**IRRIGATION ACT AMENDMENT BILL 1941**

**Legislative Assembly, 30 October 19941, pages 1237-9**

Second reading

**The Hon. R. J. RUDALL (Angas—Minister of Irrigation)—**The principal purpose of this Bill is to give legislative effect to the recommendations of the Parliamentary Standing Committee on Public Works contained in its second progress report on the drainage of the Upper River Murray Irrigation Areas. For some years it has been apparent that, notwithstanding the numerous drainage outlets which have in the past been provided by the Irrigation Department, the need for a complete drainage system for some of the irrigation settlements was becoming more and more urgent and that, unless drainage schemes were carried out, many blocks, some of which are already seriously affected by seepage, would go out of production. In 1938, therefore, the House of Assembly, by resolution, referred the matter to the Public Works Committee for inquiry. A first progress report was presented by the committee in October, 1938. That report dealt with the question of the drainage of the locality in the Berri Irrigation Area known as Puddle- town Lake, and also dealt with the general problems associated with the drainage of irrigation areas. The second progress report of the committee was presented in August of this year and contains a comprehensive review of the position, makes recommendations for certain drainage schemes to be carried out, and sets out various proposals under which lessees of blocks affected will contribute to the cost of providing drainage outlets and to the cost of their maintenance, both as regards drain­age outlets to be provided and those already in existence.

Before framing these recommendations, the committee sought information from various

sources as to the best means of dealing with the drainage problem and as to the most equitable method of allocating the necessary costs involved among the lessees concerned. It is abundantly evident from the report that the committee’s recommendations have been made only after the most detailed inquiry and careful consideration of the issues involved and Parliament has reason to be grateful to the members of the committee for their labours. The Government has accepted all the proposals of the committee and the Bill gives effect to the committee’s recommendations as to the means to be provided for the recovery of the costs of drainage schemes from lessees concerned. When the Bill is passed and Parliament has thus approved of the recommendations, the Government will make available the necessary moneys for the purpose of carrying out the drainage works recommended by the committee. It is unnecessary for me to refer in detail to the matters contained in the report of the committee as I assume that hon. members are familiar with the contents of that valuable document.

Briefly, it may be said that the committee was satisfied that further drainage works must be carried out in certain irrigation areas and that these works should be constructed by the Irrigation Department. The committee came to this conclusion after consideration of various methods of preventing seepage and of removing drainage water. The committee also stated it as the opinion of members that, in installing drainage facilities, the Government has provided and will provide a tangible, valuable service for the settlers in the areas concerned and that an obligation rests on the settlers to contribute towards the cost of such a service. The committee recommends that, to meet this obli­gation, settlers should be required to contribute both towards the capital cost and the working expenses of drainage works. Clause 11 gives effect to these recommendations of the committee. For the purpose of draining any block or blocks or for the prevention or removal of seepage conditions in any irrigation areas, the Minister is authorized to construct drainage works. These works will be of two kinds, permanent outlets, which consist of drains discharging directly or indirectly into the River Murray or to some other suitable place, and temporary outlets, such as drainage bores or shafts. The lessee of every block which has direct access to an outlet will be required to contribute to the capital cost of the outlet and this obligation will arise whether the outlet is constructed before or after the passing of the Bill. The capital cost will be repayable in ten equal annual instalments but the total amount payable will not exceed £5 per acre of ratable land. Any cost in excess of this amount must be borne by the Government. The first annual instalment will not be payable until after the lapse of three years from the completion of the outlet. In addition, and pending the constitution of a drainage area, an annual drainage charge will be imposed on blocks having direct access to an outlet. This annual charge will be of such amount as is necessary to provide for the working expenses of the Minister and for interest charges on the capital outlay, and,for the present, will not exceed 10s. per ratable acre.

When an area is adequately drained, a drainage area will be constituted. Such an area will be constituted on the recommendation of a Drainage Committee which is provided to be established by the clause. The land to be included in a drainage area will be land coming within any of three categories, namely:—(a) land directly served by a drainage out­let; (b) other land directly or indirectly benefited by a drainage outlet; (c) land which contributes drainage water to other land served by an outlet.

Mr. Macgillivray—That will be a very debatable point. Who will decide it?

The Hon. R. J. RUDALL—I quite realize that it is debatable and that is why some com­mittees must go into the matter, but there can be no question that those three categories ought to contribute towards the cost.

Mr. Macgillivray—I understood that only blocks with direct access would be required to contribute.

The Hon. R. J. RUDALL—Why should not land which either directly or indirectly bene­fits from a drainage outlet contribute to the cost? It was because of the difficulties to which the hon. member refers that the Public Works Standing Committee recommended the appointment of the Drainage Committee. After a drainage area is constituted all ratable land within the area will be subject to a drainage rate to meet the working expenses and interest charges in the area. Such a rate, for the present, will not exceed 10s. an acre. Other matters of detail recommended by the committee are also provided for in the clause. Information as to any of these details will, in the Committee stage of the Bill, be given to any hon. members desiring further information as to any point. I would stress, however, that the scheme for contribution of capital and for payments towards working expenses and for the other matters included in clause 11, is in accordance with the recommendations of the committee. Clause 12 also arises out of the recommendations of the committee. It made a detailed inquiry into the question as to what sums could reasonably be required from the settlers towards the cost of drainage works and as to the capacity of settlers to meet such payments. I would particularly refer the members to page 18 and following pages of the committee’s report where these matters are discussed. The committee draws attention to the fact that, in instances, the Irrigation Department is unable to obtain satisfactory information as to their financial position from settlers who are in arrears with their payments to the Government and suggests that the Government obtain the necessary power to obtain this information.

Mr. Macgillivray—Have you not already that power ?

The Hon. R. J. RUDALL—No. The amendment which Parliament passed deals only with packing sheds. Clause 12 contains provisions which will give the Government the powers necessary to obtain the information in question. The clause applies to lessees of blocks in irrigation areas and to persons holding land in River Murray settlements to whom advances have been made under the Discharged Soldiers Settlement Act. Every person carrying on business as a fruit agent, winery, packing house, etc., or who markets or purchases in the way of business any crop or produce of a settler, must keep proper accounts to disclose the nature of these transactions. The Minister or any person authorized by him may inspect any of these accounts so far as they relate to the affairs of a settler in arrears with his payments to the department. In addition, the Minister may require any such settler to keep proper books and accounts and may inspect such books and accounts.

Mr. Macgillivray—Are you going to give them some lessons in bookkeeping?

The Hon. R. J. RUDALL—I do not know whether a set of books prepared by the hon. member would be quite sufficient, because I can understand that under his system of finance no bookkeeping would be necessary.

Mr. Macgillivray—I have not had your education.

The Hon. R. J. RUDALL—It is not a question of education, but of the system of finance. This provision is only similar to those already required under the Income Tax Act. These provisions are comparable with the provisions of regulations under the Dried Fruits Act relating to the power of the Minister to inspect accounts and records in relation to dried fruits in packing houses. Clause 6 gives effect to another recommendation of the committee. The committee on pages 21 and 22 of its report deals with the case of a settler whose holding is insufficient to enable him to meet his commitments and who has no chance of succeeding on his present holding. Clause 6 enables the Minister to accept the surrender of a lease in such circumstances and to make a compassionate grant, not exceeding £300, to the lessee on the surrender.

Mr. Macgillivray—Why do you say "compassionate grant”? May not the grower have some equity in his property?

The Hon. R. J. RUDALL—If a man has a property in which there is an equity and sells it, he is entitled to that equity. This particular provision was designed to enable the Government not so much to buy a block where there was an equity, but to allow the Government to give the settler who is going out under these circumstances some grant over and above any equity in his block. Consideration would be given to the smaller blocks, where there would be no possibility of any equity existing. If a settler were to go off one of those blocks it would not be a question of equity. He would simply go out without anything. To prevent that, the Public Works Standing Committee has recommended that the Government be empowered to make a grant to a lessee. In other words, he would have something to go out with.

Mr. McHugh—Quite a good recommendation, too, after 20 years of work by the settlers.

The Hon. R. J. RUDALL—As the House will see, the Government has accepted the recommendation, but has limited the amount to £300. I think that the House will agree that some limit should be placed on the powers of the Minister.

Mr. Macgillivray—In the event of a settler having a holding which is too small, and on its being transferred to another settler, will the amount in that property be limited by that £300 ?

The Hon. R. J. BUDALL—Each ease will have to be considered on its merits. Some settlers may have an equity and others may not, but this provision will allow the Government in the case of small holders going out to make them some grant where there was no equity, to ensure that a man will not go out entirely penniless because of causes beyond his control.

The Hon. G. E. Jenkins—The question of equity does not come into this. It is purely a compassionate grant.

The Hon. R. J. RUDALL—To show that it is not a question of equity, that is why I have termed it a “compassionate grant.”

The Hon. R. S. Richards—Does not the expression imply that it is a discretionary power given to the Government?

The Hon. R. J. RUDALL—It is a discretionary power given to the Government in particular cases. The limit is £300 and I do not want it to be thought for one moment that because £300 is fixed as the maximum it is also the minimum.

The Hon. R. S. Richards—It does not confer a right on a settler to claim he is entitled to anything.

The Hon. R. J. RUDALL—The matter is entirely within the Minister’s discretion. Assuming the House accepts the principle that a settler could be helped, there might be other eases in which the same reasons would not apply. It does not follow that every settler is entitled to this. Everything depends on circumstances of particular cases.

The Hon. R. S. Richards—In the sense you mean, "circumstances "do not necessarily mean financial circumstances?

The Hon. R. J. RUDALL—Not at all. Financial circumstances may have been the result of conduct on the settler’s part with which the Government does not agree. Although I think a maximum should be fixed by the House so as not to give any Minister unlimited discretion, I do not want it to be thought that because £300 has been inserted in the Bill as the maximum amount it is the minimum amount. The remaining clauses of the Bill make various administrative amendments to the Irrigation Act which do not involve any important questions of policy. When the Bill is in Committee a detailed explanation will be given of any clause if desired by any hon. member. I have not gone into a lengthy exposition of the Bill because I feel that with the Public Works Standing Committee’s report before members— and as the Bill is founded upon it—it is unnecessary for me to repeat page after page of the report as justification for the provisions in the Bill. I realize, as I did when the matter was referred to the Public Works Standing Committee, that it had to deal with an extremely delicate and difficult question. The Government greatly appreciates the work done by the Public Works Standing Committee and the way in which it tackled a most difficult problem. I thank the committee for its work and move the second reading of this Bill.

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