**SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL1933**

**Legislative Assembly, 19 October 1933, pages 1725-6**

Second reading

**The Hon. M. McINTOSH (Albert—Commissioner of Crown Lands)—**This Bill may be summarised as an attempt to remove all the outstanding issues between the Government and the people concerned in the South-East. It gives effect to a promise made by the Hon. J. Jelley when he was in office. With minor reservations the Government is seeking to give effect to that promise. In general, the amendments of the law proposed by this Bill affect the liability of landholders under Part IY. of the South-Eastern Drainage Act, 1931, for payment of part of the cost of the scheme drains. Part IV. provided for the making of an assessment of the land within the drainage district for the purpose of assessing the amount of betterment which has accrued to the land in the drainage district by reason of the construction of the scheme drains. It is provided that the total benefit to be so assessed is not to exceed £150,000. Rights of appeal against the assessment are given under the Act. Appeals are made in the first instance to the South-Eastern Drainage Board and there is a further right of appeal to the Local Court. Under section 96 of the principal Act, which deals with the appeals to the Local Court, it is provided that the Local Court is to fix the time and place for hearing, and is to give not less than seven days notice to the appellant and the Board of the time and place. It has been pointed out that this time is insufficient to permit of the appellant properly preparing his case, and consequently clause 4 amends section 96 and provides that 30 days notice shall be given.

Section 53 deals with the rights of appeal from assessments under Division II. of Part III. for the purpose of a drainage rate. Under this section a similar time is fixed for the giving of notice by the Local Court, and clause 3 makes a similar amendment to that proposed by clause 4. The South-Eastern Drainage Board has been satisfied under some appeals which have been lodged pursuant to the Act, that areas of land in certain parts of the drainage district have not benefited by the scheme drains. It has occurred in some in­stances, however, that the owners of land within such areas have not appealed. The land immediately adjacent and in some cases surrounding such land has, on appeal, been excluded from the assessment, but in the absence of statutory provision the land in respect of which no appeal was lodged cannot be excluded. Clause 5 therefore gives the Board power, where it is satisfied that land included in the assessment derived no benefit from the scheme drains; to exclude the land from the assessment, notwithstanding that an appeal has not been made against the assessment. That appears rather a generous proposal, but it does not mean much

more than the clearing up of a few anomalies. Although the Board is satisfied that no benefit has been received by certain people it has not been able to exclude them. The assessments being small, the people concerned have refrained from appealing. This Bill gives the Government power to exclude them although an appeal has not been lodged. Clause 6 deals with the apportionment of the cost of the scheme drains to the land included in the assessment. As members are aware, there was a previous apportionment of cost carried out under the provisions of the South-Eastern Drainage Scheme Act, 1908, and the South-Eastern Scheme Amendment Act, 1910. Clause 6 provides that if the amount apportioned under the 1931 Act is more than the amount previously apportioned under the 1908 and 1910 Acts the amount to be apportioned under the 1931 Act shall be reduced to the previous apportionment. This provision will not affect any other land so that the amount, if any, which is written off by reason of this provision will not be added to any other land comprised in the assessment.

It is considered that the apportionment pursuant to the 1908 and 1910 Acts was in the nature of a contract between the Government and the landowners and that the amount of the liability- should not be increased. This provision will affect only a part of the land included in the assessment made under the 1931 Act as that apportionment under the 1908 and 1910 Acts only dealt with lands affected by Scheme Drains A, B, C, D, E, and E (Eastern Division). The effect of this clause will be to provide that the amount of the assessed benefit under Part IV. will not exceed £76,291. Amendment of this clause will be moved to carry out the request of the South-Eastern Drainage Committee that this amendment should be expressly stated in the Bill. Under section 99 of the principal Act, it is provided that in addition to the amount of capital cost represented in the apportionment, which is payable by landholders, simple interest on the amount apportioned to each landholder at the rate of 4 per cent, for the period from 1st July, 1917, to the 1st July, next, after the publication in the “Gazette” of the amount payable by the landholder, shall also be pay able. The effect of this section is that there would be charged 17 years interest on each landholder’s liability if the first installment were made payable on 1st July, 1934. Under clause 7 it is proposed to limit this liability for interest to interest calculated for the period of five years immediately preceding the passing of the Bill. This is the period for which landholders were liable under 1908 and 1910 Acts, under which the scheme drains were constructed, and which was accepted by the large’ number of landholders who made payments under the old apportionment. Interest will be due for 17 years, but will be charged for only five years.

Mr. Fitzgerald—Another concession to a few.

The Hon. M. McINTOSH—This was a decision of a previous Government, which I think was right, and this Government is prepared to stand up to it. Although the Bill goes a long way it does not go as far as many the landholders desire, but it is as far as the Government is prepared to go. If members want the Bill carried they should not suggest further extensions, although they may receive requests in that direction. I believe Committee and put forward certain proposals, of which this was one. the amount of interest involved in the writing off is about £34,000. When the assessments were made in 1931, there was a good deal of controversy and many difficulties and the then Minister, the Hon. J. Jelley, met the South-Eastern Drainage

Mr. Thompson—Is it a settlement of the difficulty ?

The Hon. M. McINTOSH – Yes. It is not intended that any further measures will be introduced by this Government to rectify outstanding difficulties. All the rights and privileges of the landholders against assessments will still be reserved to them. They will have power to go before a court of local jurisdiction and have their appeals heard in the same manner as land tax assessments are dealt with. Lending institutions and others are naturally anxious to ascertain the exact amount of liability of landholders, and until Parliament finalises this measure it will not be known to what extent their securities are subjected to prior Government charges. The other government was fair and generous in its contributions. The present Government has adopted the same attitude and added one or two clauses to remove some of the anomalies. I move the second reading.

Mr. THOMPSON secured the adjournment of the debate.

**SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL 1933**

**Legislative Assembly, 25 October 1933, pages 1820-7**

Adjourned debate on second reading.

(Continued from October 19. Page 1727.)

Mr. THOMPSON (Port Adelaide)—In going through the speech of the Minister it appears that the Bill is for two purposes. ln clause 3 the Bill provides for the amendment of section 53 of the principal Act, so that in the ease of appeals against the assessment the court must give 30 days’ notice of the date of hearing in lieu of the seven days under the present Act. Clause 4 has the same provisions with regard to appeals that may be made against assessed increases in the value of the land. Amendments to the other portions of the Bill appear to give greater power to the Board, than it has at present. Where increases in the assessments in the value of land in the South-East have been brought about by the construction of drains, some of the landowners have appealed, and the appeals l have been upheld. The Board desires in cases where the land is contiguous to the land appealed ,it that it shall have power to withdraw that assessment, or annul it with regard to the increased value of the land.

I think the Board should have this power, but when it finds the court has decided that the land is not at the increased value the Board has stated it should have power to take that into consideration and relieve other persons of the necessity of making an appeal in connection with land of a similar nature. Will the Board have power to annul the assessment entirely or will it have power to reduce it if it thinks necessary? Clause 6 appears peculiar. In explaining the clause the Minister said that an assessment of the increased value was made under the 1908-10 Act, and that under the 1931 Act a fresh assessment was made. We find that if it is higher than the original assessment it shall be decreased to that' amount.

The Minister said that the apportionment under the 1908-10 Act was in the nature of a contract between the Government and the landholders and the amount of their liability should not be increased. In a case where the assessment is lower than the original one are the landholders to expect the later assessment to be taken into consideration. It appears that a Government Department is prepared to acknowledge that a contract was made and that the amount should not be increased, but where a fresh valuation is made, and it is less than the original one, the fresh valuation shall be taken into con­sideration. I do not object to the board having power to assist men in the drainage areas, but we shall not reach finality in the matter. When tile Minister was speaking on the Bill I made au interjection in regard to finality and he said that this Bill was to bring it about. We do not know what pressure will be brought to bear in future so that it is possible that fresh arguments will be brought forward to justify the introduction of a new measure. In regard to the apportionment, the 1931 Act lays it down that the total amount shall not be more than. £150,000. If the valuation exceeds £150,000 it shall be accepted as the basis to work out the amount the landholder shall pay in the particular district. However, when speaking of the suggested amendment the Minister said that the effect of the clause would be to provide that the amount of benefit under part 4 of the Bill would be £76,291.

The Hon. M. McIntosh—That is half the amount. The landholders are only liable for half the amount and the clause limits it. That is in accordance with the agreement.

Mr. THOMPSON—I suggest to the Minister that the amount in the Bill be set out as £76,291, so as to make it quite clear. The House must consider south-eastern drainage lands and the possibility of settlers making a decent living, or carrying on at all, in those areas. As the Bill is for the purpose of adjusting certain matters, to give the settlers better treatment, and the Board greater powers than they now possess in regard to relieving landholders of the assessments the court has decided on adjacent land I do not propose to oppose the measure in any way. It is simply carrying out what we have been clamouring for throughout the State—to ease the burdens of the producers and make it as easy as possible for them to carry on their avocations in the districts where they reside.

The Hon. R. S. RICHARDS (Wallaroo)— I commend the Government for introducing the Bill. It is a piece of legislation that I can agree with because it gives effect to a promise made by the previous administration that certain anomalies with regard to drainage in the South-East would be considered, and concessions made. The measure meets the demand of quite a number of settlers, and gives effect to the policy of adjustment inaugurated by the previous Government. This is an aggravating scheme—and I suppose drainage schemes will continue to be aggravating—but I think the Government is justified in introducing the Bill and the House will be well advised to pass it quickly.

Mr. PETHERICK (Victoria)—I voice appreciation of the way in which negotiations have been conducted both by the past and present Governments. The Ministers in charge of the departments have at various times shown themselves willing to confer about drainage matters. The fact that they have arrived at a determination, as expressed in this Bill, is a matter for congratulations to all parties. I hope the relief given landholders will be satisfactory in every way and that the measure will have the approval of this House and of another place as speedily as possible.

The Hon. G. F, LAFFER (Alexandra) — There is an old saying, “Beware when all men speak well of you.” I would have preferred to see much more discussion and to be furnished with much more information by the Minister. Members who have been, in this House for some time know that this is no new question. It is a very complex and difficult one It is all very well for members to say that this Bill is a settlement of the difficulty, but I consider a settlement has been reached by a sacrifice on the part of the Government. I have always felt strongly that a good deal of money has been spent on drainage in the South-East, and there has always been a disposition by the landowners to repudiate the amount of benefit which has accrued to their properties. It appears to me that even now there is no definite guarantee that this measure will produce finality. The Government has not obtained the best deal in connection with drainage in the South-East. The State embarked on the expenditure of a large sum of money for the purpose of draining certain areas, and some of the work has been eminently successful and some not. The diversion of water from the South- East into the sea has to a large extent brought about the very unsatisfactory conditions in connection with the fishing industry in the Coorong. The balance of nature has been upset, and fresh water which found an outlet in the Coorong has been diverted into the sea. The Coorong has become so salt that crabs have taken control of it and have practically destroyed everything. That has robbed many men of the means of obtaining a livelihood. I believe that some financial interests, particularly the Savings Bank, are concerned as to the effect of this Bill on their securities.

Mr. Petherick—It will be of considerable assistance to them.

The Hon. G. R. LAFFER—I understand that is not the view held by the bank. Time should be given for the bank to look into the question and see if its interests are affected. We thought a settlement on this question had been reached four or five years ago, when a committee, headed by Mr. Colebatch, was appointed to go into the matter and assess the value of the betterment. It appears to me that everything is being shifted on to the shoulders of the taxpayers, and the House has no guarantee that this measure will produce finality. The measure should not be rushed through, as appears to be desired.

Mr. ABBOTT (East Torrens)—It was conveyed to me this afternoon that there was a possible objection, by the Savings Bank to the effect the Bill would have on securities held by that institution. I have perused the measure, and cannot see any effect it is likely to have on those securities.

The Hon. M. McIntosh—The bank wants, further concessions.

Mr. ABBOTT—If the Government has no desire to push the Bill through this afternoon it would be interesting to wait and ascertain what the bank’s complaint is.

The Hon. M. McINTOSH (Albert—Commissioner of Crown Lands)—The Hon. G. R. Laffer on the one hand complains that the State has already made considerable con­cessions in this direction, and on the other hand he suggests that the Bill should be held up because people are asking for amendment?. As this was an arrangement by which the point at issue would be cleared up, the Government intimated definitely, both to the South-Eastern Drainage Board and the Savings Bank that no further concessions would be made, and that this Bill must be regarded as the final offer to overcome the difficulties in the South-East. As it makes considerable concessions to the landholder, it improves the security of the bank. It is not asked, even by the South-Eastern Drainage Board, that further concessions shall be made. It was an honorable compact that if this Bill was introduced all parties would be satisfied, and would leave the people concerned their rights under the 1931 Act to appeal to the court, and have assessments made according to the value of the land. The Bill is the final one that this Parliament will be asked to deal with. That is not any threat against the people of the South-East. I would not have introduced the Bill but for an intimation from them that it would be accepted as such. If amendments which make for further concessions are inserted the Government will have to drop the Bill.

Mr. Abbott—Does this Bill carry any further any effect on the security?

The Hon. M. McINTOSH—No; it improves the security to the extent that it makes pro­vision, and leaves the Government further indebted. I am rather surprised at the Savings Bank, a semi-Government institution, adopting the attitude it has. Apparently members have been canvassed by the institution.

the Minister told those interested that the Bill would be introduced as a final solution to the difficulty. I am sorry the full information has not been given to members, but I can assure the House that, to the best of my ability, I gave sufficient information to enable the proposal to be understood. In conclusion, I want to say that no further concessions can be made, and that is the basis of the negotiations between the South-Eastern Drainage Board, representing the people in the South-East, and this and the previous Governments, that if the Bill is carried in its present form it will be acceptable, and the issues at stake will be removed.

Bill read a second time.