**IRRIGATION ON PRIVATE PROPERTY BILL 1939**

**Legislative Assembly, 23 August 1939, pages 659-64**

Second reading

**Mr. SHANNON (Onkaparinga)—**I perhaps owe some apology to honourable members for undertaking to introduce such an important piece of legislation as this Bill, but probably, despite the shortcomings which I feel so keenly, if members will bear with me, I shall be able to give them at least a rough outline of what this Bill proposes, and if, at the conclusion of my speech, I have not. made every point clear I shall be only too happy to obtain any further information they may desire. The first question likely to occur to the minds of the member who does not know much about this matter is why such a Bill should be necessary, and whether the Government has not already sufficient reclaimed areas along the River Murray? If private owners desire to subdivide reclaimed areas along the River Murray it is essential that they should have some legislation which will make possible the co-operative working of those separate holdings, and that is one of the main reasons for the Bill. One of the outstanding features which makes this measure desirable is the pressing need, especially in view of the continued low price of wheat, for the State to be able to have its eggs in more than one basket. The opportunities on these reclaimed areas: for varied introductions are almost limitless . They will grow almost anything that can be-produced in a temperate - zone. They are ideal for dairying, pig and poultry raising, vegetable' growing and the many allied activities and it is essential, from the State’s point of view, that we start to draw more of our wealth from what have been considered to be sidelines, rather than from the main lines of wheat and wool. I omitted to mention fat lamb production which is a material adjunct to mixed farming and has made it possible for many farmers to carry on in these times of low prices for wheat. In fact, some have offset their losses on wheat by their profits on fat lambs.

Mr. McKenzie—Do not forget that prices are down now.

Mr. SHANNON—I do not, but fat lambs at 15s. a head are still profitable.

Mr. McKenzie—It depends on the price of the country.

Mr. SHANNON—It does not if a man has been sensible, but I do not propose to take up the case of the man who has been so foolish as to pay two or three times the value of his land. It is impossible to pass legislation to put him on the right side of the ledger, nor is it our duty to do so. However, we have a duty to the State, to make use of these lands which, if owned by European countries, would afford homes for hundreds of thousands of people; I do not think that is any exaggeration. The State has already made adequate transport provision, both road and rail, tor these areas, and I do not see why we should build railway lines put into the marginal lands while we have suitable territory like this that will never know a crop failure.

The Hon. M. McIntosh-—What about floods?

Mr. SHANNON—Floods can be dealt with. The disadvantages associated with an occasional flood are offset by the profits they make possible in succeeding years, and it has not altogether been proven that a flood has not some advantages. Continued watering ultimately creates seepage trouble, and a thorough leeching as effected by a flood is of some benefit.

Mr. Macgillivray—What will happen to those settlers already on Government areas?

Mr. SHANNON—I do not suggest increased plantings of wine grapes, in which I know the honourable member is very interested, because I am intimately acquainted with the difficulties of the wine producing districts.

The Hon. M. McIntosh—What about butter?

Mr. SHANNON—I do not think that we have over-produced either butter or milk, because the by-products of milk are limitless. At present South Australian lands as the result of irrigation will grow potatoes to advantage.

Our production per acre in this regard is greater than the production per acre in either Victoria or Tasmania, due to the fact that we have more up-to-date methods on our smaller areas. There is a general demand for the legislation from the people most interested. Those who own land ought to know whether or not they desire some method of control. I have a plan which will be displayed for the information of members. I also have some particulars which will interest them. Three brothers on one block consisting of 232 acres want the Bill. There is also another area of 367 acres where the holders want it, to say nothing of other land along the lower part of the River Murray. The total area presented in the petition is 1,714 acres. This land has already been reclaimed and worked. On the question of increased productivity resulting from reclamation and irrigation I think the House is entitled to some reliable information, and the Waite Agricultural Research Institute is my authority on the matter.

Mr. Thompson—Is there any new land not irrigated?

Mr. SHANNON—The plan will show the position more eloquently than any statement I can make. As I have said, the petition covers an area of 1,714 acres already reclaimed, but there is one block near Wellington that would probably exceed 1,714 acres. All the areas in blue on the plan are either reclaimed by private owners or available for reclamation and owned by private people. The River Glen reclaimed area was able to carry before reclamation 30 dry cows, but at present 300 cows are being milked. This does not mean that only 300 cows are carried, because it is essential that others must be carried. This will give an indication of the tremendous increase in productivity. Another interesting phase is the increase in employment in the areas which have been reclaimed. One block of 1,800 acres maintained one or two men prior to reclamation, whereas now it maintains 36 families. I do not know how many are in each family, but if the average number is three the results should be sufficient to justify action being taken. I want also to stress the tremendous step forward which has eventuated through improved pasture control. Under the old system lucerne was grown, cut, and then hand fed to stock. The feed value of the lucerne was very little different from the value of the present mixed pastures, but there is, under present conditions, an advantage because the stock do the mowing themselves. We are told by the Waite. Research Institute authorities that the land will carry all the year round 15 to 16 sheep per acre. We have figures from private people showing that as many as 25 sheep have been carried to the acre over specified periods, but we have no par­ticulars for a yearly term. I have authentic figures indicating that over a long period from 15 to 13 sheep were carried per acre on a fairly extensive area. It would be necessary to go outside Australia and possibly New Zealand to find land with a greater sheep carrying capacity. I do not say that there are no such places because undoubtedly there are areas of land similar to our own in other parts of the world. Members may ask why there should be the desire to pass legislation which will provide for the control of owners of freehold land.

Mr. Thompson—You are interfering with the rights of the individual.

Mr. SHANNON—Yes, if you like to put it that way. Members will want some valid reason why the legislation has been introduced. I intend to point out why there should be uniform control and management of the reclaimed area. First and foremost the embankment holding the river waters back from the low-lying areas must be mentioned. This embankment makes it possible for the land to be occupied for irrigation. The actual grazing of these areas prior to the building of the embankment was a crude and inefficient method of making use of the land. One feature connected with the building of a bank is that we cannot assess equitably the responsibility of the holder to repair any section of it. It has been said that each owner should look after the portion of the bank in front of his land, but the vulnerable point of a bank, in the event of a higher river, is the centre and the man whose property faces the centre will have much more work to do than settlers at each end of it. Another question is the maintenance of channels. It is necessary to keep them free from weeds in order to get water off the land. It is equally as important to get water off the blocks as it is to get it on.

Mr. Thompson—It is more difficult to get it off.

Mr. SHANNON—Yes. Although seepage and noxious weeds are the main menace, there are others. It has been proved that rotational watering is essential to success on reclaimed areas. Frequently excess water seeps from one block to an adjoining block, going right to the end of the settlement, and if no regard is paid to the quantity of water placed on the land seepage trouble as well as pumping costs must multiply. Although the matters I have mentioned are essential for the economic working of reclaimed areas it is not possible to enforce them without control. Much hardship has arisen because of lack of co-operation between settlers on irrigation areas. I will instance one or two cases. An area known as Toora is occupied by eight settlers, including the trustee of the estate of a man who was there in 1931. One landholder in that year refused to do anything when floodwaters rose over the bank. In order to protect their properties his fellow settlers perforce had to spend money on the bank to keep the water from entering his property. We should have a cooperative system whereby settlers could repair or raise the height of the banks. It is known, generally, when the greatest flow of water will reach ,a given point along the river. All we require is a warning and if the authorities advise owners along the reclaimed areas that on or about a given day in say September, floodwaters will reach their areas, they should take steps to safeguard their holdings. The case of River Glen is even more outstanding than that of Toora and is a strong argument why Parliamentary action should be taken. Settlers have been working there for about 15 years under a legal agreement drawn up by a solicitor under their instructions. It was abided by faithfully by all the settlers at River Glen, one of the bright spots of the Murray River. One of the settlers, however, sold his block to a man who purchased subject to the terms of agreement that the seller had agreed to when he bought it. This purchaser of River Glen, I think, was pretty well advised, probably by a legal man, who told him that he could disregard the agreement as it had no legislative backing and no penalties which could be enforced. The net result was chaos on River Glen and settlers there are still suffering as the result of the failure of this one settler to take reasonable steps to carry out work that should have been done in the interests of all.

Mr. McKenzie—Does that apply to other settlers who were flooded out?

Mr. SHANNON—I am not referring now to flooding, but the case of one settler’s non- compliance with the generally accepted line of action in the interests of all. For instance, in such matters as cleaning channels, killing noxious weeds, or the maintenance of the main bank, if one man stands out. all the rest may suffer. This particular legal agreement had been operating for 15 years, and could reasonably have been deemed to be effective, but it has now been discovered that one recalcitrant man may destroy its effectiveness. Admittedly a reasonable man would not take such a line, but an abnormal or vindictive person, perhaps simply because of a dispute with his neighbour could bring disaster on the whole settlement. That is totally unreasonable and I do not think the House will permit such a tiling. The statement of a man who has spent a lifetime on these river areas is worthy of consideration when discussing the disabilities these men suffer by virtue of trying to work on a voluntary basis. He says that in the maintenance of the bank a common policy as to strength and height and width of abutments must be mutually agreed upon and that is obviously impossible without powers—the powers sought in this measure. His second point is that the bank is more easily maintained at the ends than the centre, hence the necessity for control by a board consisting of all the owners rather than control by individuals.

Mr. Thompson—Doesn’t the man in the centre usually have the widest portion?

Mr. SHANNON—No, the narrowest. An important point to remember is that all settlers on private reclaimed areas are agreed that responsibility for maintenance of the bank should be on an acreage basis. The next point to which this man refers is the control of drainage and irrigation, and he points out the disabilities attending irrational or uncontrolled waterings. For instance, one man may decide, contrary to the accepted practice, to water on the night following his neighbours. Although this would be quite -wrong he might, through spite and because he had no valuable crop on his own block, water the night after his neighoburs and destroy, say, a valuable crop of potatoes on the adjoining land. Another feature is the control and management of the drainage plant. That is a common problem for each owner of land. They do not need half a dozen pumps and half a dozen men to look after them, hence it is in the interests of each man to have a voice in the management of the pumping plant. Sometimes one settler will do the work, or each settler in turn undertakes the work month by month.

Mr. Thompson—You are dealing entirely with land irrigated by gravitation?

Mr. SHANNON—Yes. This Bill refers only to reclaimed land which, of course, is only watered by gravitation. I now wish to touch briefly on some of the main provisions of the Bill. The first provides that until the Governor has proclaimed an area a private irrigation area under this Bill that area shall not be subject to the provisions of this measure and it will apply only to lands specified in that proclamation. I do not suggest that all of the areas coloured blue on the plan exhibited will, by one proclamation, become private irrigation areas. Provision is also made for petition and counter petition, and the Minister has power to appoint a special magistrate to make full inquiries in the event of objection being raised to the proclamation of an area. Thus full opportunity is given to objectors to state their case. If members can suggest further safeguards for the protection of individual owners I shall be pleased to hear them in the Committee stage. Another provision relates to the constitution of boards of control. Such boards are to comprise all owners of land, owners in this sense being the actual physical occupiers of the land. I draw attention to this because there may be some complaints about absentee owners. The voting strength of each owner will be decided according to the size of his holding. There will be one vote for every acre or part thereof. The board will have wide powers . Members might say that I have complained at times of trouble arising through vesting too much power in the hands of boards, but the board under the Bill will, comprise men who will be deciding affairs for themselves. Their meeting will be like a round-table conference and although the majority will actually rule the ease put up by the minority will receive consideration. If one man has a complaint as the result of a wrong decision a further meeting of the board can be held to alter the position if necessary. One clause deals with the duties of owners, and I have already outlined in the main what they are. Penalties will be imposed if the duties are not carried out . I forgot to mention previously that the board will be responsible for maintaining the embankment. Each owner will pay towards the cost according to his holding of land. The board may order the destruction of noxious weeds on a man’s land and if he fails to destroy the weeds the. board, may do the work and charge him with the cost. It is as necessary that this power should be held by the board as it is in connection with the cleaning of channels and other things. I point out that I am only the sponsor of the Bill. I did not draft it. It was done by Mr.John Homburg of Murray Bridge.

Mr. Bardolph—Was it necessary to go outside the Parliamentary Draftsman to have it done?

Mr. SHANNON—It is not the duty of the Parliamentary Draftsman to draft Bills for private members and if the member for Adelaide has had his services he has been fortunate, because he is not entitled to them. One of the duties of owners of land is to protect plantations of trees. Many gum trees along the river have been destroyed and their destruction has been one of the greatest acts of vandalism. The Murray gum is a finer tree than any of the trees in the Adelaide hills. This variety has a much finer foliage because of the greater quantity of water available. Many of the trees have been wantonly destroyed. I understand that it will be the policy of some of the boards to establish plantations in certain areas and those boards will be able to force owners to adhere to the provisions regarding the protection of the trees. The board will have power to levy rates. I again point out that the board will meet in the form of a round-table conference.

Mr. Thompson—What will be the position if the members do not agree?

Mr. SHANNON—The majority will rule. Actually the levying of the rates will be agreed upon by a meeting of the owners.

Mr. Bardolph—If there will be one vote for each acre there, is sure to be a majority vote.

Mr. SHANNON—The honourable member will have to read the Bill before he will under­stand what I am driving at. There are certain safeguards which will ensure that one man holding 50 acres of land will not be able to outvote several others who hold, say, 49 acres in all. If the member has any constructive ideas to put forward I will be glad to listen to them. The Bill gives the board power to recover, rates which have been levied and not paid, in the same way as local governing bodies have power to collect rates which are in arrears. Clause 46 of the Bill refers to the method by which rates shall be recovered in the event of their non-payment. Clause 47 provides safeguards in connection with trustees and agents of owners. It may so happen that a. man in financial. difficulties is having his land worked under, a trustee, and provision has been made whereby hardship cases will not result through trustees or agents not having sufficient money to pay rates. Power is also given to raise loans either on overdraft or against the security of rates. This provision is similar to the one contained in the Local Government Act. It is an excellent method for men desiring money to meet the cost of building an embankment and the purchase of plant. Financial houses look with approval upon this system of advancing money against the power to rate. Clause 52 refers to the powers of audit. There is also a provision dealing with the compilation of an assessment book. Other clauses provide for the imposition of a £20 fine in the event of instructions by the board not being carried out. Members will see the enormous damage which can be done by the failure to carry out the board’s instructions. They will also appreciate that owners of reclaimed areas will have small holdings and little financial backing so that the £20 penalty will be a substantial one for the owners.

Mr. Thompson—How will the fine be collected?

Mr. SHANNON—In the same way as is provided in the Local Government Act.

The Hon. J. Mclnnes—Is there the same power in regard to rates owing for a period of more than five years?

Mr. SHANNON—Exactly the same powers will apply as are contained in the Local Gov­ernment Act. I point out again that all the men operating in the reclaimed areas are parties to the arrangement and want the Bill. The powers under the Local Government Act in regard to the collection of rates in arrears are stringent and can inflict a hardship if applied according to the letter of the law, but is it likely that a man in arrears will have enemies to the extent of 99 per cent, of the residents in his area? I hardly think so. He is sure to have some friends . Many people have asked what is meant by charges on reclaimed lands. My reply is that the same is meant as charges on land by local governing bodies. They also want to know whether the charge has priority over mortgages. Of course it has, in the same way as local governing charges have priority. I have been asked “Is it a charge on the owner’s interest in the land if a lessee has any interest in it?” My reply is, “Yes, it is a charge on the fee simple of the land. The charge follows the land and not the occupier.” I have been asked, too, whether the charges are to prevail over registered mortgages under the Real Property Act and the reply is again "Yes". Certainly it would not be of much use if that were not so. I propose, in order that we should protect the interests of a man whose name appears in the assessment book and is charged for rates he should not justly be called upon to pay, to move an amendment to clause 54 by taking away the optional powers vested in the board to alter the assessment book accordingly and make them mandatory. My amendment, which appears on the file, is to delete \*‘may” in the last line of subclause (6) and insert "shall". I feel, because of the provisions of the Bill, that landholders along the River Murray will take steps to protect their holdings. There is no more productive land in Australia than the reclaimed areas along the Murray. One holding near the lakes has a greater area than those for which I am seeking assistance. Many big holdings below Mannum could be brought into profitable production because of the Bill. I move the second reading.

The Hon. R. S. RICHARDS secured the adjournment of the debate.