No. 40 of 1964

An Act to provide for the financing of the construction and operation of works for the control and drainage of flood waters within a certain portion of the metropolitan area and for other purposes.

[Assented to 22nd October, 1964.]

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 as the "Metropolitan Area (Woodville, Henley and Grange) Drainage Act, 1964".

2. In this Act, unless the context otherwise requires—

"the councils" means the Council of the Corporation of the City of Woodville and the Council of the Corporation of the Town of Henley and Grange:

"Minister" means the Minister of Local Government:

"remainder of the works" means all of the works except those portions of proposed main drains numbers 1, 10 and 11 referred to in the report and to be situated within the area of the Corporation of the City of Woodville:

"the report" means the report of the Parliamentary Standing Committee on Public Works dated the 17th day of March, 1964, made pursuant to the Metropolitan Drainage Works (Investigation) Act, 1962:
"works" means the works described in paragraph 6 of the report.

3. The works with such modifications or variations as may be approved by the Minister shall be constructed by the councils in accordance with plans and specifications approved by the Minister. Such plans and specifications shall set forth and contain such particulars as the Minister may require.

4. (1) So much of the cost of construction of the works as does not exceed the sum of £386,300 shall be borne as to one-half thereof by the Government of the State and as to the other one-half thereof by the councils in the manner and in the proportions hereinafter provided.

(2) The amount payable by each of the councils shall be an amount equal to the percentage of the said one-half of the said cost which is shown opposite the name of each respective council in the following table:

| Council of the Corporation of the City of Woodville | 100 per centum of the total cost in respect of those portions of proposed main drains 1, 10 and 11 referred to in the report and to be situated within the boundaries of the area of the said corporation and 54 per centum of the total cost in respect of the remainder of the works. |
| Council of the Corporation of the Town of Henley and Grange | 46 per centum of the cost of the remainder of the works. |

(3) So much of the said cost as does not exceed the sum of £386,300 shall in the first place be met by payments by the Treasurer to each of the councils of such amounts as the Treasurer from time to time approves.

(4) As each such payment is made by the Treasurer the Council to which such payment is made shall become liable to repay to the Treasurer its proportion calculated in accordance with this section of the amount thereof. Each of the councils shall pay to the Treasurer on the first day of May in the financial year next after the financial year in which the Minister notifies the councils that he is satisfied that the sum of £100,000 has been expended upon the works and on each succeeding first day of May thereafter until and including the first day of
May in the financial year during which the statement referred to in subsection (5) of this section is published an amount equal to an annual instalment calculated to pay over a period of fifty-three years the amount payable in pursuance of subsection (2) of this section together with interest upon the amount from time to time remaining unpaid at the rate of four and five-eighths per centum per annum. For the purposes of determining payments to be made under this section the liability of the councils shall for the purposes of calculating interest be deemed to have arisen on the first day of May of the financial year during which the said notification is given by the Minister.

(5) Upon completion of the works the Treasurer shall publish in the Gazette a statement certified by the Auditor-General showing the total amount expended on the construction of the works and such amount shall be the total cost for the purposes of the last preceding subsection.

(6) Each of the councils shall pay to the Treasurer on the first day of May in the financial year next following the financial year during which the Treasurer publishes the statement referred to in subsection (5) of this section and on each succeeding first day of May thereafter until there have been fifty-three annual payments (including payments made pursuant to subsection (4) of this section) equal annual instalments of principal and interest calculated to repay the amount payable in pursuance of subsection (2) of this section together with interest upon the amount from time to time remaining unpaid at the rate hereinafter set out, namely, such rate as the Treasurer shall determine to be proper having regard to rates paid by him on loan moneys raised at long term rates during the period of construction of the works. For the purposes of this subsection any variation in the amount payable by each council shall be deemed to have become effective on the first day of May of the financial year during which the publication was made by the Treasurer of the said statement.

(7) The Treasurer shall in every tenth year after the year in which payments commence under subsection (6) of this section vary or re-affirm as he deems proper having regard to the rates paid by him on loan moneys raised at long term rates during the preceding year the rate of interest to be payable by the councils on amounts from time to time remaining unpaid. Upon any such variation the remaining annual instalments payable by each of the councils shall be varied so as to complete repayments at the end of the fifty-third year after the notification referred to in subsection (4) of this section.
5. (1) Each of the councils shall, on every day appointed by this Act for the payment of any amount by the council, pay to the Treasurer the amount required to be paid by the council.

(2) The said amount may be paid out of the ordinary funds of the council, or may be paid out of the proceeds of a special rate, or may be paid partly out of the ordinary funds and partly out of the proceeds of a special rate. The said special rate shall be declared and levied under the provisions of the Local Government Act, 1934-1963, without any consent of ratepayers, and all the provisions of the said Act shall apply to the declaration, levying, and recovery of the rate. With the consent in writing of the Minister, any such special rate may be declared on the ratable property within part only of the area of the council.

6. (1) The Treasurer may by action in any court of competent jurisdiction recover any sum payable to him under this Act by any council.

(2) If any such sum of money due and payable by a council is not paid on the day on which it becomes payable, the Governor may direct that the sum, or any part thereof, be retained and paid to the Treasurer on behalf of the council out of any other moneys payable by the Crown or any Minister thereof to the council, and the said sum, or part thereof, shall be retained and paid accordingly.

7. Upon completion of a main drain or part of a main drain or that part of the works for the improvement of the Port River which main drain, part of a main drain or part of the works is within the area of either one of the councils, that council shall from time to time at its own expense cleanse, repair and maintain the same and remove any obstruction therein and fill in any holes and repair any breakages in any part thereof.

8. (1) Upon completion of the ponding basin and the pumping plant and that part of the works which is connected therewith, the councils shall from time to time cleanse, repair and maintain the same and remove any obstruction therein and fill in any holes and repair any breakages in any part thereof.

(2) The costs of such cleansing, repairing, maintenance, removal, filling in and repair of breakages effected pursuant to subsection (1) of this subsection shall be borne by the councils in the proportions hereinafter provided, that is to say, the council of the Corporation of the City of Woodville shall contribute fifty-four per centum thereof and the council of the Corporation of the Town of Henley and Grange shall contribute forty-six per centum thereof.

9. Any payments by the Treasurer authorized by this Act shall be made out of moneys provided by Parliament for the purpose.

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

EDRIC BASTYAN, Governor.