**SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL 1947**

**Legislative Council, 29 October 1947, pages 1104-5**

Second reading

**The Hon. R. J. RUDALL (Midland—-Attorney-General)—**This Bill has been introduced to deal with a problem of some importance in the drainage of the South-East. Members will appreciate the fact that the drainage system which has been constructed by the Government in that area will not work properly nor confer the benefit which landholders expect and pay for, unless water is allowed to run freely into the drains. If a landholder, in an effort to secure special benefit for his own land, dams back water and impedes its flow into the drains, that almost invariably has the effect of causing undue flooding on the land of another person, and deprives him of the benefit which he would otherwise obtain from the drains.

The South-Eastern Drainage Act enables the board to exercise a certain amount of control over private drainage works constructed by landholders. Section 81 requires a person to obtain a licence from the board before he constructs a private drain or private drainage work from which water discharges directly or indirectly into any of the Government drains. In a recent case a landholder constructed an embankment which prevented the natural flow of water into the Government drains and threw it back in very substantial quantities on to the land of his neighbour. He had no licence to construct the embankment. The board was advised that no licence was required by law because the water could not be said to “discharge” from the embankment directly or indirectly into a drain. Other similar eases have previously occurred and may occur in future unless the board is in a position to control the construction of dams, embankments and the like structures which prevent or impede the flow of water into the drains. It is therefore proposed to extend the scope of section 81 of the principal Act so that it will apply not only to works which discharge water into the Government drains, but also to works which impede or prevent the flow of water into those drains, or alter the course of water naturally flowing into them. If section 81 is so extended a licence will be required in future before any such works are constructed, and the board willthen be in a position to ensure that a landholder does not construct works to the injury of his neighbours.

It is also essential that the Board should have power to control works which, though lawfully constructed in the past cause damage to landholders. It is therefore proposed to give the board power to order that such works be rendered ineffective or that steps be taken to reduce or prevent damage from them. Clause 4 enacts a new provision to deal with this matter. It applies to any private drain or drainage work constructed without a licence whether in the past or in the future. If such a drain or work discharges into the Government drains, or impedes or prevents the flow of water into Government drains, or alters the course of water flowing into Government drains, the board is empowered to order that it be made ineffective, or that steps be taken to prevent or reduce damage from it. If the order is not obeyed the board may do the work and recover the cost from the owner or occupier who is in default. The power thus conferred on the board may appear substantial, but it is necessary in the interests of landholders themselves. The indiscriminate construction or retention of private drainage works may have serious effects in reducing the efficiency of the Government drains and depriving landholders of the benefits which they reasonably expect from them. I move the second reading.

The Hon. B. A. OATES secured the adjournment of the debate.