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EDWARDI VII REGIS.

A.D. 1909.

No. 989.

An Act to amend "The South-Eastern Drainage Act Amendment Act, 1908."

[Assented to, December 11th, 1909.]

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

1. This Act may be cited alone as "The South-Eastern Drainage Act Amendment Act, 1909," and "The South-Eastern Drainage Act Amendment Act, 1908" (hereafter in this Act called "the said Act") and this Act may be cited together as "The South-Eastern Drainage Act Amendment Acts, 1908 and 1909." Short title.

2. This Act is incorporated and shall be read as one Act with the said Act and the Acts with which the said Act is incorporated. Incorporation with other Acts.

3. (1) The definition of "Engineer-in-Chief" in section 5 of the said Act is hereby amended so as to read as follows:— Definition.

"Engineer-in-Chief" means the person for the time being holding the office of Engineer-in-Chief or (except in section 6) discharging the duties of such office.

(2) The said section 5 is hereby further amended by striking out the whole of the two lines defining the term "Superintending Surveyor."

4. (1) After the passing of this Act the Superintending Surveyor shall not be a member of the Assessment Board, but the Engineer-in-Chief shall be a member thereof in his place. Members of Assessment Board.

(2) Section

The South-Eastern Drainage Act Amendment Act.—1909.

Amendment of sec.
of Act of 1908.

(2) Section 6 of the said Act is hereby amended by substituting the word "Engineer-in-Chief" for the words "Superintending Surveyor," in subsection (2) thereof.

Amendment of sec. 23
of Act of 1908.

5. Section 23 of the said Act is hereby amended by substituting the word "Drainage" for the word "Assessment" in the last line of subsection (2) thereof.

Amendment of sec. 54
of Act of 1908.

6. Section 54 of the said Act is hereby amended by striking out the words "of Crown Lands" after the word "Commissioner" in the last paragraph of the said section.

Provisions for placing
remainder of Reedy
Creek drains under
Drainage Board.

7. (1) From the passing of this Act—

(a) The provisions of section 33 of the said Act shall apply to that part of the Reedy Creek Drain which is situated in the district of the District Council of Mount Muirhead, and to all drainage works now or hereafter connected with the said drain which are situated in the said district, to the same extent as if the said part of the said drain and the said drainage works were situated in the South-East, as defined by the said Act:

(b) No District Council shall have any right, power, or duty with regard to the care, control, or management, or the cleansing, repair, or maintenance of the said part of the said drain or the said drainage works.

(2) In this section the Reedy Creek Drain means the drain at the time of the passing of this Act known by that name, as the same is at such time constructed and situated, or as the same is for the time being constructed and situated, in consequence of any alterations thereafter made in its course or otherwise.

Petition for bringing
other areas within the
"South-East."

Cf. Act 962, 1908,
s. 49.

Cf. *ibid.*, s. 50.

8. (1) A petition may be presented to the Governor requesting that any area of land defined in such petition which is not already within the South-East (as defined by the principal Act) may be added thereto.

(2) Such petition shall be in the form in the Schedule to this Act, and each signature thereto shall be witnessed by some person who shall make a declaration before a Justice of the Peace in the form at the end of the said Schedule. Any person wilfully making any false statement in any such declaration shall be guilty of a misdemeanor, and shall be liable, on conviction, to imprisonment with hard labor for any term not exceeding two years.

Petition referred to
Assessment Board.
Cf. *ibid.*, s. 51.

9. (1) A petition presented under the next preceding section shall be referred to the Assessment Board, who shall as soon as practicable furnish the Commissioner with a report stating—

1. The number of the landholders of the lands situated within the area defined by the petition;

11. The

The South-Eastern Drainage Act Amendment Act.—1909.

- ii The number of the landholders of lands so situated who are signatories to the petition;
- iii. The total value of the lands situated within the said area; and
- iv. The total value of the lands so situated of which the said signatories are the landholders.

(2) In this section "value" means—

Cf. *ibid.*, s. 53 (2).

- i. As to lands assessed for the purposes of land tax, the unimproved value of such lands as so assessed:
- ii. As to lands not so assessed, the unimproved value of such lands as assessed by the Assessment Board;

and for the purposes of this section the Assessment Board shall assess the unimproved value of such of the lands situated within the said area as are not assessed for the purposes of land tax.

10. (1) If it appears from the report of the Assessment Board that the petitioners are a majority of the landholders of the lands situated within the area defined by the petition, and that the total value of the lands so situated of which they are the landholders is at least three-fourths of the total value of all the lands so situated. the Governor may, by Proclamation published in the *Gazette*, add the said area to the South-East within the meaning and for the purposes of the principal Act, and from the date of such publication the South-East shall include the said area in addition to the areas theretofore included therein.

Proclamation adding the area to the "South-East."

Cf. *ibid.*, s. 53.

(2) Every Proclamation made under this section shall state within what Ward the said area shall be comprised for the purposes of electing representative members of the Assessment Board, and within what Ward the said area shall be comprised for the purpose of electing representative members of the Drainage Board, and from the date of the publication of such Proclamation the said area shall be comprised in such Wards accordingly.

Cf. *ibid.*, ss. 7 and 21.

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

DAY H. BOSANQUET, Governor.

The South-Eastern Drainage Act Amendment Act.—1909.

THE SCHEDULE.

THE SOUTH-EASTERN DRAINAGE ACT AMENDMENT ACT, 1909.

Petition to add an Area to the South-East.

To His Excellency the Governor of the State of South Australia.

1. We, the undersigned, being a majority of the landholders of the lands situated within the area hereinafter defined, and being the landholders of at least three-fourths in value of the lands so situated, hereby request that the said area may be added to the South-East within the meaning and for the purposes of "The South-Eastern Drainage Act Amendment Act, 1908."

2. The area above referred to is as follows:—

[Here define the area by stating the boundaries thereof.]

3. The full names, addresses, and occupations of each of us, and particulars of the lands within the said area of which we are the landholders, are set out below:—

Christian Name and Surname in Full.	Address.	Occupation.	Particulars of land, giving Section Number and Hundred.	Signature.	Signature of Witness.

Declaration of Witness.

I solemnly and sincerely declare that the signatures to the above petition, opposite to which my name is signed, are the genuine signatures of the persons whose signatures they purport to be.

[Signature of Witness.]

Declared at this day of , 19 .

Before me,

A Justice of the Peace in and for the State of South Australia.