



ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 34 of 1948.

An Act to amend the South-Eastern Drainage
Act, 1931-1947.

[Assented to 16th December, 1948.]

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, 1948". Short titles.

(2) The South-Eastern Drainage Act, 1931-1947, as amended
by this Act, may be cited as the "South-Eastern Drainage
Act, 1931-1948".

(3) The South-Eastern Drainage Act, 1931-1947, is here-
inafter called the "principal Act".

2. This Act is incorporated with the principal Act and
that Act and this Act shall be read as one Act. Incorporation.

3. The following heading and sections are enacted and
inserted in the principal Act after section 103 thereof :— Enactment of
Part IV_A of
principal Act—
Drainage of
western
division o
the South
East.

PART IV_A.DRAINAGE OF WESTERN DIVISION OF THE
SOUTH-EAST.103a. In this Part— Definitions.

"the western division of the South-East" means the
lands described in the schedule to the Land Settle-
ment Act, 1944-1948 :

"betterment" means increase in the value of the fee
simple of land.

Power to
construct
drains and
drainage works.

103b. (1) For the purpose of improving land in the western division of the South-East, the board, with the consent of the Minister, may construct drains and drainage works.

(2) The cost of such drains and drainage works shall be paid out of money voted by Parliament for that purpose.

Assessment of
value of
betterment.

103c. (1) When any drains and drainage works have been completed under this Part the board may prepare a preliminary assessment of the value of the betterment which has resulted to any land from those drains and drainage works, showing separately the value of the betterment resulting to the land of each landholder named in the preliminary assessment.

(2) For the purpose of making a preliminary assessment under this section the board may employ as assessors any persons who, in its opinion, are competent to make such an assessment.

(3) The board shall publish every preliminary assessment in the *Gazette* as soon as practicable after the making thereof.

Right of
appeal.

103d. (1) Any person aggrieved by the preliminary assessment may appeal on any of the following grounds:—

(a) That any person shown in the preliminary assessment as the landholder of any land is not the landholder of that land or is the landholder of only part thereof:

(b) That the assessed value of the betterment resulting to any land is more than the true amount of that value.

(2) Every appeal shall be made in the first instance to the board, and there shall be a further right of appeal to the local court against the decision of the board.

Provisions as
to appeals

103e. Sections 95, 96, 97 and 97a of this Act shall apply, with the necessary modifications, to appeals under this Part.

Final
assessments.

103f. (1) If no appeal against a preliminary assessment of the betterment resulting to any land is made within the prescribed time, that assessment shall upon the expiration of that time become the final assessment of the value of that betterment.

(2) When an appeal against a preliminary assessment of betterment resulting to any land has been determined, the amount of the betterment as allowed or assessed by the board or court on the appeal shall be the final assessment of that betterment.

(3) The board shall publish in the *Gazette* a notice of every final assessment of betterment.

103g. (1) In each of the forty-two financial years following the year in which a final assessment of betterment is published in the *Gazette*, the landholder of the land to which the assessment applies shall pay to the board not later than the thirtieth day of September an annual rate equivalent to four and one-eighth per centum of the value of the betterment as so assessed. *in respect of the*

Payment of rates of final assessments.

(2) If any rates are not paid on or before the thirtieth day of September in the year in which they become due, simple interest at the rate of four per cent per annum on the amount unpaid as from the said thirtieth day of September until the rates are paid shall be added to the rates and be recoverable as part thereof.

(3) The provisions of sections 64, 65, and 67 of this Act shall apply, with the necessary modifications, to the payment and recovery of rates under this Part.

103h. (1) Any person liable for betterment rates on any land may at any time pay to the board the whole or any part of the amount of betterment which has been assessed in respect of that land and has not been repaid by means of rates previously paid on the land under section 103g of this Act.

(2) If the whole of the said amount of betterment is so paid to the board no further rates shall be payable on the land.

(3) If a part of the said amount of betterment is so paid to the board the annual rates payable thereafter shall be reduced by an amount proportionate to the amount so paid.

(4) Where any question arises as to the amount of betterment which has not been repaid by means of rates, the Auditor-General shall compute and certify that amount, and his certificate shall be conclusive.

103i. (1) All rates payable under this Part shall be a charge upon the land in respect of which they are payable.

Rates charged on land.

(2) The charge shall be subject to any mortgages, encumbrances, charges and liens registered before the endorsement of the memorandum of the charge, or the registration of a memorial of the charge, as prescribed by this section.

(3) Forthwith after the publication in the *Gazette* of the final assessment of betterment resulting to any land which is subject to the Real Property Act, 1886-1945, the board shall send to the Registrar-General a certificate giving a

description of the land, the annual amount of the rate payable in respect of the betterment, and the period of years during which the rate is payable.

(4) On receipt of such a certificate the Registrar-General shall endorse or cause to be endorsed on the appropriate folio of the Register Book a memorandum of the charge.

(5) If default is made in the payment of any rates payable on land to which a memorandum of charge relates, the board shall have, in respect of that land and the amount of rates in arrear the same powers as are given by the Real Property Act, 1886-1945, to a mortgagee under a mortgage in respect of which default has been made in payment of principal money due thereunder.

(6) When all the rates payable under this section in respect of any land subject to the Real Property Act, 1886-1945, have been paid the board shall give notice thereof in writing to the Registrar-General who shall endorse or cause to be endorsed on the appropriate folio of the Register Book a memorandum of the removal of the charge.

(7) Where land charged with rates under this section is not under the Real Property Act, 1886-1945, the board may register in the General Registry Office a memorial of the charge or discharge thereof, as the case may be.

(8) No fee shall be payable in respect of any registration or endorsement effected under this section.

(9) This section shall apply notwithstanding the provisions of the Real Property Act, 1886-1945.

Exemption.

103j. (1) No assessment shall be made and no rates shall be payable under this Part in respect of any land which has been acquired by the Crown under the Land Settlement Act, 1944-1948, and which has been allotted at a rent or sold at a price which the Minister of Lands certifies to include an allowance for the betterment resulting from the drains and drainage works constructed under this Part.

(2) No land which is owned by the Crown and is not subject to a perpetual lease or an agreement for sale and purchase, shall be assessed under this Part.

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

C. W. M. NORRIE, Governor.