**SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL 1969**

**Legislative Council, 28 October 1969, page 2486**

Second reading

**The Hon. C. M. HILL (Minister of Local Government):** I move:

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

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the South-Eastern Drainage Act in the Land and Valuation Court.

Clauses 1 and 2 are formal. Clause 3 inserts, a definition of “the Land and Valuation Court” in section 6 of the principal Act. Clause 4 amends section 51 of the principal Act, which at present gives a person a right to appeal against an assessment for rates made by the South-Eastern Drainage Board. Section 51 provides that each appeal is to be made in the first instance to the board and that from the decision of the board an appeal shall lie to the local court. The amendment provides that this appeal, instead of being to the local court, shall be to the Land and Valuation Court.

Clause 5 amends section 52 of the principal Act which deals principally with the manner in which the board shall hear the appeals which are, as mentioned earlier, to be made in the first instance to it. Paragraph V at present provides that a determination of the board is subject to a further appeal to the local court. This reference is changed to a reference to the Land and Valuation Court.

Clause 6 repeals and re-enacts section 53 of the principal Act, which at present deals with the manner in which an appeal to a local court is to be instituted. The section is re-enacted in a form that is appropriate to the new Land and Valuation Court provisions. Clause 7 strikes out section 54 (2) of the principal Act. This subsection is not necessary in view of the new provisions to be inserted in the Supreme Court Act.

Clauses 8, 9, 10 and 11 amend provisions in Part IV of the principal Act. Part IV is the portion of the Act that deals with the payment of the cost of scheme drains. This payment is, of course, to be made in accordance with the assessments of value made by the board and the provisions in this Part correspond exactly with those provisions that we have just dealt with. The nature and effect of the amendments are, of course, exactly the same.

Clause 12 amends section 103d, which falls within Part IVA of the Act. That Part deals with the drainage of the Eastern and Western Divisions of the South-East. The cost of the drainage is to be borne, under the provisions of section 103c, in accordance with an assessment of the value of the betterment which has resulted to land from the construction of drains and drainage works.

Section 103d provides for an appeal in the first instance to the board from a preliminary assessment of the betterment value, and then a further right of appeal to the local court. This reference to the local court is struck out and a reference to the Land and Valuation Court is inserted in its stead.

The Hon. S. C. BEVAN secured the adjournment of the debate.