



ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

\*\*\*\*\*

## No. 962.

An Act to make further Provision for the Drainage of Land in the South-East of the State, and to further amend "The South-Eastern Drainage Act, 1878."

*[Assented to, December 23rd, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

### PART I.

### PART I.

#### PRELIMINARY.

1. This Act may be cited as "The South-Eastern Drainage Act Amendment Act, 1908," and shall come into operation on a day to be fixed by the Governor by Proclamation published in the *Gazette*, which Proclamation shall not be made unless a Bill before the said Parliament during the Session of the year one thousand nine hundred and eight, being a Bill for an Act to authorise the carrying out of a certain scheme of drainage in the South-East of the State, and for other purposes, is passed and receives the Governor's assent, and unless the carrying out of the scheme mentioned in the said Bill is approved as therein mentioned as the aggregate result of the polls of landholders also therein mentioned, and unless the Governor makes an order, as also therein mentioned, that the said scheme be carried out.

Short title and commencement.

2. This Act is incorporated with "The South-Eastern Drainage Act, 1878" (hereinafter called "the principal Act"), and "The South-Eastern Drainage Act Amendment Act, 1895," which Acts, so far as consistent with the provisions of this Act, shall be read as one with this Act.

Incorporation.

3. This

*The South-Eastern Drainage Act Amendment Act.—1908.*

## PART I.

## Divisions of Act.

3. This Act is divided into Parts and Divisions as follows:—

PART I.—Preliminary.

PART II.—The South-Eastern Drainage Assessment Board.

PART III.—The South-Eastern Drainage Management Board—

DIVISION I.—Constitution of Board:

DIVISION II.—Functions of Board.

PART IV.—Construction of Drain on Petition of Landholders.

PART V.—General Provisions and Legal Procedure.

## Repeal.

4. (1) “The South-Eastern Drainage Amendment Act, 1900,” is hereby repealed.

(2) Such repeal shall not affect any right granted or accrued, liability incurred, duty imposed, or thing done or omitted to be done under the said Act, or any legal or other proceedings commenced or hereafter to be commenced with respect to any such matter or thing.

(3) All such matters and things are, so far as consistent with this Act, preserved and continued and declared to be of the same force and effect as if the said Act were still in force, or as if they were made or done under this Act, as the case may require.

(4) Any drain commenced under the provisions of the said Act may be completed as if this Act had not been passed, but upon the completion thereof the provisions of this Act shall have effect as if the said drain had been constructed under the provisions of this Act.

## Interpretation.

5. In this Act—

“Commissioner” means the Commissioner of Public Works for the time being or the Minister of the Crown for the time being discharging the duties of such Commissioner:

“Deputy Surveyor-General” means the person for the time being holding the office of Deputy Surveyor-General:

“Engineer-in-Chief” means the person for the time being holding the office of Engineer-in-Chief or discharging the duties of such office:

“Gazette” means *The South Australian Government Gazette*:

“Land” does not include any land situated within the boundary of any Municipal Corporation or town or township:

“Landholder” means the owner of any freehold estate in land the holder of land under agreement with the Crown for the sale of such land upon credit, the lessee of land held under lease from the Crown; and as to unleased Crown lands, the Commissioner of Crown Lands:

“Land

*The South-Eastern Drainage Act Amendment Act.—1908.*

“Land Board” means the Land Board under Part IV. of “The Crown Lands Act, 1903”:

PART I.  
830 of 1903.

“Superintending Surveyor” means the person for the time being holding the office of Superintending Surveyor:

“Surveyor-General” means the person for the time being holding the office of Surveyor-General:

“The District Councils Act” means “The District Councils Act, 1887,” and all Acts amending or substituted for that Act:

419 of 1887.

“The South-East” means and includes that portion of the State comprised within the districts of the District Councils of Lacepede, Naracoorte, Lucindale, Robe, Beachport, Kennion, Penola, Benara, Mount Gambier West, Mount Gambier East, and Port MacDonnell, and that portion of the County of Cardwell defined in the First Schedule hereto.

## PART II.

## PART II.

## THE SOUTH-EASTERN DRAINAGE ASSESSMENT BOARD.

6. (1) A Board, called “The South-Eastern Drainage Assessment Board,” and in this Act referred to as “the Assessment Board,” is hereby constituted.

South-Eastern  
Drainage Assessment  
Board.

Cf. Act 737, 1900,  
s. 8.

(2) The members of the Assessment Board shall be—

(a) The Deputy Surveyor General;

(b) The Superintending Surveyor;

(c) A member of the Land Board, to be from time to time appointed by the Governor; and

(d) Two representative members, who shall be residents of the South-East, to be appointed as hereinafter mentioned.

(3) The members of the Assessment Board shall be paid such fees and allowances for expenses as are from time to time fixed by the Commissioner.

7. For the purpose of electing representative members of the Assessment Board the South-East is hereby divided into two wards as follows:—

Wards for electing  
members of Assess-  
ment Board.

i. Ward No. 1—Comprising the districts of the District Councils of Lacepede, Naracoorte, and Lucindale, and the portion of the County of Cardwell defined in the First Schedule to this Act; and

ii. Ward

*The South-Eastern Drainage Act Amendment Act.—1908.*

## PART II.

II. Ward No. 2—Comprising the districts of the District Councils of Robe, Beachport, Kennion, Penola, Benara, Mount Gambier West, Mount Gambier East, and Port MacDonnell.

Appointment of  
representative  
members of Board.

Cf. Municipal  
Tramways Act, 1906,  
s. 12.

8. (1) As soon as practicable after this Act comes into operation, and as to each ward, the Commissioner shall, by notice published in the *Gazette*, direct the nomination by each of the District Councils of the districts comprised in such ward of one member to represent such ward upon the Assessment Board.

(2) Thereupon each District Council in a ward may nominate a person who has signified in writing to the district clerk of such Council his willingness to act as a member of the Assessment Board. The nomination of every District Council shall be made by resolution of the majority of members thereof present at a meeting of the Council, and shall state the name and address of the person nominated. A certificate of such resolution certified in writing under the seal of the Council shall be sent to the Commissioner, and the nomination shall not be deemed valid unless such certificate is received by the Commissioner within twenty-eight days from the publication of the notice mentioned in subsection (1) hereof.

(3) The Commissioner shall, as to each ward, publish in the *Gazette* a notice, which shall state the names and addresses of the persons nominated by the District Councils in such ward, and shall, in the event of there being more than one person so nominated, by such notice appoint a date upon which a poll shall be taken for the election of a member to represent the ward upon the Assessment Board, and a person to act as Returning Officer for the ward for the purpose of such election.

(4) Upon the date so appointed, 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. For the purpose of 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 by the District Councils of the districts comprised in the ward; and their names and addresses shall appear on the ballot papers:

(c) The

---

*The South-Eastern Drainage Act Amendment Act.—1908.*

---

---

PART 11.

---

- (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 Returning Officer shall, before the day appointed for the poll, 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.
- (6) After the declaration of the result of the poll in any district, the Returning Officer appointed for such poll shall certify in writing under his hand the number of votes given for each candidate, and forward such certificate to the Returning Officer for the ward.
- (7) The Returning Officer for the ward shall, from the certificates forwarded to him by the Returning Officers for the districts in his ward, ascertain the total number of votes polled for each candidate, and, in the event of an equality of votes, shall give a casting vote for deciding the election; but, except for that purpose, he shall not vote at the election.
- (8) As soon as the result of the polling at the election in a ward has been finally ascertained the Returning Officer for the ward shall certify in writing under his hand the name of the person elected to represent such ward upon the Assessment Board, and shall forward such certificate to the Commissioner; and the Commissioner shall, by notice in the *Gazette*, declare such person to be appointed a member of the Assessment Board.
- (9) In case the nomination of only one person to represent a ward is received by the Commissioner, as mentioned in subsection (2) of this section, such person shall be deemed to be duly elected to represent such ward; and the Commissioner shall, by notice in the *Gazette*, declare such person to be appointed a member of the Assessment Board.
- (10) The

*The South-Eastern Drainage Act Amendment Act.—1908.*

## PART II.

(10) The *Gazette* containing a notice, in pursuance of subsection (8) or subsection (9) of this section, shall be conclusive evidence of any appointment so notified.

Commissioner may appoint members in case of unreasonable delay.

Cf. *ibid.*, s. 13.

9. (1) If, for the purpose of the appointment of either of the first two representative members, or any subsequent representative member, of the Assessment Board—

(a) As to either ward, no nomination of a person to represent such ward is received by the Commissioner as mentioned in the next preceding section; or

(b) In no district comprised in such ward is a poll taken pursuant to the said section;

the Commissioner may appoint some person to be a member of such Board, who shall be deemed to be duly elected to represent such ward and to be duly appointed under the said section.

(2) The Commissioner shall notify such appointment in the *Gazette*, and the notice in the *Gazette* shall be conclusive evidence of such appointment and of the validity thereof.

Method of filling vacancies.

Cf. *ibid.*, s. 14.

10. (1) When the office of a representative member of the Assessment Board becomes vacant, or under section 12 is about to become vacant, it shall be filled in manner provided by section 8 hereof, varied as the circumstances of the case require, except that, for the purpose of filling vacancies arising under section 12, the polls in the various districts comprised in the ward shall be taken at the same times and places as the polls at the annual elections of district councillors held under the District Councils Act within such districts respectively, or if, in any of such districts, no poll is taken at such annual election, then at the times and places when and where such poll, if taken, would be taken.

(2) A member appointed to fill such a vacancy caused otherwise than pursuant to section 12 hereof shall hold office only during the period for which his immediate predecessor would have held such office.

(3) Pending the filling of any vacancy, the Commissioner may appoint a person to be a member of the Assessment Board to hold office during the interval between the occurring of the vacancy and the appointment, in manner provided by section 8, of a person to fill such vacancy.

Appointment to be for six years.

Cf. *ibid.*, s. 15.

11. Every representative member shall, subject to the next preceding section, be deemed to have been appointed for six years.

One local member to retire every three years.

Cf. *ibid.*, s. 16.

12. (1) On the first Saturday in July, in the year one thousand nine hundred and eleven, one representative member of the Assessment Board, to be determined by the Commissioner by lot, shall retire, and a member shall be elected to represent the ward represented by such member, and shall be appointed a member of the Assessment Board

(2) On

*The South-Eastern Drainage Act Amendment Act.—1908.*

## PART II.

(2) On the first Saturday in July, in the year one thousand nine hundred and fourteen, the representative member of the Assessment Board for the time being representing the ward other than that referred to in subsection (1) of this section shall retire; and so on, alternately as between the members representing the two wards, on the first Saturday in July in every third year one representative member of the said Board shall retire; and upon each such retirement a member shall be elected to represent the ward represented by the retiring member, and shall be appointed a member of the Assessment Board.

(3) If at any time after the passing of this Act the day of the year for the retirement of district councillors throughout the South-East is altered, the day of the year for the retirement of members of the Assessment Board shall also be altered, so as to be the same from time to time as the day for the retirement of district councillors.

(4) Upon each such appointment of a member of the Assessment Board the Commissioner shall, by notice in the *Gazette*, declare such person to be appointed a member of the Board, and such notice shall be conclusive evidence of such appointment.

(5) A retiring member shall be eligible for reappointment, and shall hold office until his successor is appointed.

**13.** The member of the Land Board to be a member of the Assessment Board shall hold office during the Governor's pleasure.

Land Board member to hold office during pleasure.

**14.** The office of a member of the Assessment Board appointed by the District Council shall be vacated in case of his—

Vacation of office of representative member.

- i. Death, lunacy, insolvency, execution of a statutory deed of assignment for the benefit of creditors, composition with creditors for less than Twenty Shillings in the Pound, or conviction for felony or misdemeanor;
- ii. Absence without leave of the Assessment Board from three consecutive meetings of such Board, followed by resolution of such Board declaring the office vacant, which resolution such Board may pass if it thinks fit, but not later than six weeks after the last of such three consecutive meetings;
- iii. Absence from the State for three consecutive months without leave of the Assessment Board;
- iv. Retirement by rotation, as by this Act provided;
- v. Resignation by notice in writing delivered to the Assessment Board; or
- vi. The judgment or order of any duly authorised Court or Justices declaring his office vacant.

**15.** (1) The

*The South-Eastern Drainage Act Amendment Act.—1908.***PART II.**

Board may act notwithstanding vacancy.

**15.** (1) The Assessment Board may act notwithstanding a vacancy in its membership; and no act or proceeding of the Board shall be invalidated or illegal in consequence only of such vacancy existing at the time of such act or proceeding.

(2) All acts and proceedings of the Assessment Board shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to be a member or to act as such, be as valid as if such member had been duly appointed and was qualified to be and to act as a member of such Board.

Quorum.

**16.** Any three members of the Assessment Board shall form a quorum for the transaction of business.

Chairman.

**17.** The Governor shall from time to time appoint one of the members of the Assessment Board to be chairman thereof, and may revoke any such appointment at pleasure. When the chairman is absent from any meeting the members present shall appoint one of their number to be acting chairman during such absence. The chairman or acting chairman shall have a casting as well as a deliberative vote.

**PART III.****PART III.****THE SOUTH-EASTERN DRAINAGE MANAGEMENT BOARD.****DIVISION I.****DIVISION I.—CONSTITUTION OF BOARD.**

South-Eastern Drainage Management Board.

New.

**18.** A Board, called "The South-Eastern Drainage Management Board," and in this Act referred to as "the Drainage Board," is hereby constituted.

To be a corporate body.

**19.** (1) The Drainage Board shall be a body corporate under the name of "The South-Eastern Drainage Management Board," and shall have perpetual succession and a common seal, and by such name shall be capable of suing and being sued, and of being a party to arbitration, and of purchasing, holding, and alienating land, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

(2) All Courts, Judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and shall presume that the same was properly affixed thereto.

Members of Board.

**20.** The Drainage Board shall consist of five members, as follows—

(a) One member to be from time to time appointed by the Governor, who shall be the chairman of such Board; and

(b) Four representative members, who shall be residents of the South-East, to be appointed as hereinafter mentioned.

**21.** For



*The South-Eastern Drainage Act Amendment Act.—1908.*

**21.** For the purpose of electing representative members of the Drainage Board, the South-East is hereby divided into four wards, as follows:—

- I. Ward No. 1—Comprising the district of the District Council of Lacepede and the portion of the County of Cardwell, defined in the First Schedule to this Act ;
- II. Ward No. 2—Comprising the districts of the District Councils of Naracoorte and Lucindale ;
- III. Ward No. 3—Comprising the districts of the District Councils of Robe, Beachport, and Kennion ; and
- IV. Ward No. 4—Comprising the districts of the District Councils of Penola, Benara, Mount Gambier West, Mount Gambier East, and Port MacDonnell.

PART III.  
DIVISION I.  
Wards for electing  
members of Drainage  
Board.

**22.** All the provisions of sections 8 to 11 inclusive relating to members of the Assessment Board shall apply, *mutatis mutandis*, to the representative members of the Drainage Board.

Appointment of  
representative  
members of Board.

**23.** (1) On the first Saturday in July, in the year one thousand nine hundred and eleven, two representative members of the Drainage Board, to be determined by the Commissioner by lot, shall retire, and members shall be elected to represent the wards represented by such members, and shall be appointed members of the Drainage Board.

Two representative  
members to retire  
every three years.

(2) On the first Saturday in July, in the year one thousand nine hundred and fourteen, the representative members of the Drainage Board for the time being representing the wards other than those referred to in subsection (1) of this section shall retire ; and so on, alternately as between the members representing the four wards, on the first Saturday in July in every third year two representative members of the said Board shall retire ; and upon each such retirement members shall be elected to represent the wards represented by the retiring members, and shall be appointed members of the Assessment Board.

(3) If at any time after the passing of this Act the day of the year for the retirement of district councillors throughout the South-East is altered the day of the year for the retirement of members of the Drainage Board shall also be altered, so as to be the same from time to time as the day for the retirement of district councillors.

(4) Upon each such appointment of a member of the Drainage Board the Commissioner shall, by notice in the *Gazette*, declare such person to be appointed a member of such board, and such notice shall be conclusive evidence of such appointment.

(5) A retiring member shall be eligible for reappointment and shall hold office until his successor is appointed.

**24.** The member of the Drainage Board appointed by the Governor shall hold office during the Governor's pleasure.

Member appointed by  
Governor to hold  
office during pleasure.

**25.** All

*The South-Eastern Drainage Act Amendment Act.—1908.*

## PART III.

## DIVISION I.

Vacation of office of representative member.

**25.** All the provisions of section 14 hereof relating to the office of a member of the Assessment Board shall apply, *mutatis mutandis*, to the office of a representative member of the Drainage Board, and in addition the office of such representative member shall be vacated if he—

- (a) Holds any office or place of profit in the gift or disposal of the Drainage Board, or
- (b) By himself, his partner, or otherwise has any interest in any contract or agreement with or any employment under the Drainage Board.

Board may act notwithstanding vacancy.

**26.** All the provisions of sections 15 and 16 hereof relating to the Assessment Board shall apply *mutatis mutandis* to the Drainage Board.

Regulations for business of Drainage Board.

**27.** The Drainage Board may from time to time make, amend add to, and annul regulations for or relating to—

- I. The times and places and notices of its meetings:
- II. The conduct of its proceedings and business:
- III. The duties, control, supervision, and guidance of its officers, and servants:
- IV. The use of its common seal.

All such regulations shall be published in the *Government Gazette*; and the *Gazette* purporting to contain any such regulation, amendment, addition, or annulment shall be conclusive evidence thereof and that it was duly made or effected.

Fees and allowance to members

**28.** (1) Each representative member of the Drainage Board shall be paid out of the funds of such Board by way of remuneration for his services the sum of One Pound for each meeting of the Board which he attends: Provided that such remuneration in case of any such member shall not exceed the sum of Seventy-eight Pounds in any one year.

(2) The member of the Drainage Board appointed by the Governor shall be paid out of the General Revenue of the State such salary for his services as the Commissioner determines.

(3) All members of the Drainage Board shall, in addition to the amounts hereinbefore mentioned, be paid out of the funds of such Board their travelling expenses incurred in connection with the business of such Board according to such scale as the Commissioner thinks reasonable and fixes from time to time.

Officers and auditors of Drainage Board.

**29.** The Drainage Board—

May from time to time appoint and employ such officers and servants as they deem necessary for enabling the Board to carry into execution its various powers and duties, at such salaries

*The South-Eastern Drainage Act Amendment Act.—1908.*PART III.  
DIVISION I.

salaries and wages and with such allowances for expenses as the Board deems proper, and may remove or dismiss any officer or servant at pleasure, but without prejudice to the rights of any person wrongfully removed or dismissed:

Shall appoint two auditors (not being members of such Board) every year, who shall hold office for one year and shall be paid such remuneration as the Board thinks proper. No person shall be appointed an auditor for more than two consecutive years.

**30. The Drainage Board—**

Minutes and accounts  
of Drainage Board  
and audit.

Shall cause proper minutes or records of all its proceedings to be kept. Every minute or record purporting to be signed by the chairman or acting chairman of such Board and every document purporting to be certified as a correct copy of any minute or record under the hand of the chairman shall be presumed to be the minute or record or a correct copy thereof, and shall be evidence of the matters therein stated according to its purport:

Shall cause to be kept proper books of account for the purpose of entering all sums of money received and paid on behalf of such Board, which books and all vouchers shall at all times be open to the inspection of the auditors and of the chairman of any of the District Councils or any person appointed for that purpose in writing by the chairman of any of the District Councils:

Shall cause the accounts of such Board to be balanced annually, and to be delivered to the auditors for examination within thirty days next after the thirtieth day of November in each year. The auditors shall carefully examine such accounts with the books, papers, and vouchers of the Board, and shall cause the same to be corrected or altered whenever found necessary; and for the purpose of completing such audit, their duties shall continue until such accounts have been duly examined and audited by them, notwithstanding that their successors have been appointed: Provided that the Governor may at any time cause the accounts of such Board to be audited by the Commissioner of Audit or any other person appointed by the Governor; and the Commissioner of Audit or person so appointed shall, for the purposes of such audit and accounts, have all the powers for the time being vested by law in the Commissioner of Audit in relation to the audit of public accounts:

Shall cause an account of all moneys received and expended by virtue of and for the purposes of this Act, signed by the chairman and certified by the auditors, specifying the total sum received from each source of income, and the total

*The South-Eastern Drainage Act Amendment Act.—1908.*PART III.  
DIVISION I.

total annual revenue, and the total amounts disbursed under each head of expenditure, and the total annual outlay, made up to the thirtieth day of November in each year, to be laid before Parliament on or before the first day of March next ensuing if Parliament is then in Session; otherwise as soon thereafter as Parliament is in Session. Such annual account shall, on or before the first day of March, also be printed and published for distribution or advertised for public information as such Board directs.

## DIVISION II.

## DIVISION II.—FUNCTIONS OF BOARD.

Commencement and application of this Division.

**31.** The provisions of this Division of this Part shall come into force on a date to be fixed by the Governor by Proclamation published in the *Gazette*, and shall apply to the South-East only.

Powers and duties of District Councils to vest in Drainage Board as to South-East.

Cf. 629, 1895, s. 3.

**32.** (1) Upon the date referred to in the next preceding section all the property, rights, powers, functions, obligations, duties, and immunities of the District Councils, and any of them, under or by virtue of the principal Act or “The South-Eastern Drainage Act Amendment Act, 1895,” and all other property, rights, powers, functions, obligations, duties, and immunities of the District Councils, and any of them, whether by Statute or otherwise, in connection with or for the purposes of main and district drains and drainage works, or any of them, shall cease to be vested in or exercised, performed, or enjoyed by the District Councils or any of them; and upon the said date and thereafter all such property, rights, powers, functions, obligations, duties, and immunities of the District Councils, and any of them, and all powers, functions, obligations, duties, and immunities which before the passing of the last-mentioned Act might be exercised, performed, or enjoyed within the South-East by a Drainage Board or Boards shall be vested in and be exercised, performed, and enjoyed throughout the South-East by the Drainage Board.

(2) Upon the said date and thereafter—

629 of 1895.

(a) All the provisions of the principal Act and of “The South-Eastern Drainage Act Amendment Act, 1895,” so far as they apply to the District Councils and their districts shall apply to the Drainage Board and the South-East to the same extent as if the Drainage Board and the South-East had been referred to in the last-mentioned Act in place of District Councils or a District Council and their districts or district; and

(b) The South-East shall be a Drainage District within the meaning of the principal Act.

The Drainage Board to have control and management of all drains.

Cf. Act 629, 1895, s. 4.

**33.** The Drainage Board shall have the care, control, and management of all main and district drains and drainage works within the South-East, whether heretofore or hereafter constructed, and shall thoroughly cleanse, repair, and maintain the same in a due

*The South-Eastern Drainage Act Amendment Act.—1908.*

due state of efficiency to the satisfaction of the Commissioner ; and if the Drainage Board fails to cleanse or repair any drain or drainage work under its control within a reasonable time after being required by the Commissioner to do so, the Commissioner may cause the same to be cleansed or repaired, as the case may require ; and the cost thereof shall be paid by the Drainage Board to the Commissioner, or may be deducted from any money or subsidy payable by the Government to the Drainage Board or from any money or subsidy payable by the Government to any of the District Councils within whose district such drain or drainage work is situated, or partly from one and partly from the other of such moneys and subsidies.

**34.** The Commissioner may out of moneys voted by Parliament for the purpose make advances to the Drainage Board for the construction of district drains and drainage works, and such moneys shall be repaid to the Commissioner in twenty yearly equal instalments, together with interest at a rate of not exceeding Five Pounds per centum per annum, to be fixed by the Commissioner.

**35.** State advances may be made pursuant to "The State Advances Act, 1895," and any Act amending the same or any Act substituted therefor in lieu of the advances mentioned in the next preceding section, and the Drainage Board shall be a local authority within the meaning of such Acts.

**36.** The Drainage Board may, with the consent of the Commissioner, connect district drains with main drains.

**37.** All district drains and drainage works undertaken by the Drainage Board shall be constructed under the supervision and subject to the direction and control of the Engineer-in-Chief.

**38.** With regard to any works to be constructed under this Part and for the purposes of the Acts mentioned in section 10 of "The South-Eastern Drainage Act Amendment Act, 1895" [namely, "The Lands Clauses Consolidation Act" (being No. 6 of 1847), the Act to amend the same (being No. 26 of 1855-6), and the "Lands Clauses Consolidation Act Amendment Act, 1881" (being No. 202 of 1881), except sections 110, 114, 115, 116, 117, and 118 of the Act No. 6 of 1847], the expressions "the promoters of the undertaking" and "the special Act" shall, whenever used in the said Acts mentioned in the said section 10, or any of them, mean the Commissioner or the Drainage Board (as the case may be) and this Act respectively: Provided that, for the purposes of section 13 of the said Act No. 202 of 1881, there shall be deemed to be no such special Act.

**39.** In estimating the compensation or purchase-money to be paid by the Commissioner or the Drainage Board for any land acquired for the construction of any drain or drainage works or any damage

PART III.  
DIVISION II.

Loans to Drainage Board.

Cf. *ibid.*, s. 6.

State advances may be made in lieu of loans.

Cf. *ibid.*, s. 7.  
633 of 1895.

Power to connect district drains with main drains.

Cf. *ibid.*, s. 8.

Drains to be constructed under superintendence of Engineer-in-Chief.

Cf. *ibid.*, s. 9.

Lands Clauses Consolidation Acts incorporated.

Cf. *ibid.*, s. 10.

Enhancement in value to be considered in fixing compensation.

Cf. *ibid.*, s. 11.

*The South-Eastern Drainage Act Amendment Act.—1908.*PART III.  
DIVISION II.

damage suffered by reason of such construction, the enhancement in value of any lands belonging to the person to whom the compensation, purchase-money, or damage is to be paid, and the value of any other benefit or advantage which such person has obtained or may or will obtain by reason of the construction of such drain or drainage works, shall be deducted from the amount of such compensation, purchase-money, or damage.

Assessment of lands  
for drainage purposes.

Cf. *ibid.*, s. 12.

**40.** The Drainage Board may, whenever they consider it necessary, cause an assessment to be made of all or any ratable property (within the meaning of the District Councils Act) within the South-East, and of the increase in value of such ratable property due to the construction of the drains and drainage works in the South-East, the assessment of such increased value to be made according to a percentage of five per centum on the increased value of the fee-simple of such ratable property.

Drainage Assessment  
Book.

Cf. *ibid.*, s. 13.

**41.** Every such assessment shall be written in a book, to be called the "Drainage Assessment Book," and such book shall be in the form in the Eleventh Schedule to "The District Councils Act, 1887," except that an additional column under the heading "Assessed value of increase in fee-simple value due to drains and drainage works" may be added to Part I. thereof, and all columns in Part II. showing rates declared may be omitted, and an additional column added under the heading "Drainage rate declared on the day of \_\_\_\_\_, 19\_\_\_\_," with sub-headings "Amount payable" and "When paid."

Drainage rates may  
be levied.

Cf. *ibid.*, s. 14.

**42.** The Drainage Board may declare and levy an annual rate on all ratable property entered in the Drainage Assessment Book, to be called the "drainage rate," and such rate shall be a differential rate, that is to say, the amount thereof shall vary with the increase in value of the ratable property due to the construction of drains and drainage works, and shall be calculated at a percentage on the assessment of such increased value.

Provisions of District  
Councils Act to apply.

Cf. *ibid.*, s. 15.

**43.** All provisions of the District Councils Act relating to assessments and rates and the recovery of rates (except as to limitations of the amounts of rates), and the forms therein provided for, varied as the circumstances may require, shall, so far as applicable thereto, apply to the assessments and rates herein provided for and the recovery of such rates.

How drainage rate  
expended.

Cf. *ibid.*, s. 16.

**44.** The moneys derived from the drainage rate shall be expended only in cleansing, repairing, and maintaining drains and drainage works, in repayment of advances made by the Commissioner and the interest thereon, and in expenses connected with the care, control, and management of drains and drainage works.

District Councils may  
provide money for  
drainage purposes.

Cf. *ibid.*, s. 17.

**45.** Notwithstanding anything herein contained, any of the District Councils may pay to the Drainage Board any portion of its ordinary

*The South-Eastern Drainage Act Amendment Act.—1908.*

ordinary revenue to be expended by such Board within the district of such District Council for any of the purposes specified in the next preceding section and for the construction of district drains and drainage works within such district.

PART III.  
DIVISION II.

**46.** Nothing in this Part or elsewhere in this Act contained shall be held to derogate from or in any way diminish the effect of the provisions of section 32 hereof.

Special provisions not to derogate from general provisions.

**47.** (1) Any person constructing any drain or drainage works to connect with any main or district drain, or any drainage works under the care, control, and management of the Drainage Board, without the licence in writing of such Board first obtained, shall be guilty of an offence against this Act, and shall for every such offence be liable to a penalty of not more than Twenty Pounds.

Licence required for private drains.

Cf. Act 104, 1878, s. 49.

(2) Any such licence may authorise the person so licensed to construct a drain or drainage works through any land; and any question of compensation between such person and the owners or occupiers of any land for any damage arising from or in connection with the construction of such drain or works shall be determined by the Drainage Board, whose decision shall be final and not subject to any appeal or to be questioned in any way.

Cf. *ibid.* s. 48.

**48.** (1) Any person obtaining such licence as mentioned in the next preceding section shall construct the drains or works only in manner prescribed by such licence, and to the satisfaction of the Drainage Board, and within the time (if any) limited by such licence, and shall keep the drain or works if and when constructed in good and substantial repair and properly cleansed.

To be constructed to satisfaction of Board and kept in repair.

Cf., *ibid.* s. 50.

(2) If such person fails to construct such drain or works, or to construct the same as mentioned in subsection (1) of this section, or to keep the same in repair or cleansed as aforesaid, the Drainage Board may construct the same or repair or cleanse the same (as the case may require), and in that case such person shall be liable for all costs and expenses incurred by such Board in so doing, and the same may be recovered by the Board in any Court of competent jurisdiction, or by distress and sale of any goods and chattels on any property of such person.

PART IV.

PART IV.

CONSTRUCTION OF DRAIN ON PETITION OF  
LANDHOLDERS.

**49.** A petition may be presented to the Commissioner by landholders requesting that a drain or drains (hereafter in this Part called "the drain") indicated in the petition be constructed.

Petition for drain.

Cf. Act 737, 1900, s. 3 (part).

**50.** Such petition shall be in the form in the Second Schedule hereto, and each signature thereto shall be witnessed by some person who

Form of petition.

Cf. *ibid.*, s. 4

*The South-Eastern Drainage Act Amendment Act.—1908.***PART IV.**

who shall make a declaration before a Justice of the Peace in the form at the end of said Second Schedule; and any person wilfully making any false statement in such declaration shall be guilty of a misdemeanor, and shall be liable, on conviction, to imprisonment with hard labor for any term not exceeding two years.

Engineer-in-Chief's preliminary report.  
Cf. *ibid.*, s. 3 (part).

**51.** The Commissioner shall refer the petition to the Engineer-in-Chief, who shall as soon as practicable furnish the Commissioner with a preliminary report certifying—

- (a) Whether or not he recommends the construction of the drain;
- (b) What lands will, in his opinion, be benefited by the drain;
- (c) His estimate of the cost of constructing the drain.

Commissioner's approval.  
Cf. *ibid.*, s. 5.

**52.** (1) After receiving the Engineer-in-Chief's report the Commissioner shall, if he approves of the construction of the drain, by notice in the *Gazette* (hereafter in this Act called "the Commissioner's declaration") declare—

- (a) That he approves of the same; and
- (b) The particulars referred to in paragraphs (b) and (c) of the next preceding section hereof.

(2) The Commissioner's declaration shall be conclusive as to what lands will be benefited by the drain.

(3) The Commissioner's declaration may be in the form in the Third Schedule hereto.

Commissioner to decide whether petitioners are majority of landholders and hold three-fourths in value of benefited lands.  
Cf. *ibid.*, s. 3 (part).

**53.** (1) Unless within one month of the publication of the Commissioner's declaration in the *Gazette* what the Commissioner in his discretion considers to be a substantial number of the petitioners, by notice in writing received by the Commissioner, withdraw the petition, the Commissioner shall decide whether or not the petitioners are a majority of the landholders of the lands which will be benefited by the drain, and whether or not the value of the lands of which they are the landholders is at least three-fourths of the value of all the lands which will be benefited by the drain.

(2) In this section "value" means—

- I. As to lands assessed for the purposes of land tax, the unimproved value of such lands as so assessed:
- II. As to lands not so assessed, the unimproved value of such lands as assessed by the Assessment Board.

(3) For the purpose of deciding as in this section mentioned the Commissioner shall, upon receiving the Engineer-in-Chief's report, direct the Assessment Board to assess the unimproved value of the lands referred to in paragraph II. of subsection (2) of this section, and the Assessment Board shall as soon as practicable thereafter make their assessment.

(4) Upon



*The South-Eastern Drainage Act Amendment Act.—1908.*

## PART IV.

(4) Upon deciding as in subsection (1) of this section mentioned, the Commissioner shall publish his decision by notice in the *Gazette*, and such notice shall be conclusive as to the accuracy of such decision.

**54.** If the Commissioner decides that the petitioners are a majority of the landholders of the lands which will be benefited by the drain, and that the value of the lands of which they are the landholders is at least three-fourths of the value of the lands which will be benefited by the drain, the Commissioner shall, after the publication of his decision in the *Gazette*, proceed with the construction of the drain out of moneys provided by Parliament for the purpose of constructing drains :

Construction of drain.  
Cf., *ibid.*, s. 6.

Provided that before the construction of any such drain is proceeded with the Engineer-in-Chief shall supply to one of the applicants, to be nominated for the purpose by a majority of the petitioners, a plan and specification of the proposed works to be undertaken, together with an estimate of the cost thereof :

Provided also that so soon as tenders shall have been received for the proposed works copies of all tenders and the amounts thereof shall be similarly supplied to the person nominated by the petitioners.

If within twenty-one days from the receipt of the tenders by the petitioners' nominee a majority of the petitioners shall signify to the Commissioner of Crown Lands that they do not desire the work to be proceeded with the Commissioner shall not accept any tender for the proposed work. The costs of the preparation of plans and calling for tenders shall be borne by the petitioners.

**55.** The cost of constructing the drain shall be deemed to be an advance by the Commissioner to all the landholders of the lands which will be benefited by the drain, and such advance shall be repaid to the Commissioner by such landholders, with interest thereon at the rate of Four Pounds per centum per annum, in the proportions to be ascertained as hereinafter mentioned.

Cost to be paid by  
landholders.  
Cf. *ibid.*, s. 7.

**56.** (1) When the construction of the drain is completed the Engineer-in-Chief shall furnish the Commissioner with a final report, certifying the date of the completion and the cost of the construction of the drain.

Engineer-in-Chief's  
final report.  
Cf. *ibid.*, s. 16.

(2) The Commissioner shall, by notice in the *Gazette*, publish such report, and such notice shall be conclusive as to the date of completion of the drain and the cost of construction thereof, notwithstanding that it differs from any previous estimate of the cost.

**57.** (1) The Assessment Board shall, within three years after the date of completion of the drain, make a preliminary apportionment of the cost of the construction thereof amongst all the landholders

Preliminary  
apportionment of  
the cost.  
Cf. *ibid.*, s. 9.

*The South-Eastern Drainage Act Amendment Act.—1908.***PART IV.**

holders of the lands benefited by the drain, as declared by the Commissioner's declaration.

(2) The Assessment Board shall by notice published in the *Gazette* set forth the preliminary apportionment. Such notice may be in the form in the Fourth Schedule hereto. The *Gazette* containing such notice shall be conclusive as to such apportionment.

Objection to the apportionment.

Cf. *ibid.*, s. 10.

**58.** (1) Any landholder may, within two months after the publication of the notice of preliminary apportionment, object to the amount of the cost apportioned to him by such apportionment. The objection shall be made by notice served on the Commissioner, and may be in the form in the Fifth Schedule hereto.

(2) Proof of the posting of the notice of objection as a registered letter addressed to the Commissioner shall be sufficient evidence of the service thereof.

Determination of objection.

Cf. *ibid.*, s. 11.

**59.** (1) Every objection shall be considered by the Assessment Board at a time fixed by notice posted to the objector, not being less than seven days after the posting of such notice, and at a place fixed by such notice: Provided that the consideration of any objection may be adjourned from time to time and from place to place as such Board deems convenient.

(2) The objector may attend any meeting of the Assessment Board held to consider his objection, and may produce such evidence as such Board deems relevant.

(3) The Assessment Board may make any inquiries they deem necessary, and inform themselves in such manner as they deem fit for the purpose of determining the objection, and shall not be bound to observe any rules of evidence or procedure.

(4) The Assessment Board shall consider the objection and determine the same as they find to be fair and equitable, and may confirm or increase or decrease the amount of the cost apportioned to the objector, and may, if the amount is confirmed or increased, order the objector to pay the costs occasioned by the objection.

(5) The determination of the Assessment Board shall be final, and not subject to any appeal or to be questioned in any way.

Adjustment of apportionment.

New.

**60.** If upon the consideration of any objection to the preliminary apportionment the amount apportioned to any landholder is altered, the Assessment Board shall adjust the amounts apportioned to other landholders as may be found necessary.

Final apportionment.

Act 737, 1900, sec. 12.

**61.** The Assessment Board shall forthwith, after the time for objecting has expired, if no objection is pending, or if any objection is pending, then forthwith after the determination of all objections, make their final apportionment of the cost of the construction of the drain, and fix the yearly instalments to be paid by each landholder to the Commissioner and the date upon which the first instalment is to be paid.

**62.** (1) The

*The South-Eastern Drainage Act Amendment Act.—1908.*

**62.** (1) The Assessment Board shall publish in the *Gazette* a notice setting forth the final apportionment, the yearly instalments, and the date upon which the first instalments are to be paid.

(2) Such notice may be in the form in the Sixth Schedule hereto, and shall be conclusive evidence of all matters set forth therein, and of the validity thereof.

**63.** (1) The amount of the proportion of the cost of construction apportioned to any landholder shall be a debt due from such landholder to the Commissioner, and shall be a first charge upon the land of such landholder which is benefited by the drain, and shall be paid by such landholder to the Commissioner, with interest thereon at the rate of Four Pounds per centum per annum, in forty-two equal yearly instalments, according to the scale set forth in the Seventh Schedule hereto.

(2) The first of such instalments shall become due on the first day after the expiration of five years from the date of the completion of the drain, and one of such instalments shall fall due on the same day in each year thereafter until the whole debt has been paid: Provided that any landholder may at any time pay the balance of the amount charged on his land, with any interest then due, whereupon his liability and the charge upon his land shall cease.

(3) In computing the amount of the yearly instalments the interest for the first five years shall be added to the amount of the proportion of the cost of construction, but no interest shall be charged upon the interest for such five years.

(4) The charge upon the land may be enforced by the Commissioner as if he were a mortgagee under "The Real Property Act, 1886."

**64.** (1) Where any land charged as in the next preceding section mentioned is subject to a lease to any person other than the landholder of such land, the lessee under such lease shall pay to the landholder during the currency of such lease such proportion of each annual instalment payable by the landholder as may be agreed between them.

(2) In default of agreement, the amount of the proportion to be paid by the lessee shall be settled by the Assessment Board on the application of either the landholder or the lessee.

(3) Such application shall be made by notice served on or sent by registered post to the other party and the Assessment Board.

(4) The application shall be heard by the Assessment Board at a time fixed by notice posted to both parties, not being less than seven days after the posting, and at a place fixed by such notice: Provided that the hearing may be adjourned from time to time and from place to place as such Board deems convenient.

(5) The

**PART IV.**

Notice of apportionment.

Cf. *ibid.*, s. 13.

Repayment of cost of construction.

Cf. *ibid.*, s. 14.

380 of 1886.

Lessees to pay proportion of cost to landholder.

Cf. *ibid.*, s. 15.

*The South-Eastern Drainage Act Amendment Act.—1908.*

## PART IV.

(5) The Assessment Board may inform themselves in such manner as they deem fit for determining the proportion to be paid by the lessee, and shall not be bound to observe any rules of evidence or procedure.

(6) The Assessment Board shall determine the matter as they deem fair and equitable, and may order either party to pay the costs of the application, not exceeding Five Pounds.

(7) The determination of the Assessment Board shall be final, and not subject to any appeal or to be questioned in any way.

Recovery by distress  
Ibid., s. 18.

**65.** In addition and without prejudice to any other remedy, the Commissioner may recover any instalment due to him from any landholder, which remains unpaid for three months after the same has become due, by distress and sale of any goods and chattels on any land upon which the debt due from the landholder to the Commissioner is charged, or such instalment may be recovered in any Court of competent jurisdiction by action in the name of the Commissioner from the landholder of such land for the time being, and no statute of limitations shall affect any such action.

## PART V.

## PART V.

## GENERAL PROVISIONS AND LEGAL PROCEDURE.

Act No. 629 of 1895  
to remain in force.

**66.** Nothing in this Act shall be held to limit the operation of section 2 of "The South-Eastern Drainage Act Amendment Act, 1895," and that Act shall, except so far as inconsistent with or repugnant to this Act, remain in full force and effect.

In proceedings fee-  
simple deemed to be  
vested in Drainage  
Board or District  
Councils.

Cf., Act 104, 1878, s.  
17.

**67.** Except in any proceedings taken or defended on behalf of the Crown against the Drainage Board or a District Council, and notwithstanding the provisions of sections 13 and 14 of the principal Act, the Drainage Board or a District Council respectively shall in all proceedings in all Courts of Justice, and before all tribunals and persons, and for all purposes whatever, be deemed to have vested in it the fee-simple of the main and district drains and drainage works under its care, control, and management; and in any legal or other proceedings, except as aforesaid, taken or defended by such Board or Council in respect thereof no proof whatever shall be required of such fact, and the mere allegation by such Board or Council of the vesting of the same shall be taken for all purposes to be full and sufficient proof thereof.

Penalty for  
obstruction or  
nuisance.

Cf. *ibid.*, s. 36.

**68.** Any person causing or permitting any obstruction in, or otherwise injuriously affecting, any main or district drain or drainage work, or any drain or wall, heretofore or hereafter constructed or commenced by the Commissioner, any Drainage Board, any District Council or Councils, or the Drainage Board, or causing any filthy or unwholesome water, or washings of manufactories or mines, or other foul or poisonous liquid, to flow into any such drain or drainage work, without the consent of the Commissioner or the authority

*The South-Eastern Drainage Act Amendment Act.—1908.*

authority having the care, control, and management of such drain or drainage work first obtained, shall, for every such offence, incur a penalty not exceeding Five Pounds, and a further penalty of Two Pounds for every day during which the offence is continued.

PART V.

**69.** All proceedings in respect of offences against this Act or any Act incorporated herewith shall be by information, and shall be heard and determined in a summary way before any Special Magistrate or any two or more Justices, under the Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, or any Act for the time being in force relating to the duties of Justices as to summary proceedings.

Proceedings for offences.

**70.** There shall be an appeal from any decision or order of a Special Magistrate or Justices in any proceedings in respect of offences against this Act to the Local Court of Adelaide of Full Jurisdiction, or to the nearest Local Court of Full Jurisdiction. Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and the said Act No. 298 of 1883-4, or any Act for the time being in force relating to appeals to Local Courts. The Court on such appeal may make any order as to costs which it thinks fit, although such costs exceed Ten Pounds.

Appeal.

**71.** (1) The Local Court may state a special case for the opinion of the Supreme Court.

Special case.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs of the proceedings in that Court and the Courts below, as to the said Supreme Court appears just.

**72.** The forms in the Schedules hereto shall as far as practicable be adhered to, but may be altered or varied as the case may require. No notice shall be deemed bad or insufficient if in substance it complies with the requirements of this Act.

Forms and notices.

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

GEORGE R. LE HUNTE, Governor.

*The South-Eastern Drainage Act Amendment Act.—1908.*

THE SCHEDULES.

Sec. 5.

THE FIRST SCHEDULE.

*Portion of the County of Cardwell included in the "South-East."*

That portion of the county of Cardwell enclosed by a line commencing at the intersection of the western side of a road 174 chains 18 links east of the north-west corner of block 11, hundred of Landseer, with the south boundary of county Cardwell; running thence north for seven miles; thence west to the sea coast; thence in a south-easterly direction along the sea coast to the south boundary of county Cardwell; and thence east along the said south boundary of county Cardwell to the point of commencement.

Sec. 50.

THE SECOND SCHEDULE.

"The South-Eastern Drainage Amendment Act, 1908."

*Form of Petition to Construct Drain.*

To the Commissioner of Public Works, Adelaide.

We, the undersigned, being a majority of landholders and representing three-fourths in value of the land to be improved by the construction of the drain herein-after mentioned, hereby request you to construct the drain following, namely [*describe drain*].

The following are the lands which will be benefited by such drain [*here set out sections or blocks and hundreds*].

And we each undertake to pay our proportion of the cost of the construction of such drain at the times and in the manner provided by "The South-Eastern Drainage Act Amendment Act, 1908."

The full names, addresses, and occupations of each of us, and particulars of the lands to be benefited by the drain of which we are landholders, are set out below:—

Christian and Surname in full.	Address.	Occupation.	Particulars of Land, giving Section Number and Hundred.	Signature.	Signature of Witness.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Declaration by Witness.*

I solemnly and sincerely declare that the signatures to the above petition, opposite to which my name is signed, are the genuine signatures of the persons whose signatures they purport to be.

[*Signature of Witness.*]

Declared before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_, Justice of the Peace.

*The South-Eastern Drainage Act Amendment Act.—1908.*

THE THIRD SCHEDULE.

Sec. 52.

“The South-Eastern Drainage Act Amendment Act, 1908.”

*Declaration of Approval of Proposed Drain.*

A petition having been presented for the construction of the drain hereinafter mentioned, I, \_\_\_\_\_, Commissioner of Public Works for the State of South Australia, do hereby declare that—

- (a) I approve of the construction of [*describe drain*]:
- (b) The lands which will be benefited by the construction of the said drain are [*here set out the lands*]:
- (c) The estimate of the cost of constructing the said drain is £ \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_, Commissioner of Public Works.

THE FOURTH SCHEDULE.

Sec. 57.

“The South-Eastern Drainage Act Amendment Act, 1908.”

*Notice of Apportionment.*

The South-Eastern Drainage Assessment Board has made a preliminary apportionment of the cost of construction of [*describe drain*] amongst the landholders of the lands benefited by such drain

Name of Landholder.	Sections or Block and Hundred.	Amount of Apportionment
John Smith .....	94, Grey	£ s. d. 25 0 0
William Jones .....	110, Grey	50 0 0

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

..... } Members of the South-Eastern Drainage Assessment Board.  
 ..... }  
 ..... }

THE FIFTH SCHEDULE.

Sec. 58.

“The South-Eastern Drainage Act Amendment Act, 1908.”

*Notice of Objection.*

To the Commissioner of Public Works.

Take notice that I object to the amount of the cost of [*here describe the drain by a name it is known by, or otherwise shortly and sufficient to identify it*] apportioned to me by the preliminary apportionment of the South-Eastern Drainage Assessment Board, on the ground that such amount is too much.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[*Signature of objector.*]  
[*Address and occupation.*]

*The South-Eastern Drainage Act Amendment Act.—1908.*

Sec. 62.

THE SIXTH SCHEDULE.

“The South-Eastern Drainage Act Amendment Act, 1908.”

*Notice of final apportionment of the cost of constructing the [describe drain].*

Name of Landholder.	Section or Block and Hundred.	Proportion of Cost to be borne by Landholder.	Amount of Annual Instalments to be paid by each Landholder.	Date when First Instalment becomes Due.
		£ s. d.	£ s. d.	
John Smith .....	94, Grey	25 0 0	1 8 7	June 1st, 1913
William Jones .....	110, Grey	50 0 0	2 17 2	June 1st, 1913

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

..... } Members of the South-Eastern Drainage Assessment Board.  
 ..... }  
 .....

Sec. 63.

THE SEVENTH SCHEDULE.

*Scale showing Amount of Instalments to repay £100 with interest at 4 per cent. in Forty-two Annual instalments, commencing Five Years after the Date of the Advance. The Interest for the first Five Years to be Capitalised.*

£ s. d.

Annual instalment ..... 4 15 4