



ANNO VICESIMO PRIMO

# GEORGII V REGIS.

A.D. 1931.

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## No. 2000.

An Act to amend the South-Eastern Drainage Acts, 1926 and 1927.

[Assented to, April 16th, 1931.]

**B**E 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, 1931". Short title.

(2) The South-Eastern Drainage Acts, 1926 and 1927, and this Act may be cited together as the South-Eastern Drainage Acts, 1926 to 1931.

(3) This Act is incorporated with the other Acts referred to in this section and those Acts and this Act shall be read as one Act.

2. In this Act, unless the context otherwise requires, or some other meaning is clearly intended— Definitions.

"Board" means the South-Eastern Drainage Board constituted by this Act :

"Commission" means the Irrigation Commission constituted by the Irrigation Act, 1922, and re-named by the South-Eastern Drainage Act, 1926, the Irrigation and Drainage Commission.

3. (1) A Board is hereby constituted for the purpose of administering the South-Eastern Drainage Acts, 1926 to 1931. Constitution of South-Eastern Drainage Board.

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(2) The Board shall administer the said Acts in substitution for the Irrigation and Drainage Commission, and the said Acts shall be construed as if every reference therein to the said Irrigation and Drainage Commission were a reference to the Board and as if every reference therein to the Chairman of the said Commission were a reference to the Chairman of the Board.

(3) The Board shall be a body corporate by the name of the "South-Eastern Drainage Board," and by that name shall have perpetual succession and a common seal and shall be capable of acquiring, holding, and disposing of lands and of suing and being sued, and submitting to arbitration in all actions, suits, causes, and disputes.

Judicial notice of seal.

4. Judicial notice shall be taken of the incorporation and of the common seal of the Board, and the production of any deed, instrument, or writing, if sealed with the said seal, shall be sufficient evidence of the making and execution thereof.

Members of the Board.

5. (1) The Board shall consist of three members, who shall be appointed from time to time by the Governor.

(2) Each member shall be appointed for a term of three years, and any member shall from time to time at the expiration of his term of office be eligible for re-appointment for a further term of three years.

(3) Whenever a vacancy occurs in the office of any member, the Governor may appoint some person to fill the vacancy.

Dismissal from office.

6. The Governor may at any time dismiss any member from his office—

- (a) for misbehaviour or incompetence ; or
- (b) if he is adjudicated bankrupt or makes a statutory assignment for the benefit of his creditors, or compounds with his creditors for less than Twenty Shillings in the Pound ; or
- (c) if he wilfully absents himself from three consecutive meetings of the Board except on leave granted by the Minister ; or
- (d) if he becomes in any way, except as member, concerned or interested in any contract made by or on behalf of the Board or in any way participates or claims to be entitled to participate in the profits thereof, or in any benefit or emolument arising therefrom.

Chairman and Deputy Chairman.

7. (1) The Governor may appoint one of the members to be the Chairman of the Board, and another to be the Deputy Chairman of the Board, and whenever a vacancy occurs in the office of Chairman or Deputy Chairman may appoint one of the members to fill the vacancy.

(2) At all meetings of the Board the Chairman, or in his absence, the Deputy Chairman shall preside. When only two members are present

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present the Chairman or Deputy Chairman so presiding shall have a second or casting vote.

8. Any two members shall constitute a quorum.

Quorum.

9. No act or proceeding of the Board shall be invalid or be prejudiced by reason only of the fact that at the time when such act or proceeding is done, taken, or commenced there is a vacancy in the office of any member.

Validity of acts of Board.

10. The Board shall be responsible to the Minister for the discharge of its duties and functions under this Part.

Responsibility of Board.

11. (1) The officers of the Board shall be appointed under and be subject to the provisions of the Public Service Act, 1916.

Staff of the Board.

(2) The Board may, subject to any direction of the Minister or law as to rates of wages, appoint at daily or weekly wages such persons as it deems proper for the purpose of carrying out its powers, duties, and functions under this Act and may dismiss such persons, but this section shall not affect the rights of any person wrongfully dismissed.

12. (1) All drains and drainage works within the South-East shall be vested in and under the care, control, and management of the Board.

Control of drains by Board and transfer of property, rights, &c.

(2) All property, both real and personal, which at the commencement of this Act is vested in the Commission, or which is vested in any Minister of the Crown exclusively for the purposes of or in connection with the drains or drainage works is hereby transferred to and vested in the Board.

(3) All the rights, interests, titles, privileges, obligations, and liabilities of the Commission arising whether before or after the commencement of this Act under any of the Acts repealed by this Act or by the South-Eastern Drainage Act, 1926, or under any document or instrument in force under or in connection with the said Acts at the commencement of this Act, are hereby transferred to the Board.

13. In any deed, lease, licence, agreement, permit, transfer, mortgage, or other document or instrument of any kind whatsoever in force or subsisting at the commencement of this Act which concerns or affects any of the property, rights, interests, titles, privileges, obligations, and liabilities transferred by the last preceding section to the Board, all references to the South-Eastern Drainage Assessment Board or to the Commissioner of Public Works or other Minister of the Crown or to the Commission shall, so far as they affect any property, right, interest, title, privilege, obligation, or liability so transferred, be read and construed as references to the Board.

Consequential amendments of documents and instruments.  
1781, 1926, s. 9.

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

A. HORE-RUTHVEN, Governor.