IRRIGATION ACT AMENDMENT BILL 1971

Legislative Council, 23 November 1971, page 3255

Second reading

**The Hon. A. F. KNEEBONE (Minister of Irrigation)** obtained leave and introduced a Bill for an Act to amend the Irrigation Act, 1930-1967. Read a first time.

The Hon. A. F. KNEEBONE: I move:

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

Its prime object is to facilitate the disposition of town allotments in areas the subject of the Irrigation Act. This is provided for in clause 4, and an account of how this object is to be achieved will be given in the comments on that clause. In addition, opportunity has been taken to effect some formal conversions to metric measurements in the principal Act. Clauses 1 and 2 are formal. Clause 3 repeals sections 25 and 26 which placed limitations on the amount of ratable land that may be held by any person or combination of persons, ratable land being defined as land that is supplied with water under the Act and in respect of which rates are payable.

Clause 4 provides for the disposition of town allotments and, while the provision is generally self-explanatory, I offer the following comments. The principal Act at present provides for town allotments in irrigation towns to be offered at auction or allotted by the Land Board under perpetual lease tenure, and a private individual can obtain a fee simple title only if he holds a licence or a perpetual lease and has erected permanent improvements, or satisfies the Minister that he will do so. The Crown Lands Act provides for disposal of town allotments in several ways, and it seems desirable that the disposal of allotments in irrigation towns should have the same flexibility. The methods provided under the Crown Lands Act that it is desired to apply to irrigation town allotments are briefly, (a) sale by auction for cash; (b) sale by auction with the option to purchase under an agreement with covenant to purchase over a specified period; (c) sale by private contract if unsold at an auction; and (d) an estate in fee simple allotted by the Land Board.

Provision is made under each of these methods in the Crown Lands Act to prevent speculation by providing for buildings to be erected, and restricting dealings without the consent of the Minister for a specified period with an appropriate power of cancellation for breach of conditions. These provisions are also provided in this clause. The power of cancellation for non-compliance with a building condition can sometimes be harsh in its application, when a substantial sum has been paid for the land and the purchaser then finds himself unable to comply with the conditions. Provision has therefore been made in the proposed new section for the Minister, in his discretion and on the recommendation of the Land Board, to refund an amount considered to be equitable in any particular case.

Clause 5 effects what is, for practical purposes, an exact conversion to metric measurements in section 40 of the principal Act, which deals with grants of land for public or charitable purposes. Clause 6 again effects a metric conversion that makes no difference to the operation or effect of section 74 of the principal Act. However, in paragraph (b) of this clause provision is made for the future rating to be based on actual amounts of water supplied rather than on the area of land supplied with water. Clause 7 effects formal metric conversions, and provides an amendment to section 75 of the principal Act consequential on the amendment effected by clause 6 (b).

Clause 8 amends section 80f of the principal Act, and increases in respect of drainage outlets, constructed after the commencement of the Act proposed by this Bill, the maximum contribution payable toward the cost of construction of the outlets. I emphasize that this increase will apply only with respect to outlets constructed in the future. The old maximum charge was at the rate of about $25 a hectare, and the new maximum charge will be $50 a hectare.

Clauses 9 and 10 effect formal metric conversion amendments to sections 80g and 80i respectively of the principal Act. Clause 11 again effects formal metric conversions to section 80j of the principal Act. Clause 12 slightly increases the maximum amount that may be expended on a block by the Minister under section 89 of the principal Act, and clause 13 is consequential on this clause. Clause 14 effects a formal metric conversion to the second schedule to the principal Act.

*Later:*

The Hon. C. R. STORY (Midland): I have studied the Minister’s second reading explanation and have taken some time to read the effects of the Bill on the irrigation areas of South Australia, which are unique as there are not many parts of the State that are affected by the Lands Department as much as those comprising the irrigation areas in the riverland area. I have studied this carefully and believe that what is happening in this Bill is what various Ministers and Directors of Irrigation have been trying to do for about the last 10 years. I compliment the Minister of Irrigation on giving me a chance to say that I have no objection to the passage of this Bill, which is perfectly proper.

Renmark is a free area that does not have to worry about Government control. Over the years, Renmark and Loxton (which, too, is not a Government scheme) have been successful in managing their own affairs. I see no objection to the Bill. I think the Government has done what various other Governments would have liked to do, and I compliment the Minister on the fact that, with his Director and other advisers, he has worked out a suitable system for dealing with a most difficult situation. On many occasions I have known people take up an area of land, particularly in Barmera or Loxton, and perhaps they have found difficulty in building upon it by a certain date. That problem has occurred. As we are all well aware, people sometimes think they are going along very well and suddenly something happens, but I do not think they should be deprived of having their piece of land. That is precisely what this Bill provides for.

The Hon. C. M. Hill: Has the Bill been submitted to local government up the river?

The Hon. C. R. STORY: Yes.

The Hon. D. H. L. Banfield: What was its reaction?

The Hon. C. R. STORY: I ascertained that from the Minister; otherwise, I would not be standing here supporting the Bill. As the Hon. Mr. Banfield knows, I am not one to stand up and talk nonsense. The Bill has been submitted to local government and is supported by the Lands Department; also, various bodies throughout the river area are quite clear on what is good for them.

Berri, Barmera, Loxton and Waikerie, which are the districts tremendously affected by this Bill, are in favour of it. Renmark has had the privilege, because of its private enterprise, of being able to do what the Government is now asking these areas to do. It is not quite as good, because the Government retains that terrible little bit of control; the Minister must still have some control. However, it is a very much better situation than that prevailing hitherto. Therefore, I support the measure and hope the Council will accept it.

The Hon. C. M. HILL (Central No. 2): While this Bill is before the Council, I take the opportunity to pursue the point implied by the last speaker, namely, that the Minister still retains that little bit of control. That is what he indicated. I have mentioned this matter previously in this place, and I stress it again: the time has come when the Lands Department and the Minister of Lands should make a concerted effort to get out of the river areas and to freehold as much land as possible, because I firmly believe that the development of the townships of Berri, Barmera, Waikerie and Loxton is restricted by the method of governmental control over leases in that region of the State.

In saying that, I am not criticizing the Minister’s department or his officers, or indeed the Minister himself. The laws of the State lay down the degree of Government control that exists there, and each officer involved, of course, carries out his duty as he should; but the time must come for a vast change in leasehold in the Upper Murray region of the State; the time must come, too, when the township blocks of the Upper Murray towns can be freeholded and transferred and sold without any restriction or need for consent from some central control in Adelaide. I hope we shall see that day when there is a full inquiry into this whole matter. It may mean that irrigation will have to be placed solely under some control other than that under which it is placed at the moment.

It will mean, of course, a great change from the traditional role that the Lands Department has always played but I am satisfied that, if we go on as we are, leasehold control in this State is a form of Socialism and, if we at some stage have a considerable inquiry so that the whole matter can be looked at in depth and all interested parties can examine it and give evidence about it, then the river towns and districts will be released from the huge amount of Government red tape that hampers their life and expansion at present. Every effort should be made to have that change as a goal. I hope that in the years to come we shall see some kind of concerted effort to bring about that change.

The Hon. H. K. KEMP (Southern): It is impossible for a normal person to find his way through the verbiage of this Bill. The many things that are said in this Bill only mean that the disposition of town allotments will be facilitated in irrigation areas. Why must so many words be used to convey that simple idea?

Bill read a second time.