SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL 1972

Legislative Council, 15 November 1972, page 3055

Second reading

**The Hon. A. F. KNEEBONE (Minister of Lands)** obtained leave and introduced a Bill for an Act to amend the South-Eastern Drainage Act, 1931-1971. Read a first time.

The Hon. A. F. KNEEBONE: I move:

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

The amendments that this Bill introduces to the principal Act are for two principal purposes. First, the Bill introduces amendments that are consequential upon the Valuation of Land Act. This Act came into operation on June 1, 1972, and consequently the amendments made by the Bill are retrospective to that date. The amendments in this connection are very nearly identical to the amendments made to other rating and taxing Acts by the Statutes Amendment (Valuation of Land) Bill earlier in this session.

Secondly, the Bill modifies the provisions of the principal Act dealing with the powers of the Appeal Board. When the previous amendment was considered by Parliament in 1971, it was recognized that the Appeal Board’s function would be a very important one and that the provisions that were then proposed might very well require modification in view of actual experience of the operation and effect of its provisions. Modification has in fact proved desirable. The Government considers it unjust that a landholder whose property has been benefited by the drains and drainage works only in a relatively small area, should be ratable as if the whole of the property had received a benefit from the drainage works. Consequently, the Bill provides that the Appeal Board may declare sections, part-sections or blocks comprised within a landholding not to be ratable for the purposes of the principal Act. If non-ratable land does not constitute a separate section, part-section or block, the Appeal Board is empowered to declare a proportionate rebate on the rates payable in respect of that land. This proportionate rebate is the proportion of the rates that would otherwise be payable on the land that the unimproved value of the non-ratable part of the holding bears to the unimproved value of the whole of the holding.

Clauses 1 and 2 are formal. Clause 3 inserts a definition in the principal Act that is required for the purpose of the new provisions. Clause 4 repeals and re-enacts section 49 of the principal Act. The new section contains the necessary consequential amendments to the Valuation of Land Act and provides in the definition of “ratable land” that it does not include land declared by the Appeal Board not to be ratable for the purposes of the principal Act. The new section also provides that in calculating rates the amount of any proportionate rebate declared on the subject land should be subtracted from the amount of the rates calculated on the basis of unimproved value.

Clause 5 inserts new provisions in section 53 of the principal Act. Uinder the new provisions, the Appeal Board is empowered to declare either that the whole of the landholding is not ratable or that a separate part, part-section or block is not ratable. Where the non-ratable land does not constitute a complete part, part-section or block, the Appeal Board declares a proportionate rebate in the manner that I have previously described. Where ratable land to which a proportionate rebate applies is subdivided and becomes subject to separate tenure, the South-Eastern Drainage Board is empowered to apportion the rebate to the separate parts of the land in such manner as it considers just. Where new drainage works are constructed and it is just in the opinion of the board that a rebate should be varied or revoked because of the benefit that the land receives from the new drainage works, it may revoke or vary a determination of the Appeal Board. In that event the landholder is given a fresh right of appeal to the Appeal Board.

The Hon. R. C. DeGARIS secured the adjournment of the debate.