



ANNO DUODECIMO

# GEORGII V REGIS.

A.D. 1921.

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## No. 1473.

An Act to further amend the Waterworks Act, 1882, and to amend the Waterworks Act Amendment Act, 1888, and for other purposes.

*[Assented to, December 1st, 1921.]*

**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 alone as the "Waterworks Act Amendment Act, 1921." Short Titles.

(2) The Waterworks Act, 1882 (hereinafter referred to as "the principal Act"), the Waterworks Act Amendment Act, 1888, and this Act may be cited together as the "Waterworks Acts, 1882 to 1921". No. 269 of 1882.  
No. 446 of 1888.

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

### *Amendments.*

3. Section 5 of the principal Act is amended by adding at the end thereof—" And may also in like manner revoke any proclamation under this section, as to the whole or any part of any such water district, in which case the district shall be abolished or altered according to the tenor of the proclamation." Amendment of section 5 of principal Act—  
Power to proclaim water districts.

4. Section

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Amendment of  
section 10—

Additional power to  
make by-laws

4. Section 10 of the principal Act is amended by inserting after paragraph xv. thereof the following additional paragraphs:—

xvi. For regulating and preventing the use in connection with the supply of water by the Commissioner of any pipe, tap, stopcock, bibcock, ballcock, checkvalve, or other fitting, unless the same has been tested and stamped with a prescribed stamp by a person duly authorised by the Commissioner for that purpose, and for fixing the scale of fees to be charged for such testing and stamping:

xvii. For preventing unauthorised persons stamping upon, or attaching to, any pipe, tap, stopcock, bibcock, ballcock, checkvalve, or other fitting used or to be used in connection with the supply of water by the Commissioner any prescribed stamp or any colorable imitation thereof, and for preventing any person selling or offering for sale any such pipe, tap, stopcock, bibcock, ballcock, checkvalve, or other fitting not stamped by an authorised person.

Provision sub-  
stituted for section  
47—

Penalty for  
interfering with  
meter, and power to  
recover cost of  
damage to fittings.

5. Section 47 of the principal Act is repealed, and the following provision is hereby enacted and substituted therefor:—

47. If any person other than the Commissioner or the person authorised by him fixes, refixes, opens, tampers with, breaks, removes, alters, repairs, or in any manner whatsoever interferes with or damages any meter for measuring the supply of water under this Act, or any fitting, the owner or occupier of the land or premises whereon or wherein such meter or fitting is fixed shall be liable to a penalty not exceeding Twenty Pounds, and shall in addition pay to the Commissioner the cost of all necessary repairs, alterations, and replacements of such meter or fitting.

Amendment of  
section 62—

Removal of injurious  
matter on water-  
shed.

6. Section 62 of the principal Act is amended by adding thereto the following paragraph:—

In any case where an owner or occupier neglects or refuses to remove any matter or thing after notice so to do has been given to him as mentioned in this section, the Commissioner may enter upon the land of such owner or occupier and may remove, or, in or on such land or elsewhere, bury, burn, or otherwise dispose of, such matter or thing; and the cost thereof shall be a debt due to the Commissioner from such owner or occupier.

Provision substi-  
tuted for section  
68—

Power to inspect  
assessment-books.

7. Section 68 of the principal Act is repealed, and the following provision is hereby enacted and substituted therefor:—

68. The Commissioner, or any person having an order for that purpose under the Commissioner's seal, shall be entitled as of right, at all reasonable times, free of charge—

(a) to have access to and inspect all rate-books and assessment-books relating to any land or premises within any

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any water district, and all other books and documents relating to any assessment thereof; and all deeds, instruments of title, books, returns, accounts and documents, in the Lands Titles Registration Office or the General Registry Office for the registration of deeds, or in the office of the Registrar of Probates or of the Commissioner of Taxes or any other public office, relating to any such land or premises; and

(b) to make and take copies thereof, or extracts therefrom.

8. Section 82 of the principal Act is amended—

(a) by striking out the third to the thirteenth lines of the section (both lines inclusive), and substituting in lieu thereof the words “ of water rates shall ” :

Amendment of section 82—

Commissioner may fix scale of water-rates for Adelaide Water District.

(b) by substituting for the passage “ in lieu of making and levying rates as aforesaid ” in the eighteenth and nineteenth lines thereof the passage “ either in addition to or in substitution for making and levying rates as aforesaid ”.

Commissioner's power to sell water by measure to be in addition to rating power.

9. Section 84 of the principal Act is repealed, and the following provision is hereby enacted and substituted therefor :—

Provision substituted for section 84—

84. (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 or notice made or published under this Act, shall be given to such person as soon as conveniently may be after such amount becomes payable.

Service of notice of amount due to Commissioner and method of recovery thereof.

(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 with respect to any meter or 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,

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missioner, 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 and remedies provided by this Act for the recovery of rates in arrear; and

(b) cut off the supply of water to the premises in respect of which, or of the meter or any fitting upon or in which, such amount is payable, until such amount, together with all the 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.

Provision substituted for section 90—

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

**10.** Section 90 of the principal Act is repealed, and the following provision is hereby enacted and substituted therefor:—

90 (1) Any amount (other than a pecuniary penalty) due to the Commissioner under this Act, or under any by-law or regulation made under this Act, shall, until payment, be and remain a first charge upon the land or premises with respect to which, or to any meter or 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 payable by and be recoverable from the consumer, or from the owner or occupier for the time being of the land or premises with respect to which, or to any meter or fitting upon or in which, such amount is payable.

Provision substituted for section 91—

When water rates are payable.

**11.** Section 91 of the principal Act is repealed, and the following provision is hereby enacted and substituted therefor:—

91. All water rates (except charges for water supplied by measure under agreement) shall be paid in advance by equal payments on the first day of July and the first day of January in each year: Provided that the Governor may, by proclamation, declare that in the water district or districts specified in such proclamation all rates (except as aforesaid) shall be paid in advance on the first day of July in every year, in which case such rates shall be so paid accordingly.

*Additional Provisions.*

Penalty for trespassing.

**12.** Any person trespassing on any land or premises vested in or occupied by the Commissioner shall be guilty of an offence, and shall be liable to a penalty not exceeding Five Pounds.

**13.** The

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13. The Commissioner may, by notice published in the *Government Gazette*, prescribe an annual fee to be paid for the use of meters for measuring the supply of water under the principal Act, in all cases, or in such class or classes of cases as are specified in such notice ; and such fees shall be payable accordingly.

Power to charge fee for use of meter.

14. The existence of a communication pipe or pipes between a main pipe of the Commissioner and any land or premises and the existence of a meter on such land or premises shall, in any legal proceedings, be conclusive evidence that the consumer, and the owner and the occupier of such land or premises for the time being, have severally contracted with the Commissioner for the supply of water to them respectively, subject to the provisions of the principal Act and the by-laws and regulations made thereunder.

Existence of communication pipes evidence of contract.

15. If at any time the Commissioner has reason to believe that any meter on any land or premises is not correctly indicating, or has not correctly indicated, the quantity of water consumed on such land or premises during any particular period, the Commissioner may assess the amount of water consumed during such period at an amount not exceeding the fair average amount of water consumed in respect of such land or premises during the corresponding periods within the past three years, and the consumer shall be chargeable for the amount of water so assessed as if such amount of water had been actually supplied.

If meter fails to register, fair average consumption to be chargeable.

16. (1) The Commissioner may, by extension of a main pipe or other work, provide a supply of water for any land or premises either within or outside a water district, in pursuance of an agreement by the owner of such land or premises to pay to the Commissioner interest at a rate to be specified in the agreement on such owner's proportion, as fixed by the Commissioner, of the cost of such extension or other work.

Water supply provided under agreement to pay interest on cost of extension of main

(2) The Commissioner may levy, upon any land or premises for which he has provided a supply of water pursuant to subsection (1) hereof, an annual rate sufficient, in the opinion of the Commissioner, to produce the annual sum payable under the agreement entered into under the said subsection with respect to such land or premises.

Commissioner may levy rate.

(3) Where the Commissioner, either before or after the passing of this Act, has provided a supply of water in manner mentioned in subsection (1) hereof for any land or premises abutting on any street, and by means of the same main pipe or work a supply of water can also be provided for any other land or premises abutting on such street, but the owner of the last-mentioned land or premises has not entered into an agreement with the Commissioner under that subsection, such owner shall nevertheless, if the Commissioner thinks proper, be deemed to have entered into such an agreement, and in that case his land or premises shall be ratable under subsection (2) hereof accordingly.

Presumption where supply of water is available for other landowners

17. (1) If

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Payment for excess water.

17. (1) If any consumer, in any year and in respect of any land or premises, consumes any water in excess of the quantity of water he is entitled to use in respect of his rates in respect of such land or premises (which quantity is hereinafter called "the rebate allowance") he shall, in addition to such water rates, be chargeable for the water so supplied in excess of such rebate allowance at the price for the time being in force fixed by the Commissioner for water consumed in excess of the rebate allowance.

(2) The rebate allowance for the purpose of this section shall be calculated separately with respect to the land or premises supplied through any one service and meter; and the rebate allowance with respect to any other land or premises of which the same person is the owner or occupier shall not be taken into account for the purpose of such calculation.

(3) Subsection (2) of this section shall not apply to country lands within the meaning of the Waterworks Act Amendment Act, 1888.

No. 446 of 1888.

Assessments to be made, rates collected, and annual accounts prepared in respect of financial year instead of calendar year.

18. (1) Notwithstanding anything contained in the principal Act, every assessment shall be made and all water rates and other charges and fees shall be made, levied, and payable, and all annual accounts shall be prepared and published, in respect of the period of twelve months ending on the thirtieth day of June in every year, and not in respect of the period of twelve months ending on the thirty-first day of December in every year as heretofore—

(a) Section 66 of the principal Act is amended by substituting for the words "first day of February" therein the words "first day of August":

(b) Section 98 of the principal Act is amended by substituting for the words "thirty-first day of December" therein the words "thirtieth day of June."

(2) The provisions of subsection (1) hereof shall come into force on the first day of July nineteen hundred and twenty-two.

(3) With respect to the period of six months ending on the thirtieth day of June, nineteen hundred and twenty-two—

(a) for the purpose of making an assessment for the purposes of the principal Act, the said period shall be deemed to be a year, and the Commissioner may make an assessment for such year or may, by notice published in the *Government Gazette* before the first day of February, nineteen hundred and twenty-two, direct that the assessment in force on the last day of the preceding year shall continue and be in force as the assessment for such year;

(b) water rates and other charges and fees for the said period shall be made, levied, and charged at half the scale or rate fixed by the Act in respect of a period of one year, and such rates, charges, and fees shall be payable in advance on the first day of January, nineteen hundred and twenty-two; and

(c) each

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- (c) each customer shall be entitled to use during the said period, in respect of his water rates for the said period, the quantity of water which he is in each year entitled to use in respect of the same amount of water rates.

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

W. E. G. A. WEIGALL, Governor.