

THE ADMINISTRATION OF PUBLIC LANDS AND SURVEYS IN SOUTH AUSTRALIA

1836–1931

by B. S. Baldwin, M.A., A.L.A.A.

The Surveyor General's Department under William Light was set up in 18361 by the Board of Colonisation Commissioners. The department was thus responsible at this period (and until 1842) not to the Colonial Office, but (through its Resident Commissioner) to this independent commission brought into being under the terms of the South Australian Act of 1834.² The Board of Colonisation Commissioners styled itself in correspondence 'South Australian Colonial Office'. It was represented in the colony by its Resident Commissioner, James Hurtle Fisher, who also referred to himself as Colonial Commissioner.³ The term Commissioner of Public Lands was also used. He had the delegated power to dispose of public lands (i.e. crown lands) in the province, the proceeds being earmarked to provide free transport from England for labourers and their families. Stress was laid in Fisher's instructions on the 'entire separation which is made by the Act between the functions of the Government officers and those charged with the disposal of land and the arrangements of emigrants'.⁴

Fisher's reed hut and Land Office stood near Light's survey camp, on rising ground on the south bank of the Torrens at the western end of the capital site.

Disagreement between the Resident Commissioner and the Governor on their respective spheres of authority led to Governor Hindmarsh's recall. With the consent of the Colonisation Commissioners, his successor, Gawler, was appointed both Governor (representing the official Colonial Office) and Resident Commissioner (representing the non-government Colonisation Commission).

In October 1838, without reference to London, Gawler organised a new Survey Department and persuaded Charles Sturt to become Surveyor General pro tem with effect from 29th March, 1839. Meanwhile his superiors in this field, the nine commissioners forming the Board, appointed E. C. Frome in May. He arrived and took over from Sturt in September.

To deputise for himself in his role as Resident Commissioner Gawler on 17th October, 1838 appointed G. M. Stephen and George Hall to be 'a Board for conducting temporarily the duties of the Office of Assistant Commissioner'.⁵ After the Surveyor General's post had been taken over by Frome, Gawler made Sturt Assistant Commissioner (2nd October, 1839).

The Assistant Commissioner was the official in charge of the Land Office, which was still quite separate from the Surveyor General's Department.⁶ Governor Grey, however, searching for every means of economy, informed Sturt on 19th November, 1841 (through the Colonial Secretary⁷) he 'had determined that the Land Office, as at present conducted should be abolished . . . from the 25th Instant'. The functions of Resident Commissioner were, the letter states, in abeyance 'excepting only as far as the granting of land is concerned', and in future all duties in connection with the disposal or granting of lands were to be performed by the Surveyor General. The post of Resident Commissioner finally ceased to exist in 1842 as a result of legislation in England, touched on below.

The inclusion of the Land Office (or Land Grant Office, as it is styled in the official year books at this period) in the department was acknowledged by a change of title in 1844 from Surveyor General's Department to Survey and Land Department. A general order issued by the Surveyor General on 18th January, 1851(8) laid down that 'the Land Office, having been removed to a different room in the Government Offices was to be considered henceforth as a Separate Office, to be entitled "Lands Branch, Survey Department".' Duties embraced the compilation of land sale lists, preparation of grants, sale of land, and attendance on the public.

In January 1840, by a decision of Lord John Russell, the new Secretary for the Colonies, the Board of nine Colonisation Commissioners for South Australia had been dissolved and replaced by a new board of three salaried commissioners, thus undermining its pretensions of complete independence. This was followed in 1842 by an Act of the British parliament amending the South Australian Act. The principle of applying the proceeds of sales of waste lands solely to emigration was formally abandoned. Land and emigration laws were laid down which were to apply equally in South Australia and the other Australian colonies. Proceeds from land sales were to be used for the public service generally, the proportion to be devoted to conveying emigrants being fixed at half the total. In South Australia the disposal of land, which had been carried out since Gawler's appointment under the authority of the Governor in his role as delegate of the Board of Commissioners, came within the Governor's competence as a representative of the government of the United Kingdom.

The post of Resident Commissioner having been thus abolished, the way was open for South Australia to appoint its own 'commissioner'. This was done by an Act of the Legislative Council in November 1842 'for protecting the waste lands of the Crown in South Australia from encroachment, intrusion or trespass'. It was to be carried into effect by a Commissioner of Crown Lands (also officially referred to as Commissioner of Public Lands). He was to act as Justice of the Peace, to define the boundaries of runs, determine matters of complaint made to him by persons licensed under the Act, and prevent unauthorised occupation of waste lands of the Crown. Charles Bonney, after being temporarily employed in this capacity from 30th May, 1842 was confirmed as Commissioner on 26th November.

The office of Commissioner of Public Lands was an establishment in its own right, which, with the appointment of J. W. Macdonald as a second Crown Lands Commissioner on 14th May, 1846, was styled the Commissioners of Crown Lands Department. In 1839 it became the Crown Lands Department.

On 24th October, 1856 the new Constitution Act was proclaimed and the first responsible ministers were appointed, Charles Bonney taking office as Commissioner of Crown Lands and Immigration, in which capacity the following additional departments were placed under his charge: Survey and Land Department, departments connected with immigration, Aborigines Department, Inspectors of Sheep. The new organisation was administered by the Surveyor General.

(The term Surveyor General's 'Office', rather than 'Department', occurs officially in correspondence from 1838 to 1917, but is not used in official year books except that for 1859).

The introduction of the system of allotting lands, rather than selling by auction, led to the appointment in 1886 of the Land Board. The Pastoral Board was formed in 1893. Land available for leasing was from 1886 allotted by the

Land Board. After 1893 applications for the leasing of pastoral lands were placed with the Pastoral Board.

A reorganisation of the departments under the Commissioner of Crown Lands and Immigration was carried out in 1917. With effect from 1st April, the permanent headship of what was for the next thirteen years known as the Lands and Survey Department was taken from the Surveyor General and vested in the Secretary for Lands. The Surveyor General was thus freed from general administrative duties to concentrate on the professional work of the department.

At this time also business connected with immigration was transferred to the Immigration, Publicity and Tourist Bureau. Immigration remained under the same minister, however, until 1924. The long-standing link between lands and immigration was then broken by immigration being attached to another portfolio.

On 1st August, 1910, irrigation and reclamation works had been made the responsibility of a separate department, which from 28th March, 1923 was controlled by an Irrigation and Drainage Commission. Under the Crown Lands (Administration) Act, assented to on 20th November, 1930, the position of Secretary for Lands was replaced by the new one of Director of Lands. By the same Act the powers of the Irrigation Commission were vested in the Director of Lands. The Irrigation Act – of the same date, though not in force till proclaimed on 5th February, 1931 – abolished the Irrigation Commission. The Lands and Survey Department and Irrigation Department (except its Engineering Section) were amalgamated to form the Department of Lands.

1. Feb. 1836. Australian Dictionary of Biography 2, p.116.
2. For a ms. copy of the S.A. Bill formerly held by the Lands Dept. see Accession A388/D1.
3. GRG 34, Records of the Colonisation Commissioners for South Australia, including records of the Resident Commissioner.
4. ADB 1, p.379.
5. GRG 24/4/3, p.3.
6. 'Bills approved for payment by the Assistant Commissioner', Acc. 638, gives an indication of the scope of his duties.
7. GRG 24/4/4, p.190.
8. GRG35/232 1851 2.