



ANNO DECIMO

GEORGII V REGIS.

A.D. 1919.

No. 1366.

An Act to further amend the Adelaide Sewers Act, and for other purposes.

[Assented to, October 16th, 1919.]

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 "Adelaide Sewers Act Further Amendment Act, 1919." Short titles.

(2) The Adelaide Sewers Act (hereinafter called "the principal Act"), the Adelaide Sewers Act Amendment Act, the Adelaide Sewers Amendment Act, 1896, the Adelaide Sewers Acts Amendment Act, 1902, the Adelaide Sewers Amendment Act, 1903, the Adelaide Sewers Acts Further Amendment Act, 1917, and this Act, may be cited together as the "Adelaide Sewers Acts, 1878 to 1919." No. 106 of 1878.
No. 303 of 1883-4
No. 662 of 1896.
No. 783 of 1902.
No. 822 of 1903.
No. 1282 of 1917.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendments.

3. Section 40 of the principal Act is amended by adding thereto the following paragraph:— Amendment of section 40—

In any case where any owner or occupier neglects or fails to alter or repair any drain or fitting when required so to do by a notice under this section, within the time prescribed by such notice, and in every respect according to the plans and directions Owners and occupiers to make and repair drains to public sewers.

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directions (if any) contained in or referred to in such notice, the Commissioner may enter upon the land or premises of such owner or occupier, and alter or repair (according to the nature of the case) such drain or fitting, and may do all such things as may be necessary for that purpose, and the costs thereof and incidental thereto shall be recoverable by the Commissioner from such owner or occupier in manner mentioned in section 41 and subject as therein provided.

Amendment of
section 45—
Drains to be cleansed.

4. Section 45 of the principal Act is amended—

(a) by substituting the words "owner or occupier" for the word "occupiers" in the fourth and in the fifth lines thereof ; and

(b) by adding thereto the following paragraph:—

In default work may
be done by Commis-
sioner and costs
recovered by him.

In any case where any owner or occupier neglects to repair or cleanse any drain or fitting as required by this section, within the time prescribed by the Commissioner and according to his direction, the Commissioner may enter upon the land or premises of such owner or occupier and repair or cleanse (as the case may require) such drain or fitting, and may do all such things as may be necessary for that purpose, and the costs thereof and incidental thereto shall be recoverable by the Commissioner from such owner or occupier in manner mentioned in section 41 and subject as therein provided.

Amendment of
section 72—

5. Section 72 of the principal Act is amended by the addition thereto of the following proviso:—

When sewerage rates
payable.

Power to make rates
payable annually.

Provided further that the Governor may, by proclamation, declare that in the drainage area or areas specified in such proclamation the sewerage rates shall be payable yearly, in which case sewerage rates in respect of lands and premises within such area or areas shall be payable for the period between the first day of whatever month next follows the expiration of the seven days hereinbefore mentioned and the thirty-first day of December next ensuing; and thereafter such rates shall be payable in advance on the first day of January in every year.

Provision substituted
for section 73—

6. Section 73 of the principal Act is hereby repealed, and the following provision is hereby enacted and substituted therefor:—

Service of notice of
amount due to Com-
missioner, and method
of recovery thereof.

73. (1) A notice containing particulars of any amount (other than a pecuniary penalty) payable to the Commissioner by any person under this Act, or under any by-law or regulation made under this Act, shall be given to such person as soon as conveniently may be after such amount becomes payable.

(2) Such

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(2) Such notice may be given—

- (a) by delivering the same to the person by whom such amount is payable, or by leaving the same at his usual residence or place of business with some person apparently above the age of fourteen years ; or
- (b) by leaving the same upon the land or premises with respect to which, or to any fitting upon or in which, such amount is payable ; or
- (c) by posting the same enclosed in a prepaid envelope addressed to the person by whom such amount is payable, at his last known or most usual place of abode or business :

Provided that in any proceedings for the recovery of such amount the onus of proving that notice was not given as provided by this section shall be on the defendant.

(3) The amount specified in a notice under this section shall, upon the giving of such notice, be forthwith paid to the Commissioner, and the Commissioner may, in default of such payment, whether or not such amount is due in respect of rates,—

- (a) avail himself for the purpose of recovering such amount of any or all of the methods or remedies provided by this Act for the recovery of rates in arrear ; and
- (b) cut off the supply of water to the land or premises in respect of which, or of any fitting upon or in which, such amount is payable, until such amount, together with all expenses incurred by the Commissioner in cutting off such supply, and the estimated cost of restoring such supply, have been paid :

Provided that nothing in this section shall be deemed to take away any remedy prescribed by any provision of this Act for the recovery of any amount due to the Commissioner.

7. Section 87 of the principal Act is repealed, and the following provision is hereby enacted and substituted therefor:—

87. (1) If any sewerage rates remain unpaid for the space of twenty-one days after the date whereon the same are payable, the Commissioner, or any collector of sewerage rates, may—

- (a) recover such rates with costs ; or
- (b) issue a warrant to a bailiff or other person referred to in the warrant (whether by name or by reference to his office) to levy such rates, together with fees and expenses not exceeding the fees and expenses which a bailiff is entitled to charge in the case of an execution

Provision substituted for section 87—

Power to distrain for sewerage rates in arrear.

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execution under the Local Courts Act, 1886, by distress and sale of the goods and chattels, wheresoever they may be found, of the occupier, at the time when the warrant is executed, of the land or premises with respect to which such rates are payable.

Owner liable if goods of occupier insufficient to satisfy distress.

(2) In case there are not found on such land or premises goods or chattels of such occupier sufficient to satisfy the distress, such rates, together with such fees and expenses as mentioned in subsection (1) hereof, or such part of such rates and fees and expenses as remains unpaid, shall be payable by the owner for the time being of such land or premises, and shall be recoverable from him by action or by distress in manner provided by subsection (1) hereof.

(3) A warrant shall not be issued for the recovery of any sewerage rates under this section unless—

(a) the notice provided for in section 73 of this Act has been given in the manner provided for by subdivision (a) of subsection (2) thereof, or in the manner provided for by subdivision (c) of the said subsection; or

(b) at least fourteen days' notice of the amount of the sewerage rates claimed from the person whose goods and chattels are to be distrained upon by virtue of such warrant has been served personally upon such person.

Bailiff to have powers of bailiff under Local Courts Act.
No. 386 of 1886.

(4) Any bailiff or other person to whom a warrant has been issued under this section shall, for the purpose of executing such warrant, have all the powers and authorities of a bailiff under the Local Courts Act, 1886.

Repeal of section 88.

8. Section 88 of the principal Act is repealed and the following provision is hereby enacted and substituted therefor:—

Amounts due to Commissioner to be a charge upon the land and recoverable from owner or occupier.

88. (1) The amount of all sewerage rates and of any other costs, charges, or expenses due to the Commissioner under this Act or the regulations made hereunder shall, until payment, be and remain a first charge upon the land or premises with respect to which, or to any fitting upon or in which, such amount is payable.

(2) No statute of limitations or other Act shall bar or in any wise affect any action or other legal proceeding for the recovery of such amount.

(3) Such amount shall be paid by and shall be recoverable from the owner or occupier for the time being of the land or premises with respect to which, or to any fitting upon or in which, such amount is payable.

Additional

*Adelaide Sewers Act Further Amendment Act.—1919.**Additional Provisions.*

9. (1) The Commissioner may, from time to time, make regulations prescribing a scale of annual fees to be paid to the Commissioner for the drainage of, and the removal of sewerage matter from, lands and premises which are exempt from assessment and rating under the principal Act. The provisions of section 18 of the principal Act as to regulations made thereunder shall apply to regulations made under this section.

Fee may be charged for drainage and sewerage of premises exempt from rating.

(2) Notwithstanding anything contained in any Act with which this Act is incorporated, fees in accordance with the scale so prescribed and for the time being in force shall be payable, on demand, to the Commissioner by the owners or occupiers of such lands and premises: Provided that the total amount of fees payable by any owner or occupier by virtue of any regulation made under this section shall not exceed the amount of the rates which would have been payable by him if the lands or premises owned or occupied by him had been assessed and rated under the principal Act

10. In any case where water rates and sewerage rates, particulars of which are comprised in the same document pursuant to section 7 of the Adelaide Sewers Act Amendment Act, remain unpaid after the date whereon the same are respectively payable, such sewerage rates shall, for the purpose of enabling payment to be enforced, be deemed to be payable to the Commissioner of Waterworks; and for such purpose the Commissioner of Waterworks shall have, and may avail himself of or exercise in his own name, all or any of the powers, rights, and authorities and methods and remedies which he has, or might exercise or avail himself of, for the purpose of enforcing payment of water rates in arrear.

Recovery of water rates and sewerage rates together, where both included in one notice

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

H. L. GALWAY, Governor.