**EIGHT MILE CEEEK SETTLEMENT (DRAINAGE MAINTENANCE) BILL 1959**

**House of Assembly, 25 November 1958, pages 1850-1**

Second reading

**The Hon. C. S. HINCKS (Minister of Lands)—**I move—

*That this Bill be now read a second time.* By arrangement with the Commonwealth Government an area in the vicinity of Eight Mile Creek was developed and improved by the Government under a scheme for War Service Land Settlement, and thereafter the land within the area was allotted to settlers in accordance with that scheme, each settler receiving a holding under perpetual lease. The development and improvement of the area in question included the provision of a drainage system without which the land in that area could not be successfully cultivated or brought into a state of production. The drainage system is essential for preserving the area in a state of production, and its maintenance and upkeep has been undertaken by the Government on the understanding between the Government and the Commonwealth that when the rentals for the holdings are finally fixed, an appropriate charge would be made on each settler, in respect of his holding, as a contribution towards the maintenance costs of the drainage system.

A charge of that nature could be added to the rental of a holding as long as that holding is the subject of a lease, but recently the two Governments decided to permit war service settlers to freehold their holdings upon certain conditions and, if and when this right is exercised, it would not be appropriate to recover that contribution by way of rental in respect of the freeholder land, and it would not be fair on the remaining settlers to recover the contributions only from them for a service which benefits all the holdings in the area. It is felt that the fairest means of raising the contributions would be to levy a rate on all the holdings in the area irrespective of the nature of the tenure, and the object of this Bill is to declare the responsibility for the maintenance of the drainage system to be a State responsibility, and to confer power on an authority to declare and levy a rate in order to raise the contributions from landholders and occupiers of holdings in the area.

Clause 2 of the Bill contains the interpretations necessary for the purpose of the Bill. The definitions of “drainage works” and “drains” are designed to restrict their application to works and drains constructed by or on behalf of the Crown and such other watercourses as are included in the drainage system. A “holding” is defined so as to apply to a holding allotted in the first instance to a settler under the War Service Land Settlement Scheme, whether a change of tenure has occurred since allotment or not. A “land­holder” is defined so as to catch up the owner of land within the area whether the land is held under lease, licence or agreement, or in fee simple. All other definitions in the clause are self-explanatory.

Clause 3 imposes on the Minister the duty to maintain the drainage system in a proper state of efficiency while the expenses connected therewith are payable out of moneys to be provided by Parliament. The clause also provides for moneys derived from the drainage rate provided for by the Bill to be paid to the Treasury. Clause 4 imposes on the Director of Lands the duty to declare and levy an annual drainage rate in order to raise moneys which the Minister considers to be a sufficient contribution towards the cost of maintenance of the drainage system.

Clause 5 (1) provides that in order to determine the drainage rate—

(а) the average annual expenditure to be incurred on such maintenance should be determined by the Director, and

(b) the Land Board must make and lodge with the Director a valuation of the land (exclusive of structural im­provements) comprised in each holding within the area.

Clause 5 (2) provides that in making a valuation the board may consider reports of competent persons, and requires the board to submit a written report with each valuation, setting out the matters taken into consideration in arriving at the valuation. The board’s valuation (which is subject to appeal) and its report are to be served on the landholder or occupier of the holding in question.

Clause 6 confers on landholders and occupiers served with the valuations a right of appeal on the grounds stated in that clause. The earlier requirement that the board should furnish with each valuation a report setting out the matters taken into consideration in arriving at the valuation is designed to enable an appellant to specify his grounds of appeal. Clause 7 provides that an appeal must be made in the first instance to the Minister and from a decision of the Minister to the local court. Clause 8 deals with the machinery provisions relating to an appeal to the Minister. Clause 9 deals with the machinery provisions relating to an appeal to the local court. Clause 10 in effect is an interpretation measure which defines the valuation of a holding for a rating period where the original valuation has been varied on appeal.

Clause 11 (1) imposes on the Director a duty to declare the annual drainage rate in respect of each rating period, and sets out the matters to be taken into consideration in determining the rate and the maximum rate that could be imposed on any holding. Clause 11 (2) requires the Director within 14 days of the declaration of the rate to cause a notice of the rate so declared to be served on the landholder or occupier of each holding. Clause 12 sets out when the rate is payable and when it is recoverable for the first year of a rating period and for any succeeding year of that rating period. Clause 13 provides for interest to be added to overdue rates, with power to the Minister to remit the whole or part of that interest in cases of undue hardship.

Clause 14 (1) specifies the Director or a nominee of the Minister as the person to whom rates are payable and by whom they are recoverable. Clause 14 (2) declares that unpaid rates are a charge on the land, and clause 14 (3) specifies from whom the rates are recoverable. Clause 15 invokes the aid of section 95 of the Waterworks Act and the Crown Rates and Taxes Recovery Act where rates and interest under this Bill are unpaid on the one hand or overdue for not less than three years on the other. Clause 16 provides that the liability for and the right to recover rates are not suspended by appeal, but where on appeal it appears that an excess amount has been paid by way of rates, that amount must be forthwith refunded. Clause 17 contains necessary regulation making powers.

Mr. HUTCHENS secured the adjournment of the debate.