**RENMARK IRRIGATION TRUST ACT AMENDMENT BILL 1958**

**House of Assembly, 4 November 1958, pages 1535-6**

Second reading

**The Hon. C. S. HINCKS (Minister of Irrigation),** having obtained leave, introduced a Bill for an Act to amend the Renmark Irrigation Trust Act, 1936-1957. Read a first time.

The Hon. C. S. HINGES—I move—

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

Its purpose is to give to the Renmark Irrigation Trust power to erect embankments to protect the district of the trust from inundation by floods. Whilst the trust has certain powers in this regard under section 65 of the Act, the Act does not give the trust power to erect embankments on land not owned by the trust or in which it does not possess the necessary legal interest. It is obvious that, as was the case on the occasion of the last flooding of the River Murray, banks must be constructed with speed and without the delays consequent upon the acquisition of title to the land upon which the banks must be constructed. The principle of giving the trust power to enter land and to construct works is already established in the Act and section 115 empowers the trust to enter any land within the district and to construct drains on the land. The section gives to the owners of land affected a right to compensation for any resultant damage.

Clause 2 proposes to give to the trust similar power as regards flood embankments. The clause provides that the trust may construct these embankments on any land within the district, and gives the trust the necessary power of entry. It is provided that the owner of any land affected is to be entitled to compensation for any damage suffered. It is provided that for the purpose of the clause the trust may declare a special rate. Section 94 provides that such a rate may be declared for various purposes, whilst section 92 provides that the special rate so declared is not to exceed 5s. per acre per half year.

During the recent floods, the trust went ahead and constructed necessary banks without statutory authority to enter the land in question and it can be said that the emergency at the time justified the action taken by the trust. In order to meet this position, clause 3 provides that the amendments made by clause 2 are to be retrospective as from July 1, 1956. Accordingly, the legal position of the trust as regards the construction of these flood banks will be established as will the rights to compensation of the owners of the land affected. Section 164 and following sections of the Act deal with the procedure to be followed as to claims for compensation. Section 164 provides that any such claim is to be made within one year after the right to compensation arose. Obviously, this provision is not applicable to rights which arose before the passing of the Bill and clause 3 provides that, for the purpose of such rights to compensation, the claim for compensation is to be made within six months after the passing of the Bill. The Bill is a hybrid Bill and, in accordance with the Joint Standing Orders, it will be necessary for it to be referred to a Select Committee after being read a second time.

Mr. O’HALLORAN (Leader of the Opposi­tion)—I understand that it is necessary for this Bill to be passed immediately and on the information disclosed I see no reason to object to its passage. It deals with an unfortunate circumstance of the past, and legalizes things that had to be done and anything of a similar nature which may be found imperative in the future. I hope it will not be necessary to use the prospective clauses of the Bill, but the retrospective clauses are necessary and I do not object to them.

Bill read a second time and referred to a Select Committee consisting of the Hon. C. S. Hincks, and Messrs. King, Harding, Jennings and Lawn; the Committee to have power to send for persons, papers and records, and to report on Wednesday, November 12.