**SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL 1948**

**House of Assembly, 4 November 1948, pages 1219-20**

Second reading

**The Hon. C. S. HINCKS (Yorke Peninsula Minister of Lands)** moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—

That it is desirable to introduce a Bill for an Act to amend the South-Eastern Drainage Act, 1931-1947.Motion carried. Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

Second reading.

The Hon. C. S. HINCKS (Yorke Peninsula— Minister of Lands)—I thank the House for its courtesy in allowing me to proceed with the second reading of this Bill today, because of its urgency and the Government’s desire to proceed with it as soon as possible and give members an opportunity of perusing it over the weekend. It is the Government’s intention to give the Bill its correct place on the Notice Paper, so that it can be proceeded with concurrently with another measure. This Bill contains proposals for legislation complementary to that proposed in the Land Settlement Act Amendment Bill now before Parliament, containing the necessary provisions for the acquisition and allotment of land in the western division in the South-East. This Bill gives the South-Eastern Drainage Board authority to construct drains and drainage works for the drainage of the area in question, and provides for betterment rates on land which is benefited by the drainage works, but not acquired by the Government. The provisions of the Bill are quite simple. They take the form of a number of new sections in the South-Eastern Drainage Act.

Section 103a defines the western division of the South-East as being the land described in the schedule to the Land Settlement Act, 1944- 1948. In other words, it is the area on which the Land Settlement Committee made its report concerning drainage and settlement. Section 103b provides that for the purpose of improving land in the western division of the South-East, the South-Eastern Drainage Board may construct drains and drainage works. The cost of such construction will be paid out of money voted by Parliament. It is to be noted that the drains and drainage works need not all be in the western division of the South-East so long as they are for the purpose of draining that division; they may be constructed anywhere.

Section 103c provides that when any drains and drainage works have been completed, the South-Eastern Drainage Board may make a preliminary assessment of the value of the betterment which has resulted to any land from those drains and works. To assist it in making the assessment the board may obtain the help of assessors. The land which may be assessed may include land outside the western division, if it can be shown to derive benefit. The preliminary assessment will be gazetted. If not appealed against, it will automatically become the final assessment. If an appeal is lodged it will be heard in the first instance by the board, and if the appellant is not satisfied with the board’s decision on the appeal, he can take the case to the local court. The local court will finally decide the matter. The provisions as to these appeals are substantially the same as those relating to appeals against assessments of benefit resulting from the scheme drains. When an appeal has been determined, the amount paid by the board or the court will be the final assessment of betterment and will be gazetted.

The amount of betterment of any land will be payable, with interest, in 42 years. The annual payment necessary to repay the capital amount of the betterment and interest thereon at current rates payable by the Government is 4 1/8 per cent on the amount of the betterment. After 42 annual payments the liability of the landholder will be liquidated. The betterment rate will be a charge on the land, but not necessarily a first charge. A memorandum of the rate will be registered in the Lands Titles Office and will have effect as a mortgage, but will be subject to all mortgages existing at the time of the registration.

Section 103i exempts from the betterment rating any land which is acquired by the Crown and allotted or sold by the Crown at a rent or price which the Minister of Lands certifies to include an allowance for betterment resulting from the drains and drainage works constructed under the Bill. Crown lands not leased or held under agreement to purchase will also be exempt. There is, of course, no point in requiring the Drainage Board—a Crown instrumentality—to collect rates from the Crown.

The Bill is necessary in order to ensure that no injustice will result from any drainage works which may be constructed for the western division of the South-East. Obviously, if the rent or purchase price of land acquired by the Crown and allotted to settlers is to be loaded with some part of the drainage costs, it is only just that landholders whose land is not acquired by the Crown, but who derive benefit from the drains, should also pay their contribution. It is to be noted that the value of the betterment which is payable under the Bill is quite a different thing from the cost of the drains. If experience is any guide, it is almost certain to be less. The value of the betterment really depends upon the increase in the productive capacity of the land. This will have to be clearly shown before land is rated. I move the second reading.

Mr. O’HALLORAN secured the adjournment of the debate.