



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1817.

An Act to amend the South-Eastern Drainage Act, 1926.

[Assented to, December 21st, 1927.]

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-Eastern Drainage Act Amendment Act, 1927". Short title.

(2) The South-Eastern Drainage Act, 1926, hereinafter called "the principal Act," and this Act may be cited together as the "South-Eastern Drainage Acts, 1926 and 1927".

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

3. The following section is hereby inserted in the principal Act, namely :— New section 4A in principal Act—

4A. Notwithstanding the repeals effected by this Act any District Council the whole or any part of the District of which is not for the time being included in the South-East as defined by this Act and any proclamation hereunder shall, so long as such District or part of a District is not so included, continue with respect to such District or part of a District, to have and be subject to all the rights, powers, functions, obligations, duties and immunities vested in or imposed upon a District Council under the Acts repealed by this Act, and (without limiting the generality of the foregoing provision) may during the period aforesaid

Saving of powers of District Councils outside the South-East.

South-Eastern Drainage Act Amendment Act.—1927.

aforesaid continue to declare and levy drainage rates within such District or part of a District as provided by any of the Acts repealed by this Act; and so far as is necessary to give effect to this section all the provisions of any such Act relating to any of the said rights, powers, functions, obligations, duties or immunities shall remain in force and be deemed to have remained in force continuously from the time of the enactment of those provisions.

Amendment of
principal Act,
Part III.—

Interest on unpaid
rates.

4. Part III. of the principal Act is amended by inserting therein after section 59 the following section:—

59A. If any drainage rates are not paid within three months from the time when they become recoverable, as provided in section 59, a fine of Five Pounds per centum and interest at the rate of Five Pounds per centum from the time when the rates are declared until payment thereof shall be added to such rates and shall be payable by and recoverable from the person liable to pay the same.

Amendment of
principal Act,
Part III.—

Penalty for inter-
ference with
regulators, etc.

5. Part III. of the principal Act is amended by inserting therein after section 76, the following section:—

76A. (1) No person shall destroy, damage, or interfere with any channel, apparatus, or other thing appertaining to or forming part of the drains or drainage works.

(2) No person shall without the authority of the Commission (the proof of which authority shall be upon the defendant) open, shut, raise, lower, or tamper with any regulator, sluice, gate, or weir appertaining to any of the drains or drainage works.

(3) Any person contravening this section shall be guilty of an offence and shall be liable to a penalty not exceeding Fifty Pounds.

Amendment of
principal Act,
Part III.—

Licences to construct
certain private
drains.

6. Part III. of the principal Act is amended by inserting therein after section 79, the following section:—

79A. (1) No person shall construct any private drain or drainage works from which water discharges or is likely to discharge whether directly or indirectly into any drain or drainage work—

(a) unless he has first obtained a licence from the Commission so to do; or

(b) otherwise than in accordance with the terms and conditions of such a licence.

Any person contravening this subsection shall be guilty of an offence, and shall, in addition to any other liability which he may incur, be liable to a penalty not exceeding Fifty Pounds.

(2) Any licence granted under this section may authorise the person so licensed to construct, maintain, and use a private drain

South-Eastern Drainage Act Amendment Act.—1927.

drain or private drainage works through or on any land ; and any question of compensation between such person and the owners or occupiers of any land for any damage arising from or in connection with the construction, maintainance, and use of such drain or works shall be determined by the Commission, whose decision shall be final and not subject to appeal or to be questioned in any way.

(3) If any person who has obtained a licence from the Commission to construct any private drain or drainage works does not complete such drain or works in the manner and within the time (if any) mentioned in the licence, the Commission may complete the same and recover the cost of so doing from such person on complaint in a summary way.

(4) The person constructing any private drain or drainage works, whether under this Act or the Acts repealed by this Act, and the successors in title of such person shall keep such drain and drainage works clean and in good repair, and if he or they fail to do so the Commission may clean or repair the same and recover the cost of so doing from such person or his successors in title on complaint in a summary way.

(5) Any licence granted to any person under any Act repealed by this Act authorising such person to construct any drain or drainage works to connect with any main or district drain shall remain in force as if granted under this section.

(6) If any water discharges directly or indirectly into any drain or drainage work from any private drain or drainage work for which a licence has not been obtained under this section or under any Act repealed by this Act, the person who constructed that private drain or drainage work or his successor in title shall be guilty of an offence and liable to a penalty not exceeding Two Pounds for every day on which water discharges as aforesaid.

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

G. J. R. MURRAY, Lieutenant-Governor.