**IRRIGATION ACT AMENDMENT BILL 1988**

**Legislative Assembly, 17 August 1988, pages 301-2**

Second reading

**The Hon. SUSAN LENEHAN (Minister of Water Resources)** obtained leave and introduced a Bill for an Act to amend the Irrigation Act 1930. Read a first time.

The Hon. SUSAN LENEHAN: I move: That this Bill be now read a second time.

 seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

Historically ‘rateable land’ was land suitable for horticulture and viticulture that could be irrigated by water gravitating from an irrigation channel or pipemain. Rates were only charged against rateable land and the base rate was calculated on the basis of the area of rateable land in each holding. A fixed quantity of water per hectare was provided in return.

In 1974 the Kingston Irrigation Area system of channels was replaced with sealed pipemains and metered supplies. Subsequently other irrigation areas converted to pipemains. In order to promote the more efficient use of water allocations, irrigators were permitted to use them to cultivate land that had previously been non-rateable land. The advent of efficient pumps had facilitated the irrigation of land beyond the rateable land limits. The basis of rating an area of rateable land has begun to erode.

Another step towards efficient use of water resources was implemented about the same time. Water allocations were redetermined, taking into account the type of planting. Thus vines, for example, drew an allocation of 10 700 kilolitres per hectare and fodder 14 700 kilolitres per hectare. Given these changes, it was a further logical step in the direction of efficient water use to permit irrigators to transfer allocations to other irrigators who could better use them.

The base rate has continued to be set at a fixed rate per hectare of rateable Land, regardless that additional areas had been planted or that there were differential allocations or that allocations had been transferred. It is reasonable and equitable to abandon this method of setting the base rate and relate it instead to allocations, by expressing it as a fixed percentage of the total allocation of each holding. It is proposed to fix the percentage at 50% as this most closely resembles the current level of base rates. This method of rating does not apply to the Loxton irrigation area or reclaimed irrigation area.

The comprehensive drainage system is designed to control perched water tables and/or the level of the groundwater mound, to ensure that the crop root zone is not waterlogged. It is considered that most irrigators contribute to the problem and would be adversely affected were it not controlled. Drainage rates are payable only by those irrigators whose holdings are directly served by the comprehensive drainage system. There is a perceived inequity in the fact that many irrigators who contribute to the drainage problem and benefit from the drainage system do not contribute to the cost of maintaining it. Recovering both water supply and drainage costs through a single rate will rectify this inequity.

This Bill, which was originally introduced on 30 March 1988, will provide the power to do this as an alternative to the current practice. It is proposed to adopt this option subject to the advice of the various Irrigation Advisory Boards. The thrust of these amendments is to provide the Government with greater flexibility to deal with these rating issues in conjunction with the Irrigation Advisory Boards.

Clauses 1 and 2 are formal. Clause 3 makes consequential changes to the arrangement provision. Clause 4 makes amendments to the definition section of the principal Act. Clause 5 replaces Part V of the principal Act. Section 54 defines terms used in the new Part.

Sections 55 and 56 set out the powers of the Minister in relation to the supply of water for irrigation, domestic and other purposes. Section 57 places obligations on the owner of land and section 58 enables the Minister to carry out those obligations at the expense of the owner if he fails to perform them. Section 59 establishes a landowner’s entitlement to water in accordance with his allocation. Section 60 provides for allocations and variations of allocations. If an owner reduces the area under cultivation he can request the Minister to reduce or revoke the water allocation with the result that the liability to pay the minimum rate set out in section 65 is reduced or removed completely. If, at a later date, the owner wants to increase the crop, he can apply for an increase in the allocation, but the Minister can only grant the application if sufficient water is available.

If additional water is not available the only way an owner can increase his share is by purchasing the whole or part of an allocation from a neighbour. The Minister can review and change allocations every five years but must always base a change on the water requirements of the crop growing on the land.

Section 61 provides for transfer of allocations with the Minister’s consent. Division IV provides for recovery of costs by rates. Section 63 (2) will enable the Minister to recover the cost of draining land as a component of the water supply rate. Alternatively, section 66 enables him to declare a separate drainage rate. Section 64 enables the Minister to declare different rates. Section 65 requires the payment of a minimum rate even though no water is used. Any amount so paid is paid on account of the water supply rate (65 (2)).

Sections 67 and 68 provide for the reduction of rates in certain circumstances. Section 69 provides for liability to pay rates. This replaces a similar provision that has been in the principal Act since 1983. Section 71 protects the Minister where he is unable to supply water because of an insufficiency. Section 72 provides for records. Section 73 provides for the supply of water by the Minister to nonrateable land. Section 74 provides for the drainage of water from non-rateable land and section 75 enables the Minister to discontinue the supply of water to or drainage of water from land.

Clause 6 repeals sections 119 and 120 of the principal Act in consequence of earlier amendments. Clause 7 inserts a transitional provision.

The Hon. P.B. ARNOLD secured the adjournment of the debate.