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VICTORIÆ REGINÆ.

A.D. 1895.

No. 629.

An Act to provide for the Drainage of Land in the South-East.

[Assented to, December 20th, 1895.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

1. This Act may be cited as "The South-Eastern Drainage Act Amendment Act, 1895," and shall be incorporated with "The South-Eastern Drainage Act, 1878."

Short title and incorporation.

2. The Commissioner may, out of any moneys provided by Parliament for the purpose, construct such main drains and drainage works as he may think proper for the drainage of lands in the South-East; but plans showing the drains proposed to be constructed shall be laid before and approved by Parliament before the commencement of the construction of such drains and the drainage works connected therewith.

Power to Commissioner to construct drains.

No further approval of Parliament shall be required for the construction of the main drain from the hundred of Riddoch to the hundred of Duffield, as shown in Parliamentary plan signed by the Engineer-in-Chief and dated November thirteenth, one thousand eight hundred and ninety-five, and the cost of which work shall not exceed Thirty Thousand Pounds.

3. From and after the coming into operation of this Act all Drainage Boards shall cease to exist, and all rights, powers, functions,

Drainage Boards abolished and functions vested in District Councils.

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functions, obligations, duties, and immunities vested in such boards, and whether by Statute or otherwise, shall be vested in, and shall be exercised, performed, and enjoyed by District Councils.

District Councils to have control and management of all drains.

4. Each District Council shall have the care, control, and management of all main and district drains and drainage works within its district, whether heretofore or hereafter constructed, and shall thoroughly cleanse, repair, and maintain the same in a due state of efficiency to the satisfaction of the Commissioner; and if any District Council shall fail to cleanse or repair any drain or drainage work under its control within a reasonable time after being required by the Commissioner to do so, the Commissioner may cause the same to be cleansed or repaired, as the case may require; and the cost thereof shall be paid by the District Council to the Commissioner, or may be deducted from any money or subsidy payable by the Government to the District Council. A certificate signed by the Engineer-in-Chief shall be conclusive evidence of the cost of cleansing or repairing any such drain.

District Councils may combine to carry out duties as to drains.

5. It shall be lawful for any two or more District Councils to combine for the purpose of constructing district drains or drainage works, and for carrying out or performing any of the powers or duties vested in or imposed upon them by this Act.

The Commissioner may require any District Councils to undertake within their districts any drainage works for the common benefit of such districts, and such councils shall undertake and complete such works accordingly, and the cost thereof shall be apportioned between such councils, according to the advantage to such districts, in shares to be fixed by the Commissioner; and if any council, after reasonable notice by the Commissioner, shall omit to undertake and complete any such works, the Commissioner may himself undertake and complete the same and recover the cost from each District Council in the shares before mentioned.

Loans to District Councils.

6. The Commissioner may, out of moneys voted by Parliament for the purpose, make advances to District Councils for the construction of district drains and drainage works, and such moneys shall be repaid to the Commissioner in twenty yearly equal instalments, together with interest at a rate of not exceeding Five Pounds per centum per annum, to be fixed by the Commissioner.

State advances may be made in lieu of loans.

7. State advances may be made pursuant to "The State Advances Act, 1895," in lieu of the advances mentioned in the preceding section.

Power to connect district drains with main drains.

8. District Councils may, with the consent of the Commissioner, connect district drains with main drains.

Drains to be constructed under superintendence of Engineer-in-Chief.

9. All district drains and drainage works undertaken by any District Council shall be constructed under the supervision and subject to the direction and control of the Engineer-in-Chief.

10. "The

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10. "The Lands Clauses Consolidation Act" (being No. 6 of 1847), the Act to amend the same (being No. 26 of 1855-6), and the "Lands Clauses Consolidation Act Amendment Act, 1881" (being No. 202 of 1881), except sections 110, 114, 115, 116, 117, and 118 of the Act No. 6 of 1847, are hereby incorporated with this Act, and shall take effect with regard to any works to be constructed under this Act; and for such purpose the expressions "the promoters of the undertaking" and "the special Act" shall, whenever used in the said Acts, or any of them, mean the Commissioner or any District Council constructing works under the authority thereof and this Act respectively: Provided that, for the purposes of section 13 of the said Act No. 202 of 1881, there shall be deemed to be no such special Act.

Lands Clauses Consolidation Acts incorporated.

11. In estimating the compensation or purchase-money to be paid by the Commissioner or any District Council for any land acquired for the construction of any drain or drainage works, or any damage suffered by reason of such construction, the enhancement in value of any lands belonging to the person to whom the compensation, purchase-money, or damage is to be paid, and the value of any other benefit or advantage which such person may or shall obtain by reason of the construction of such drain or drainage works, shall be deducted from the amount of such compensation, purchase-money, or damage.

Enhancement in value to be considered in fixing compensation.

12. District Councils may, whenever they shall consider it necessary, cause an assessment to be made of all ratable property within the district, and of the increase in value of such ratable property due to the construction of the drains and drainage works in the district, the assessment of such increased value to be made according to a percentage of five per centum on the increased value of the fee-simple of such ratable property.

Assessment of lands for drainage purposes.

13. Every such assessment shall be written in a book to be called the "drainage assessment book," and such book shall be in the form in the eleventh schedule to "The District Councils Act, 1887," except that an additional column, under the heading "Assessed value of increase in fee-simple value due to drains and drainage works," may be added to Part I. thereof, and all columns in Part II. showing rates declared may be omitted, and an additional column added under the heading "Drainage rate declared on the day of , 18 ," with sub-headings "Amount payable" and "When paid."

Drainage assessment book.

14. District Councils may declare and levy an annual rate on all ratable property entered in the drainage assessment book, to be called the drainage rate, and such rate shall be a differential rate, that is to say, the amount thereof shall vary with the increase in value of the ratable property due to the construction of drains and drainage works, and shall be calculated at a percentage on the assessment of such increased value.

Drainage rate may be levied.

15. All

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Provisions of District Councils Act applicable.

15. All provisions of "The District Councils Act, 1887," relating to assessments and rates, and the forms therein provided for, varied as the circumstances may require, shall, so far as applicable thereto, apply to the assessment and rate herein provided for.

How drainage rate expended.

16. The moneys derived from the drainage rate shall be expended only in cleansing, repairing, and maintaining drains and drainage works, in repayment of advances made by the Commissioner and the interest thereon, and in expenses connected with the care, control, and management of drains and drainage works.

District Councils may spend money for drainage purposes.

17. Notwithstanding anything herein contained, District Councils may expend any portion of their ordinary revenue for any of the purposes specified in the last preceding section and for the construction of district drains and drainage works.

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

T. FOWELL BUXTON, Governor.