



ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

# VICTORIÆ REGINÆ.

A.D. 1877.

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No. 85.

*An Act to amend "The South-Eastern Drainage Act, 1875."*

[Assented to, 21st December, 1877.]

**W**HEREAS it is desirable to amend "The South-Eastern Drainage Act, 1875"—Be it therefore 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: Preamble.

1. Clauses 12, 13, and 26 of "The South-Eastern Drainage Act, 1875," are hereby repealed: Provided that nothing herein contained shall affect the validity of any act or thing lawfully done or made under the said clauses of the said Act. Repeal.

2. This Act may be cited as "The South-Eastern Drainage Amendment Act, 1877." Short title.

3. This Act and "The South-Eastern Drainage Act, 1875," except so far as the same is altered by this Act, shall be incorporated and construed together. Incorporation.

4. In addition to the meaning assigned to the words "Public Drains" in the South-Eastern Drainage Act, 1875, the words "Public Drains" shall extend to and include natural and artificial rivers, creeks, channels, and conductors used by the Commissioner or by any Drainage Board for drainage purposes; and in lieu of the meaning assigned to the word "Commissioner" in the said "The South-Eastern Drainage Act, 1875," the word "Commissioner" shall mean the Commissioner of Crown Lands and Immigration, or other Interpretation.

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other Responsible Minister of the Department of Government having control of the Public Drains and Drainage Works.

Public drains may be proclaimed main drains. Main drains to be maintained by the Commissioner.

5. The Governor may, by Proclamation in the *Government Gazette*, constitute and declare any public drain to be a main drain; and from and after the publication of such Proclamation as aforesaid such main drain shall be under the care and management of and shall be thoroughly cleansed, repaired, and maintained in a due state of efficiency by and at the expense of the Commissioner.

Drainage Board to maintain other public drains.

6. Each Drainage Board shall have the care, control, and management of all public drains, not proclaimed main drains as hereinbefore provided, and all drainage works within the district which the Governor may, from time to time, by Proclamation published in the *Government Gazette*, make, subject to the care, control, and management of such Board, or which shall be constructed, completed, or otherwise acquired by such Board; and all such public drains and drainage works shall be thoroughly cleansed, repaired, and maintained in a due state of efficiency by and at the expense of such Drainage Board.

Constitution of Drainage Board.

7. The Drainage Board for each Drainage District shall consist of five members, to be elected by the ratepayers of each Drainage District, whose names may appear upon the assessment book, as provided by clause 35 of the said "The South-Eastern Drainage Act," in a similar manner in all respects as the members of a District Council are elected, and each Board shall be called by the name of the District for which it is appointed, but substituting for the word "District" the word "Board." Each Drainage Board shall be a body corporate with perpetual succession and a common seal, having a capacity to hold lands for all the purposes of this Act.

When election of Drainage Board to be held.

8. The first election of members for the Drainage Board of any District heretofore proclaimed shall be held on the first Monday of July, 1878, or so soon after as circumstances shall permit; but the annual election shall be held on the first Monday in July in each year, and the first annual election shall be held in the month of July, 1878.

Existing Boards to be abolished.

9. From and after the said first election of members for any Drainage Board to be held on the first Monday of July, 1878, as aforesaid, every Drainage Board of any Drainage District heretofore appointed shall be abolished, and its powers and authorities shall absolutely determine; and if from any cause whatever any Drainage Board heretofore appointed or hereafter to be declared shall be unable or unwilling to act, or if any Board shall not for any cause be duly elected, then and in any such case all the powers, authorities, rights, remedies, and privileges imposed or conferred upon any such Board by this Act or the said "The South-Eastern Drainage Act, 1875," shall, during the time that any such Board shall be unable

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or unwilling to act, or during such time as any such Board shall remain unelected as aforesaid, be imposed and conferred upon and shall be exercisable by the Commissioner.

10. Any person residing in and being a ratepayer of any Drainage District shall be qualified to be a member of the Drainage Board of such district; and any person so qualified, who having been duly elected as a member of any Drainage Board, shall refuse to take upon himself the office of member of any Drainage District, and to act in the same, or who shall neglect so to do for three consecutive ordinary meetings of such Drainage Board after his election; and any qualified person who shall have taken upon himself the office of a member of any Drainage Board, and who shall resign such office, or shall absent himself without reasonable cause and without the licence of the District Council from three consecutive ordinary meetings of the Drainage Board, shall be liable to a penalty of Twenty Pounds.

Qualification of member of Drainage Board, and penalty for not acting.

11. In addition to the powers and authorities vested in the Drainage Board by "The South-Eastern Drainage Act, 1875," the Drainage Board shall, in all parts of a Drainage District which are not within the boundaries of a District Council, constituted under "The District Councils Act, 1876," have and exercise all powers and authorities vested in District Councils under the last-mentioned Act, in the same and as full a manner as if the Drainage District had been constituted a district under the said "The District Councils Act, 1876," or any Act amending the same, and the Drainage Board were the Council thereof; and for the purpose of enabling the Drainage Board to exercise the said powers and authorities, the following portions of "The District Councils Act, 1876," that is to say, sections 16 to 32 inclusive, 39 to 118 inclusive, 160, 161, 163, 164, 165, 169, 170, 172 to 179 inclusive, and 200 to 217 inclusive are hereby incorporated with this Act, and for the purposes of such incorporation shall be read and construed as if the words "Drainage Board" and "Members of Drainage Boards" were inserted therein instead of "District Council" and "Councillor" respectively, and as if the word "Auditor" was omitted therefrom.

Drainage Boards to have all powers vested in District Councils.

12. Every Drainage District shall be entitled to have and shall give at every election of the Local Board of Main Roads for the Victoria District one vote for each person nominated for member of the Board for such district; but in case the rateable property of such Drainage District shall be assessed at the annual value of more than Ten Thousand Pounds, then such district shall be entitled to an additional vote for each person nominated in respect of every Ten Thousand Pounds or fractional part of that sum in excess of every Ten Thousand Pounds after the first Ten Thousand Pounds: Provided that no Drainage District shall be entitled to more than two votes for any person nominated: And any Drainage District, when constituted and declared by Proclamation as aforesaid, shall be a

Drainage District entitled to vote for Victorian Main Road Board, and to be district within "Dog Act."

District

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District for all purposes under "The Dog Act, 1867," or any Act amending the same.

Roads to be under  
care of Drainage  
Board.

13. All streets or roads in any township or village which shall have been dedicated to the public within a Drainage District of which dedication five years uninterrupted use of such street or road by the public after the laying out of any such township or village shall be evidence, shall until the same shall be or become main roads and all other district roads within any Drainage District, be under the care and management and subject to the control and direction of the Drainage Board for the District within which such roads are situate.

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

WM. F. DRUMMOND JERVOIS, Governor.