



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 54 of 1970

An Act to amend the South-Western Suburbs Drainage Act, 1959, to repeal the South-Western Suburbs (Supplementary) Drainage Act, 1966, and for other purposes.

[Assented to 10th December, 1970.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "South-Western Suburbs Drainage Act Amendment Act, 1970". Short titles.

(2) The South-Western Suburbs Drainage Act, 1959, as amended by this Act, may be cited as the "South-Western Suburbs Drainage Act, 1959-1970".

(3) The South-Western Suburbs Drainage Act, 1959, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. The following section is enacted and inserted in the principal Act immediately after section 2 thereof:— Enactment of s. 2a of principal Act—Repeal and savings.

2a. (1) The South-Western Suburbs (Supplementary) Drainage Act, 1966, is repealed.

(2) Notwithstanding the repeal effected by subsection (1) of this section—

- (a) any payment made by a council pursuant to the Act so repealed, before the day of commencement of the South-Western Suburbs Drainage Act Amendment Act, 1970, shall for the purposes of this Act be regarded as a payment made by that council pursuant to section 8 of this Act;
- (b) on and after the day of commencement of the South-Western Suburbs Drainage Act Amendment Act, 1970, no further payment shall be required to be made by any council pursuant to the Act so repealed;
- and
- (c) the total amount expended on the construction of the works authorized by section 6 of the Act so repealed shall be aggregated with and form part of the total amount expended on the construction of the works authorized by this Act.

Amendment of
principal Act,
s. 3—
Interpretation.

4. Section 3 of the principal Act is amended—

- (a) by inserting after the definition of “Minister” the following definition:—

“the Patawalonga works” means the works described in the schedule to this Act;;

- (b) by striking out the definition of “the plan” and inserting in lieu thereof the following definitions:

“the plan” means Parliamentary Plan No. 340 signed A. K. Johnke, Commissioner of Highways and dated the Seventeenth day of November, 1970, and deposited in the office of the Surveyor-General, Adelaide:

“the prescribed amount” means the prescribed amount ascertained as provided by subsection (2) of section 9 of this Act;:

and

- (c) by striking out the definition of “the report”.

Repeal of
s. 4 of principal
Act.

5. Section 4 of the principal Act is repealed.

Amendment of
principal Act,
s. 5—
Power to
acquire land.

6. Section 5 of the principal Act is amended by striking out the passage “under the Act incorporated with this Act” and inserting in lieu thereof the passage “under and in accordance with the Land Acquisition Act, 1969”.

7. Section 6 of the principal Act is amended by striking out paragraph I from subsection (1) and inserting in lieu thereof the following paragraphs:—

Amendment of principal Act, s. 6—
Power to construct and maintain works.

- i. The Minister may construct the drains numbered 1, 2, 2A, 3, 4, 6, 7, 8, 10, 11, 12, 14C, 15A, 15B, 16, 18, 19, 20, 21, 22, 24 delineated on the plan:
- iA. The Minister may construct and carry out the Patawalonga works:.

8. Section 7 of the principal Act is amended—

Amendment of principal Act, s. 7—
Councils liable for prescribed amount.

- (a) by striking out from subsection (1) the passage “one-half of the total cost of the works” and inserting in lieu thereof the passage “the prescribed amount”;
 - (b) by striking out from subsection (2) the passage “said one-half of the said total cost” and inserting in lieu thereof the passage “prescribed amount”;
- and
- (c) by striking out the table in subsection (2) and inserting in lieu thereof the following table:—

Municipal Council of Marion	55.18 per centum
Municipal Council of Mitcham ..	19.10 per centum
Municipal Council of West Torrens	1.57 per centum
Municipal Council of Unley	2.20 per centum
Municipal Council of Brighton ..	11.57 per centum
Municipal Council of Glenelg ..	7.44 per centum
The Garden Suburb Commissioner	0.94 per centum
District Council of Meadows	1.47 per centum
District Council of Stirling	0.53 per centum

9. Section 8 of the principal Act is amended—

Amendment of principal Act, s. 8—
Payment by councils.

- (a) by inserting after the passage “under this section” the passage “, after the commencement of the South-Western Suburbs Drainage Act Amendment Act, 1970,”;
- (b) by striking out the passage “total cost of the works” and inserting in lieu thereof the passage “prescribed amount”;
- (c) by striking out the passage “two million one hundred and fifty-eight thousand six hundred pounds” and inserting in lieu thereof the passage “\$4,332,898”;
- (d) by inserting after the passage “calculating interest” the passage “in respect of payments made pursuant to this section after the commencement of the South-Western Suburbs Drainage Act Amendment Act, 1970”;

(e) by striking out the passage “during which the said notification is given by the Minister” and inserting in lieu thereof the passage “immediately preceding the day of commencement of the South-Western Suburbs Drainage Act Amendment Act, 1970”;

and

(f) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsections:—

(2) For the purposes of ascertaining the amount payable pursuant to this section by each council on the first day of May next following the day of commencement of the South-Western Suburbs Drainage Act Amendment Act, 1970, and each first day of May that occurs thereafter, the Treasurer shall, having regard to the amendments effected to this Act by that Act, recalculate the payments required to be made by each council and the payments, as recalculated, shall be the payments required to be made pursuant to this section.

(3) Upon the application of a council the Treasurer may defer payment, upon such terms and conditions as he specifies, of such part of any payment required to be made by that council pursuant to this section on the first day of May, next following the day of commencement of the South-Western Suburbs Drainage Act Amendment Bill, 1970, as is equal to the difference between the amount of the payment that the council would have been required to make pursuant to this section together with the amount of the payment, if any, that the council would have been required to make pursuant to section 8 of the South-Western Suburbs (Supplementary) Drainage Act, 1966, had the South-Western Suburbs Drainage Act Amendment Act, 1970 not been enacted and the amount of the payment that the council is required to make pursuant to this section.

Amendment of principal Act, s. 9—
Notification of total cost and prescribed amount.

10. Section 9 of the principal Act is amended—

(a) by striking out the passage “such amount shall be the total cost for the purposes of section 7” and inserting in lieu thereof the passage “the prescribed amount, which shall be ascertained as provided in subsection (2) of this section”;

and

(b) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsection:—

(2) For the purposes of this Act the prescribed amount shall be ascertained by reference to the following formula:—

$$A = \frac{T - (P + \$1,000,000)}{2}$$

where:—

A = the prescribed amount expressed in dollars:

P = the amount expended on the construction of the Patawalonga works, as certified by the Auditor-General, expressed in dollars:

T = the total amount expended on the construction of the works expressed in dollars.

11. The following section is enacted and inserted in Part III of the principal Act immediately after section 13 thereof:—

Enactment of s. 13a of principal Act—

13a. The Municipal Council of Glenelg shall, at its own expense, cleanse, repair and maintain that part of the works being the Patawalonga works in accordance with the directions of the Minister of Works which directions the said Minister is hereby authorized and empowered to give.

Obligation on Municipal Council of Glenelg.

12. Section 17 of the principal Act is amended—

Amendment of principal Act, s. 17—
Variation in prescribed amount.

(a) by inserting in subsection (1) after the passage “of the works” the passage “(other than such a claim arising out of the construction of works being the Patawalonga works)”;

(b) by striking out from subsection (1) the passage “vary the amount included in such statement by the addition thereto of the amount of any compensation required to be paid” and inserting in lieu thereof the following passage “vary the prescribed amount by adding thereto one-half of the amount of any compensation required to be paid;

(c) by inserting after the word “The” being the first word in subsection (2) the word “prescribed”;

and

(d) by striking out from subsection (2) the passage “total cost of the works” and inserting in lieu thereof the passage “prescribed amount”.

**Amendment of
principal Act,
s. 20—
Payments by
councils.**

13. Section 20 of the principal Act is amended by striking out from subsection (1) the passage "Every council" and inserting in lieu thereof the passage "Each of the councils".

**Enactment of
Schedule to
principal Act.**

14. The following schedule is enacted and inserted in the principal Act immediately after section 26 thereof:—

THE SCHEDULE

The Patawalonga Works comprising:—

1. Deepening and widening of basin to an average width of 300ft. with necessary adjustments to services and facilities.
2. Construction of three additional outlet regulators, reconstruction of outlet channel and replacement of facilities.
3. Extension of King Street Bridge and dismantling bridge at Anderson Avenue.
4. Diversion of northern end of Adelphi Terrace and realignment of Military Road adjacent to Glenelg Sewage Treatment Works.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.