**STATUTES AMENDMENT (IRRIGATION) BILL 1983**

**Legislative Assembly, 19 April 1983, page 854**

Second reading

**The Hon. J.W. SLATER (Minister of Water Resources)** obtained leave and introduced a Bill for an Act to amend the Irrigation Act, 1930-1982; the Irrigation on Private Property Act, 1939-1978; the Lower River Broughton Irrigation Trust Act, 1938-1972; and the Pyap Irrigation Trust Act, 1923-1979. Read a first time.

The Hon. J.W. SLATER: I move: That this Bill be now read a second time.

The purpose of this Bill is to increase the level of interest charged on overdue irrigation and drainage rates in Government-administered irrigation areas in order to encourage reduction in the high levels of rates that are now outstanding. The Lower River Broughton Irrigation Trust and the Pyap Irrigation Trust have requested that similar amendments be made to the Acts under which they administer their areas, and accordingly appropriate amendments to those Acts are included in this Bill . A consensus in support of similar amendments to the Irrigation on Private Property Act, 1939- 1978, has been demonstrated by trusts that operate under that legislation.

The Acts that are amended by this Bill provide for interest or a fine on rates that are overdue at the rate of either 5 or 10 per cent. The effect of the amendments will be that, in future, interest will be 5 per cent of the rates unpaid after three months and 1 per cent of rates and interest unpaid at the expiration of each subsequent month. The initial moratorium of three months will assist those irrigators where cash flows are irregular, but the increased level of interest will more closely reflect the current market situation and provide an inducement for early payment.

The Bill also makes a number of minor amendments that will be explained in the notes to individual clauses. t is proposed to proclaim Act No. 65 of 1981, which amends the Irrigation Act, 1930-1981, and this Act on 30 June 1983. The amendments to the Irrigation Act, 1930-1982, made by this Bill are therefore as it is amended by Act No. 65 of 1981. I seek leave to have the explanation of the clauses inserted in Hansard without my reading it. Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the arrangement of the Bill. Clause 4 is formal. Clause 5 amends section 75 of the Irrigation Act, 1930-1982. Paragraph (a) removes from subsection (1) the requirement that the notice of the rate published in the Gazette prescribe a time and place for payment of the rate. This information will be printed on individual rate notices which will be of assistance to ratepayers and will give greater administrative latitude. Paragraph (b) strikes out subsections (2) and (3) and substitutes four new subsections. New subsection (2) is an improvement on the existing subsection (2) because it states clearly the persons who will be liable for rates and interest. New subsection (3) provides that both rates and interest on rates will be a charge on the land instead of rates only being charged on land as is provided by the present subsection (2).

New subsection (4) replaces subsection (3) and provides that a notice setting out the rates must be served on the person liable and that the rates will be due and payable from the date stated in the notice. New subsection (5) provides for interest at 5 per cent in respect of rates unpaid after three months with an additional 1 per cent of rates and interest at the end of each subsequent month. Subclause (6) is a transitional provision that provides that interest at the rate of 1 per cent calculated at the end of each month will be payable on rates and interest unpaid at the commencement of the amending Act.

Clause 6 amends section 78 of the principal Act. This section provides for charges to be made for the supply of water where rates are not applicable. The amendments correspond to those made to section 75 by clause 5. Clause 7 makes amendments to section 80j in line with the amendments to section 75 (1) made by paragraph (a) of clause 5.

Clause 8 enacts new section 80ja which makes provisions in relation to drainage charges that correspond to those made by clause 5 in relation to irrigation rates. Clause 9 is formal. Clause 10 amends section 43 of the Irrigation on Private Property Act, 1939-1978, in line with the amendments to the Irrigation Act, 1930-1982. Clause 11 is formal. Clause 12 amends section 91 of the Lower River Broughton Irrigation Trust Act, 1938-1972, in line with the amendments made to other Acts by this Bill. Clause 13 is formal. Clause 14 amends section 56 of the Pyap Irrigation Trust Act, 1923-1979, in line with the amendments made to other Acts by this Bill.

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