



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 112 of 1980

An Act to amend the South-Eastern Drainage Act, 1931-1980.

[Assented to 18 December 1980]

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 (No. 2), 1980". Short titles.
- (2) The South-Eastern Drainage Act, 1931-1980, is in this Act referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "South-Eastern Drainage Act, 1931-1980".
2. This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.
3. Section 6 of the principal Act is amended— Amendment of
s. 6—
Interpretation.
- (a) by inserting in paragraph (c) of the definition of "area" in subsection (1) after the passage "Local Government Act, 1934-1979" the passage " , but does not include any part of the district that falls within the area of the board";
- (b) by striking out from paragraph (a) of the definition of "the Eight Mile Creek area" in subsection (1) the passage "and 864" and substituting the passage " , 864, 882, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 951 and 952";
- and
- (c) by inserting in paragraph (b) of the definition of "the Eight Mile Creek area" in subsection (1) after the numerals "663," the passage "709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725,".
4. Section 27a of the principal Act is amended by striking out subsection (1) and substituting the following subsections: Amendment of
s. 27a—
Control of
drains and
drainage
works by the
Minister.
- (1) Subject to subsection (2), all drains and drainage works—
- (a) that are delineated on the plan prepared under subsection (1a);
- or

(b) that are constructed by or on behalf of the Minister in the Eight Mile Creek area after the commencement of the South-Eastern Drainage Act Amendment Act (No. 2), 1980,

are vested in, and are under the care, control and management of, the Minister.

(1a) The Minister shall, upon the commencement of the South-Eastern Drainage Act Amendment Act (No. 2), 1980, cause a plan of the Eight Mile Creek area to be prepared delineating all the drains and drainage works constructed by or on behalf of the Crown that were in existence immediately prior to the commencement of that Act.

(1b) The Minister may, for the purposes of correcting any error in the plan prepared under subsection (1a), alter the plan, whether by the addition, deletion or variation of any drain or drainage works.

Repeal of
s. 87.

5. Section 87 of the principal Act is repealed.

Insertion of
new s. 105f.

Authority
may cause
certain
work to be
carried out
and the cost
recovered
from the
landholder.

6. The following section is inserted after section 105e of the principal Act:

105f. (1) Where a person refuses or fails to comply with a provision of this Act, or a requirement made of him in accordance with this Act, in relation to an area, the authority for that area may, by notice in writing, require the person to do any act or thing specified in the notice within such period of time, being not less than fourteen days, as is specified in the notice, for the purposes of compliance with that provision or requirement.

(2) If a person to whom a notice under subsection (1) has been given refuses or fails to comply with the notice, the authority may cause the requirements of the notice to be carried out by any person authorized by the authority for the purpose.

(3) The person so authorized may enter upon any land and do all such things on that land as may be reasonably necessary for the purposes of carrying out the requirements of the notice.

(4) The costs incurred by the authority in exercising its powers under subsection (2) may be recovered by the authority from the person to whom the notice was given, as a debt due in a court of competent jurisdiction, or in a summary manner.

Repeal of
sixth schedule.

7. The sixth schedule to the principal Act is repealed.

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

K. D. SEAMAN, Governor