



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 31 of 1976

An Act to amend the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1970.

[Assented to 26th August, 1976]

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

Short titles.

1. (1) This Act may be cited as the "Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment Act, 1976".

(2) The Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1970, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1976".

Amendment of principal Act, s. 2—
Interpretation.

2. Section 2 of the principal Act is amended—

(a) by inserting after the definition of "rating period" the following definition:—

"rating year" means the year ending on the thirtieth day of April, 1977, and each year, ending on the thirtieth day of April, that occurs thereafter; ;

and

(b) by striking out the definitions of "the Director" and "the Minister".

Amendment of principal Act, s. 3—
Maintenance of drainage system in the area to be duty of Minister.

3. Section 3 of the principal Act is amended by striking out from subsection (3) the word "Director" and inserting in lieu thereof the word "Minister".

Amendment of principal Act, s. 4—
Contribution towards maintenance expenses to be recovered by annual drainage rate.

4. Section 4 of the principal Act is amended by striking out the word "Director" and inserting in lieu thereof the word "Minister".

5. Section 4a of the principal Act is repealed.
6. Section 5 of the principal Act is amended—
- (a) by striking out from subsection (1) the passage “each rating period that commences on or after the first day of May, 1966” and inserting in lieu thereof the passage “each rating year”;
- (b) by striking out paragraph (a) from subsection (1) and inserting in lieu thereof the following paragraph:—
- (a) the Minister shall, in respect of each rating year, cause to be prepared an estimate of the expenditure that would be incurred in that rating year in connection with the costs and expenses referred to in section 4 of this Act; ;
- (c) by striking out from paragraph (b) of subsection (1) the word “Director”, twice occurring, and inserting in lieu thereof, in each case, the word “Minister”;
- (d) by striking out from subsection (2) the word “Director” and inserting in lieu thereof the word “Minister”;
- (e) by striking out from subsection (2a) the word “Director” and inserting in lieu thereof the word “Minister”;
- and
- (f) by striking out subsection (3) and inserting in lieu thereof the following subsection:—
- (3) For the purposes of a valuation made in respect of the rating period commencing on the first day of May, 1976, it shall be sufficient compliance with this section if any power, function or duty conferred or imposed on the Minister by this section, as amended by the Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment Act, 1976, was, before the commencement of that Act, exercised, discharged or performed by the Director of Lands.
7. Section 8 of the principal Act is amended by striking out paragraph (ix) and inserting in lieu thereof the following paragraph:—
- (ix) Upon his determination of an appeal the Minister shall cause to be made such amendments as are necessary to the valuation appealed against and such consequential adjustments as are necessary to notices served under subsection (2) of section 11 of this Act: .
8. Section 11 of the principal Act is amended—
- (a) by striking out paragraph (a) from subsection (1) and inserting in lieu thereof the following paragraph:—
- (a) The Minister shall in respect of each rating year declare an annual drainage rate on each of the holdings in the area. ;
- (b) by striking out from paragraph (b) of subsection (1) the word “period” and inserting in lieu thereof the word “year”;
- (c) by striking out from paragraph (b) of subsection (1) the word “Director” and inserting in lieu thereof the word “Minister”;
- (d) by striking out subparagraph (i) of paragraph (b) of subsection (1) and inserting in lieu thereof the following paragraph:—

Repeal of
s. 4a of
principal Act.

Amendment of
principal Act,
s. 5—
Matters
preliminary
to the
determination
of rates.

Amendment of
principal Act,
s. 8—
Appeals to
Minister.

Amendment of
principal Act,
s. 11—
The annual
drainage rate.

- (i) the estimate of expenditure for that rating year prepared in accordance with paragraph (a) of subsection (1) of section 5 of this Act, ;
- (e) by striking out from subparagraph (ii) of paragraph (b) of subsection (1) the passage "that period" and inserting in lieu thereof the passage "for the rating period within which the rating year falls";
- (f) by striking out from subsection (1) the passage "the average annual expenditure" and inserting in lieu thereof the passage "the estimate of expenditure";
- and
- (g) by striking out from subsection (2) the word "Director" and inserting in lieu thereof the word "Minister".

Amendment of principal Act, s. 12—
Annual drainage rate when payable.

9. Section 12 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "for the first year of any rating period" and inserting in lieu thereof the passage "for any rating year";
- and
- (b) by striking out subsection (2).

Amendment of principal Act, s. 14—
Payment and recovery of annual rates.

10. Section 14 of the principal Act is amended by striking out from subsection (1) the passage "by the Director or a person nominated by the Minister" and inserting in lieu thereof the passage "by the Minister".

Amendment of principal Act, s. 15—
Further powers of recovery of unpaid rates.

11. Section 15 of the principal Act is amended—

- (a) by striking out from subsection (1) the word "Director" and inserting in lieu thereof the word "Minister";
- (b) by striking out from subsection (1) the passage "Director of Lands" and inserting in lieu thereof the word "Minister";
- (c) by striking out from paragraph (a) of subsection (2) the passage "Director may request the Minister" and inserting in lieu thereof the passage "Minister may request the Minister of Lands";
- and
- (d) by striking out from paragraph (b) of subsection (2) the passage "Director of Lands" and inserting in lieu thereof the word "Minister".

Amendment of principal Act, s. 16—
Liability for and right to recover rates not suspended on appeal.

12. Section 16 of the principal Act is amended by striking out the word "Director" and inserting in lieu thereof the word "Minister".

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

M. L. OLIPHANT, Governor