IRRIGATION ACT AMENDMENT BILL 1967

House of Assembly, 26 October 1967, page 3095

Second reading

**The Hon. J. D. CORCORAN (Minister of Lands)** obtained leave and introduced a Bill for an Act to amend the Irrigation Act, 1930- 1946. Read a first time.

The Hon. J. D. CORCORAN: I move:

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

It makes several amendments to the principal Act. The first amendment is made by clause 3 which amends the definition of “ratable land”. Since 1941 when the present definition was enacted, a good deal of land above the level of main channels has been developed and irrigated by means of re-lift pumping plants and sprinkler irrigation. It can be said that before the use of re-lift plants an irrigation water supply was available to so much of the land as could be irrigated by gravitation from an adjoining departmental channel. Nowadays such a water supply is feasible for any land above or below the channel provided that the landholder is prepared to install facilities for conveying it from the departmental headworks. Furthermore, at Loxton and Cooltong, the department provides block pumping units to deliver irrigation water to land above the main channels.

There are lands within irrigation areas which are used for the production of annual crops and irrigation water is supplied under conditions applicable to special irrigations; that is, holders order and pay for the quantity they need from time to time and in essence that quantity is then supplied as and when this can be done without prejudicing the requirements of permanent plantings or unduly prolonging the pumping period. Notwithstanding these conditions, it can be said that a water supply is available for such lands. The same could be said of a landholder if he took water without authority as it could be said that the water supply was available because it was in fact found that the landholder had been able to get water on to the land.

Land which is and should be subject to water rates is that land to which a supply is properly approved and is available continuously as in town water supply or during a regular general irrigation programme elsewhere. In this latter regard some highland areas are supplied with five general irrigations and others with four according to the wishes of the majority of the settlers in the district and the annual rate varies according to the number of general irrigations. Settlers have the opportunity to order and pay for additional waterings as special irrigations. In the reclaimed areas, up to 14 irrigations are supplied each season before individuals are required to pay for specials, whilst at Loxton and Cooltong there is no maximum number of general irrigations fixed because the supply is measured and actual consumption is charged for at a rate regarding an acre inch. However, in these two districts those irrigations considered to be required for the majority of plantings are designated general irrigation and others are special irrigations.

Developments over the years have therefore given rise to some uncertainty as to just what land is or should be ratable in terms of the present definition and the amendment is intended to clarify the position. The amendment replaces the words “for which a water supply is available” at the end of the definitions, with the words “for which the Minister has approved and made available a water supply in return for a rate fixed and payable annually.” Clauses 4 and 5 relate to the limitation of areas which may be held under the principal Act, amending sections 25 and 26 respectively. The limitation of area section in the principal Act has varied from that which existed in 1908 when blocks were to be of such size as should contain not more than 50 acres of reclaimed land and not more than 50 acres of land considered by the Minister to be irrigable land plus any area of other land and no lessee was to be permitted to hold more than one block. Various amendments have since been made from time to time.

First, it was provided that there should be no limit to the area of land and the number of blocks if not more than 50 acres in the aggregate was reclaimed or irrigable land; a further variation was brought in in 1930 which for the first time included provisions for more than 50 acres of irrigable land in the aggregate to be held by one person, but this concession applied only to land in the Jervois irrigation area. Subsequently, in 1941, section 25 was amended so that permission to hold more than 50 acres might be granted in respect of reclaimed land if in the opinion of the Land Board such permission was necessary in order that a person might be in a position to work his block with a reasonable likelihood of success. In each case reference was made to “irrigable land”, being land which was considered to be irrigable by the Commissioner or the Land Board and so on.

For the same reasons as set out in connection with the amendment to the definition of ratable land, that is, the widespread use nowadays of sprinkler irrigation and re-lift plants, and provided the landholder is prepared to put in the facilities to convey water from the department’s headworks, then any land he holds can be made irrigable. In addition, circumstances can arise in which it would be reasonable to allow a person to hold more than 50 acres of high land in order that he might be in a position to work his block with a reasonable likelihood of success but as the Act now reads there is no power whereby the Land Board or the Minister can permit more than 50 acres of irrigable land to be held in the highland areas.

The amendments to section 25, made by clause 4, serve two purposes; first, to grant authority for settlers in highland areas as well as those with reclaimed land to hold more than 50 acres and up to 100 acres if justified by circumstances; and, secondly, to relate the limitation of 50 acres to ratable land rather than irrigable land. This means of course that the class of land which is to be taken into account is more clearly defined than at present. Land which is watered only by means of special irrigation and is therefore not ratable or “entitled” to a regular water supply would not be counted towards the acreage limitation. To this extent the amendment provides for a more generous application of a limitation of areas clause for both reclaimed and highland areas and, as stated earlier, it puts both reclaimed and highland areas on the same footing.

For the same reasons as in connection with the amendments to section 25, the limitation of areas in section 26 (amended by clause 5) is related to the area of ratable land rather than irrigable or reclaimed land. Clause 6 amends section 43 of the principal Act which empowers the Minister to grant licences to take timber, stone, etc., from unleased Crown lands in an irrigation area. The amendment extends the power to cover land comprised in a miscellaneous lease, a power which is already being exercised. It is considered desirable to make express provision in this regard. This amendment extends the power to issue licences to take timber, stone, etc., from land comprised in a miscellaneous lease, a power which is also already being exercised.

Clause 7 amends section 50 of the principal Act which provides that persons of any Asiatic race who are not subjects of the Queen cannot be lessees under any lease issued under the Act. It is out of keeping with modem thinking throughout the world that such discriminatory provisions should exist, and indeed there are international conventions on the subject. It is desirable that Australia should not lag behind other countries in having such provisions on its Statute Book. Accordingly, this particular disqualification is removed.

Mr. RODDA secured the adjournment of the debate.