



ANNO DUODECIMO

GEORGII V REGIS.

A.D. 1921.

No. 1481.

An Act to further amend the South-Eastern Drainage Act Amendment Act, 1908.

[*Assented to, December 7th, 1921.*]

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 alone as the "South-Eastern Drainage Act Further Amendment Act, 1921." Short titles.

(2) The South-Eastern Drainage Act Amendment Acts, 1908 to 1919, and this Act may be cited together as the "South-Eastern Drainage Act Amendment Acts, 1908 to 1921."

2. This Act is incorporated with the South-Eastern Drainage Act Amendment Act, 1908, and the Acts with which that Act is incorporated, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. Section 8 of the South-Eastern Drainage Act Amendment Act, 1908, is amended by striking out subsections (1) to (5) thereof (both inclusive) and substituting in lieu thereof the following subsections :— Amendment of Act No. 962 of 1908.

(1) Whenever the office of a representative member of the Assessment Board becomes vacant, or under section 12 is about to become vacant, the Commissioner shall, by notice published in the *Gazette*, call upon the landholders of land comprised within the ward, represented by the member whose office has become, or is about to become, vacant to nominate a person for election as a member to fill the vacant office.

Nomination of representative members of Assessment Board to be by landholders.

(2) Thereupon

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(2) Thereupon any two landholders of land comprised within the ward who are entitled to vote at the election may nominate any other person for election as such member. No such nomination shall be valid unless—

- (a) the nomination paper is signed by the two landholders making the nomination, and also by the person nominated in token of his consent thereto; and
- (b) the nomination paper complying with the preceding requisites is received by the Commissioner within twenty-eight days from the publication of the notice mentioned in subsection (1) hereof.

(3) The Commissioner shall publish in the *Gazette* a notice, which shall state the names and addresses of the persons nominated for election as a member to represent the ward upon the Assessment Board, and shall, in the event of there being more than one person so nominated, by such notice appoint a person to act as Returning Officer for the ward for the purpose of the election, and, if the vacancy to be filled is caused otherwise than pursuant to section 12 hereof, shall by such notice also appoint a date upon which a poll shall be taken for the election.

(4) After the publication in the *Gazette* of the notice mentioned in subsection (3) hereof, each District Council in the ward shall cause a poll to be taken within its district for the election of a member to represent the ward upon the Assessment Board, and, if the vacancy to be filled is caused otherwise than pursuant to section 12 hereof, such poll shall be taken on the date appointed in that behalf by such notice. For the purpose of any such election the portion of the County of Cardwell defined in the First Schedule to this Act shall be deemed to be within the district of the District Council of Lacedpede.

(5) The following provisions shall apply to the taking of such poll within any district:—

- (a) The District Council shall appoint a Returning Officer, not being one of the persons nominated as aforesaid, for the purpose of the poll:
- (b) The persons to be submitted as candidates to the voters at the poll shall be all the persons nominated as aforesaid; and their names and addresses shall appear on the ballot papers:
- (c) The persons entitled to vote at the poll shall be all the landholders of land comprised within the district, and each such landholder shall have one vote. In case of joint tenancy or tenancy in common the provisions of the District Councils Act in that behalf shall apply:

(d) The

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- (d) The Returning Officer shall, before the day on which the poll is to be taken, cause to be furnished for use at each polling-place a list of the landholders entitled to vote at such polling-place, showing the land in respect of which each landholder is qualified to vote; and the Returning Officer shall, under his hand, certify such list to be correct:
- (e) Subject to the provisions of this Act, the poll shall be taken at the same places and in the same manner as polls for the election of district councillors under the District Councils Act are taken; and, subject as aforesaid, all the provisions of the District Councils Act as to polls at such elections and as to the rights, powers, and duties of Returning Officers, candidates, and other persons relating thereto or connected therewith shall, *mutatis mutandis*, apply to the poll, and all matters relating thereto or connected therewith:
- (f) At the close of the poll the Returning Officer shall examine the votes, and openly declare the general state of the votes as the same are made up by him from the voting-papers taken at the several voting-places; and shall declare the result of the poll.

4. Part III. of the South-Eastern Drainage Act Amendment Act, 1908, is amended by inserting after section 41 thereof the following section:—

Amendment of Act No. 962 of 1908, Part III.

41A. The Drainage Board may, for such reasons as it thinks fit, at any time reduce the amount of or annul any assessment made under section 40 which is for the time being in force, whether or not such assessment is or has been the subject of an appeal, and any alteration occasioned by any such reduction or annulment shall be made in the Drainage Assessment Book.

Board may reduce assessments even without appeal.

5. (1) In any case where an appeal against an assessment for rates made to the South-Eastern Drainage Assessment Board has not been upheld by the Board, a further appeal may be made against such assessment to the Local Court of Full Jurisdiction nearest to the land comprised in such assessment. Such Local Court shall, for the purpose of hearing and determining all appeals under this section made to such Local Court which are set down for hearing at a particular sitting thereof, be constituted of a Special Magistrate and two other persons not being landholders of land situated within ten miles of the land comprised in such assessment, one of whom (who may be a member of the said Board) shall be appointed by the said Board, and the other by all the appellants who have appealed to such Local Court and whose appeals are set down for hearing at such sitting. Such appointment shall be made in manner prescribed. Such persons shall, for the purpose of hearing and determining such appeal, be deemed to be Justices of the Peace.

Appeals may be made from decisions of Drainage Board to Local Court.

(2) Every

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(2) Every such appeal shall be commenced within two months from the passing of this Act, or within two months from the determination of the original appeal by the said Board, whichever is the later date.

(3) The provisions of Part XI. of the District Councils Act, 1914, so far as they apply to appeals to a Local Court and are not inconsistent with the provisions of this section, shall apply, *mutatis mutandis*, to appeals under this section.

Amendment of Act
No. 1295 of 1917,
s. 26—
Appeal to Board final.

6. Section 26 of the South-Eastern Drainage Act Further Amendment Act, 1917, is amended by substituting for the word "only" in subdivision (b) thereof the words "in the first place", and striking out the words "and the decision of the Board on any such appeal shall be final" in the said subdivision.

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

W. E. G. A. WEIGALL, Governor.