



ANNO UNDECIMO

GEORGII VI REGIS.

A.D. 1947.

No. 25 of 1947.

An Act to amend the South-Eastern Drainage Act,
1931-1935.

[Assented to 20th November, 1947.]

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, 1947". Short titles.

(2) The South-Eastern Drainage Act, 1931-1935, as amended by this Act, may be cited as the "South-Eastern Drainage Act, 1931-1947".

(3) The South-Eastern Drainage Act, 1931-1935, is hereinafter called "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 6 of the principal Act is amended by inserting after the definition of "petition drains" the following definitions :— Amendment of s. 6 of the principal Act—
Definitions.

"private drain" means any artificially constructed channel in the South-East not being a channel constructed by or on behalf of the Crown :

"private drainage work" means any dam, weir, embankment, culvert, ford or bridge in the South-East not being a dam, weir, embankment, culvert, ford or bridge constructed by or on behalf of the Crown.

Amendment
of s. 81 of the
principal
Act—

Licences to
construct
certain
private
drains.

4. Section 81 of the principal Act is amended by striking out the first four lines thereof and inserting in lieu thereof the following :—

(1) No person shall construct any private drain or any private drainage work—

- (i.) from which water discharges or is likely to discharge, whether directly or indirectly, into any drain or drainage work ; or
- (ii.) which prevents or impedes or is likely to prevent or impede the flow of water into any drain or drainage work ;
- (iii.) which alters or is likely to alter the course taken by water which flows or, but for the alteration of its course, would flow into any drain or drainage work—

Enactment
of s. 81a of the
principal
Act—

5. The following section is enacted and inserted in the principal Act after section 81 thereof :—

Private drains
and drainage
works con-
structed
without a
licence.

81a. (1) Where any private drain or private drainage work has, either before or after the enactment of this section, been constructed (whether lawfully or unlawfully) without a licence, and the board is satisfied that—

- a) water discharges or is likely to discharge from that private drain or private drainage work, directly or indirectly into any drain or drainage work ; or
- (b) the private drain or private drainage work prevents or impedes, or is likely to prevent or impede, the flow of water into any drain or drainage work ; or
- (c) the private drain or private drainage work alters or is likely to alter, the course taken by water which flows or, but for the alteration, would flow into any drain or drainage work,

the board may, by notice in writing to the owner or occupier of the land on which the private drain or private drainage work is situated, require him to take such steps as are specified in the notice either for the purpose of rendering the private drain or drainage work ineffective, or of preventing or reducing damage likely to occur as a result of the construction of the private drain or private drainage work.

(2) If any person fails to comply with any requirement of a notice given to him under this section the board may do the work specified in the notice and, by action in any court of competent jurisdiction, recover from that person the cost of so doing: Provided that where the notice relates to a private drain or private drainage work lawfully constructed five years or more before the passing of the South-Eastern Drainage Act Amendment Act, 1947, the board shall pay the cost of all work done pursuant to the notice.

6. Section 88 of the principal Act is amended by striking out subsection (4) thereof.

Consequential
amendment of
s. 88 of
principal
Act.

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

C. W. M. NORRIE, Governor.

1500000000