if it was not wanted, it would be at the disposal of the House. He would support the second reading.

The Attorney-Genekal considered the Bill quite sure to be read a second time, but would remark on the proposition of leasing lands to persons unable to purchase them. The history of colonization was a history of the failure of every attempt to carry out such an object. It was found impossible to devise a plan to compel any person to cultivate land after it had been leased to him. It was admitted, again, that every sober and industrious man could, in a few years, be in a position to purchase land (Hear, hear ) Had it not been for the disturbing influence of the gold-fields, and the loss that the withdrawal of our population had entailed on the Land Fund, he would have been probable for the appropriation of one-half of the Land Fund to immigration. But with the experience of those disturbing influences, he was for retaining the right to legislate for the colony, according to the varying circumstances of each year If the sura proposed to be set apart was not to be expended on immigration, it was a sham. The plan of 1851. which had been referred to, was to burrow £500,000, two-thirds of which was to be expended on public works, and one-third on the introduction of labour. It was clear that, at that time, such a large expenditure would have greatly affected the labour market, and it was deemed prudent to provide for that contingency. With those remarks, he would support the Bill.

Mr. Duifield considered the debate had turned more on the details than on the principle of the Bill. He would oppose the second leading, because the Bill was opposed to the principles on which the colony was founded. The three great ingredients of colonial prosperity were then held to be land, capital, and labour. It had been said that the majority in that House were country members. He said, without intending offence, that that was a mistake. Representatives of country districts they had, but the gentlemen were not acquainted with the wants of the country. When gentlemen said labourers were not wanted in the country, he told them they were mistaken, and that agreat extent of land would be left uncultivated for want of labour. He maintained that the City of Adelaide and Port Adelaide had heretofore monopolised the representation of the colony. He would vote against the second reading of the Bill, not because it was intended to set aside immigration, but because he thought that would be its effect.

Mr. Kjuchautf thought it an object *of* great importance to improve the means of carrying produce to market. It would also be an advantage to small landholders to allow them a few weeks to purchase land that had been passed at auction.

Mr. Pease supported the second reading of the Bill, reserving to himself the right to criticise it in Committee. It was a great constitutional principle that the House should keep a strict watch over its annual public expenditure.

Mr. Cole thought it impolitic to retain a larger sum for immigrants than might be required. They ought to retain in their hands the power to apply the revenue according to the exigencies of the hour (Hear, hear.)

Mr. Lindsay thought hon. members who opposed the Bill might, if they carried their object, defeat their own ends. He would support the second reading.

Mr. Hay said, in reference to the remarks of the hon. members for Barossa and Mount Barker (Messrs. Duffield and Dunn), that those gentlemen, might consider themselves the peculiar champions of the country interests, but he, a country member, took a different view from them, and would support the Bill. He could not consent to hand over any portion of the Land Fund to the tender mercies of any Government to be expended or not as they pleased on immigration. He thought the amount to be appropriated to the introduction of labour should be annually voted by that House. He was not for confining the House to any sum; it might be more or less according to circumstances, than a moieiy of the produce of the land sales. When labour was required it should be introduced, and when it was not wanted the money should be expended in public improvements. The Act should be so framed as to make its intention clear, and leave nothing to be inferred by Ministers. (Hear, hear.)

The Commissioner of Crown Lands was not opposed to immigration, but he had no desire to introduce colonists who would not remain and develop the resources of the colony. (Hear, hear.) He was opposed to class legislation, although he admitted that under certain circumstances it might be necessary. It would be impossible for that House to regulate the labour market, now that immigration to one colony was immigration to Australia generally. They could not reduce the cost of production of wheat by an importation of labour that would not remain in the colony, and the proposal to do so was unsound as to propose to encourage agriculture by giving so much per bushel on wheat. He did not think any great benefit has arisen or would arise from mineral leases; neither did he think it advisable to follow the example of Victoria on the squatting question. He did not anticipate any attempts to interfere with existing contracts, and, for the rest, he was convinced, that, to raise the price, would, owing to the distance and character of the land in new runs, diminish the revenue. (Hear.)

The Bill was then read a second time, committed, and the further consideration in Committee made an Order of the Day for Friday.