



ANNO VICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1977

No. 42 of 1977

An Act to amend the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1976, the Crown Rates and Taxes Recovery Act, 1945, and the South-Eastern Drainage Act, 1931-1974.

[Assented to 15th December, 1977]

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

Short titles.

1. (1) This Act may be cited as the "Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment Act, 1977".

(2) The Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1977".

Commence-
ment.

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

Amendment of
principal Act,
s. 2—
Interpretation.

3. Section 2 of the principal Act is amended—

(a) by striking out the definition of "rating period";

(b) by striking out the definition of "rating year" and inserting in lieu thereof the following definition:—

"rating year" means a period of twelve months commencing on the first day of May and ending on the thirtieth day of April;

(c) by striking out from paragraph (a) of the definition of "the area" the passage ", 864 and 882" and inserting in lieu thereof the passage "and 864";

and

(d) by striking out the definitions of "the board" and "the Land and Valuation Court" and inserting in lieu thereof the following definition:—

"unimproved value", in relation to a holding, means the unimproved value of the holding as determined under the Valuation of Land Act, 1971-1976:.

4. Section 3 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 3—
Duty of Minister to maintain drains.

(3) The rates levied under this Act shall be paid into the General Revenue of the State.

(4) The Minister may, by instrument in writing, delegate any of his powers under this Act.

(5) A delegation under subsection (4) of this section is revocable at will and does not affect the power of the Minister to act personally in any matter.

5. Sections 4 to 12 (inclusive) of the principal Act are repealed and the following section is enacted and inserted in their place:—

Repeal of ss. 4 to 12 of principal Act and enactment of section in their place—

4. (1) The Minister shall, in respect of each rating year, declare a drainage rate upon all holdings within the area.

Declaration of rate, etc.

(2) The rate—

(a) shall be based upon the unimproved value of the holdings as at the commencement of the rating year;

and

(b) shall not exceed seven-tenths of one cent for every dollar of the unimproved value of those holdings.

(3) The Minister shall not declare a rate, in respect of a rating year, that exceeds the rate necessary to recoup the cost, or estimated cost, of administering this Act for that rating year.

(4) The rates payable in respect of each holding shall be calculated and a notice in writing shall be sent by post to each landholder informing him of the amount payable by him.

(5) The rates shall become due and payable by the landholder upon the expiration of thirty days from the date of the notice.

(6) The maximum rate prescribed by subsection (2) of this section shall not at any time be increased to such an extent that it exceeds the maximum rate prescribed at that time by the South-Eastern Drainage Act, 1931-1974, by more than four-tenths of one cent.

6. Section 13 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 13—
Interest on overdue rates.

(1) If any drainage rates are not paid within thirty days after the day on which they became due and payable, interest at the rate of ten per centum per annum calculated from the day on which the rates became due and payable, shall be added to the amount of the rates.

Repeal of s. 14 of principal Act and enactment of section in its place—

Recovery of rates.

7. Section 14 of the principal Act is repealed and the following section is enacted and inserted in its place:—

14. Drainage rates, and interest thereon—

(a) shall, until paid, be a charge upon the holding in respect of which they are payable;

and

(b) shall be recoverable by the Minister as a debt due to him from the person who is for the time being the landholder in respect of that holding.

Repeal of ss. 15 and 16 of principal Act.

8. Sections 15 and 16 of the principal Act are repealed.

Amendment of principal Act, s. 17—
Regulations.

9. Section 17 of the principal Act is amended—

(a) by inserting in subsection (1) after paragraph (b) the following paragraph:—

(ba) to provide for the removal of obstructions from drains or drainage works; ;

and

(b) by striking out from subsection (2) the passage “one hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of Crown Rates and Taxes Recovery Act, 1945.

10. (1) The Crown Rates and Taxes Recovery Act, 1945, as amended by subsection (2) of this section, may be cited as the “Crown Rates and Taxes Recovery Act, 1945-1977”.

(2) Section 2 of the Crown Rates and Taxes Recovery Act, 1945, is amended by inserting in paragraph (a) of the definition of “Crown rates or taxes” after the passage “payable to the Minister of Works pursuant to” the passage “the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1977,”.

Amendment of South-Eastern Drainage Act, 1931-1974.

11. (1) The South-Eastern Drainage Act, 1931-1974, as amended by subsection (2) of this section, may be cited as the “South-Eastern Drainage Act, 1931-1977”.

(2) The South-Eastern Drainage Act, 1931-1974, is amended—

(a) by striking out from subsection (1) of section 10a the passage “all persons who are for the time being liable to pay rates under the provisions of this Act in respect of land in the South-East” and inserting in lieu thereof the passage:—

(a) all persons who are for the time being liable to pay rates under this Act;

and

(b) all persons who are for the time being liable to pay rates under the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1977.;

(b) by striking out from paragraph (b) of subsection (2) of section 49 the passage “and deposited in the Central Plan Office of the Department of Lands”;

and

(c) by inserting in section 49 after subsection (3) the following subsection:—

(4) The board shall make available for public inspection any plan referred to in subsection (2) of this section, together with any alterations thereto.

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

K. SEAMAN, Governor