



ANNO DECIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1965

No. 43 of 1965

An Act to amend the Eight Mile Creek Settlement
(Drainage Maintenance) Act, 1959.

[Assented to 9th December, 1965.]

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 "Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment Act, 1965". Short titles.

(2) The Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959, as amended by this Act, may be cited as the "Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1965".

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

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 2 of the principal Act is amended by striking out the definition of "rating period" and inserting in lieu thereof the following definition :— Amendment of principal Act, s. 2—
Interpretation.

"rating period"—

(a) for the purposes of this Act as in force before the commencement of the Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment Act, 1965, means the period of five years which ended on the thirtieth day of April, 1965 ; and

- (b) for the purposes of this Act as in force after such commencement, means each complete period of five years the first of which periods commences on the first day of May, 1966, and each of which succeeding periods commences on the first day of May every five years thereafter : .

Enactment of
s. 4a of
principal Act—

4. The following section is enacted and inserted in the principal Act after section 4 thereof:—

Drainage rate
for the year
ending on
30th April,
1966.

4a. (1) The annual drainage rate declared and levied on each of the holdings in the area in respect of the rating period which ended on the thirtieth day of April, 1965, shall be the drainage rate on that holding for the year ending on the thirtieth day of April, 1966, and shall become due and payable by the landholder or occupier of the holding to the Director when notice setting out the amount of that rate on that holding is served by post on such landholder or occupier, but no such rate shall be recoverable from any person until after the expiration of thirty days after the time when that notice has been so served.

(2) If any drainage rate on any holding for the year ending on the thirtieth day of April, 1966, is not paid within thirty days from the time when such rate becomes recoverable under this section, interest at the rate of five per centum per annum from the date of the notice shall be added to such rate and shall be payable by and recoverable from the person liable to pay the same.

(3) The Minister may remit the whole or any part of the interest payable by any person under this section if he is satisfied that it is desirable to do so in order to prevent undue hardship or for any other reason which the Minister considers sufficient.

Amendment of
principal Act,
s. 5—

Rate to be
determined
after
ascertaining
average
annual
expenditure
for rating
period and
valuations of
holdings.

5. Section 5 of the principal Act is amended—

- (a) by striking out subsection (1) thereof and inserting the following subsections in lieu thereof :—

(1) For the purposes of determining the annual drainage rate in respect of each rating period that commences on or after the first day of May, 1966—

(a) the Director shall, before the commencement of each rating period, prepare an estimate of the expenditure that would be incurred during that period in connection with the cost and expenses referred to in section 4 of this Act, and shall determine the amount representing the average annual expenditure for that period ; and

(b) the board shall, not less than one month before the commencement of each rating period, make and lodge with the Director a valuation of the unimproved value of the land comprised in each holding within the area, having regard to all such matters in connection with such holding as it regards as fair and equitable to be taken into consideration in arriving at the valuation.

(1a) For the purposes of this section "unimproved value" of any land shall have the meaning assigned to that expression in section 4 of the Land Tax Act, 1936-1961, as amended. ;

and

(b) by inserting after subsection (2) thereof the following subsection :—

(3) Notwithstanding anything contained in this Act as in force before the commencement of the Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment Act, 1965, any valuation made by the board before such commencement for the purpose of the rating period that, but for that Act, would have commenced on the first day of May, 1965, is hereby cancelled and shall have no force or effect.

6. Section 12 of the principal Act is amended by inserting after the passage "that year," in subsection (2) thereof the passage "or within such further time as may be allowed by the Director and specified by notice served by post on such landholder or occupier,".

Amendment of
principal Act,
s. 12—

Annual
drainage rate
when payable.

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

EDRIC BASTYAN, Governor.