



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 59 of 1970

An Act to amend the Waterworks Act, 1932-1969, and
for other purposes.

[Assented to 10th December, 1970.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament thereof,
as follows:

Short titles.

1. (1) This Act may be cited as the "Waterworks Act Amendment
Act, 1970".

(2) The Waterworks Act, 1932-1969, as amended by this Act,
may be cited as the "Waterworks Act, 1932-1970".

(3) The Waterworks Act, 1932-1969, is hereinafter referred to as
"the principal Act".

Amendment of
principal Act,
s. 4—
Interpretation.

2. Section 4 of the principal Act is amended—

(a) by inserting before the definition of "consumer" the fol-
lowing definition:—

"adjacent land or premises" means—

(a) land or premises abutting upon a part of a
street in, or adjacent to, which a gazetted
main pipe has been laid;

(b) land abutting upon, or traversed by, a
gazetted main pipe;

or

(c) land or premises that pursuant to section 121 of this Act are deemed to be adjacent land or premises,

but does not include any such land or premises in respect of which the Minister is not prepared to supply water by means of a direct service;;

(b) by inserting after the definition of "consumer" the following definition:—

"direct service" in relation to the supply of water in respect of land or premises, means the supply of water to a point determined by the Minister within or adjacent to the boundaries of that land or those premises;;

(c) by inserting after the definition of "fittings" the following definition:—

"gazetted main pipe" means a main pipe or part of a main pipe referred to in a notice published or deemed to have been published under section 90 of this Act;;

(d) by inserting after the definition of "owner" the following definition:—

"payment day" means the day on which water rates are payable upon land or premises within a water district pursuant to the provisions of section 94 of this Act;;

and

(e) by inserting after the definition of "premises" the following definition:—

"ratable supplied land or premises" means land or premises (not being adjacent land or premises or land or premises supplied with water by measure under an agreement referred to in section 37 of this Act) in respect of which—

(a) water is supplied directly or indirectly from a gazetted main pipe;

or

(b) the Minister has, at any time at the request of an owner or occupier of the land or premises, provided a supply of water to a point, determined by the Minister, from which the land or premises may receive a supply of water:.

Enactment of
s. 5a of
principal Act.

3. The following section is enacted and inserted in the principal Act in Part I thereof immediately after section 5:—

Validation, etc.

5a. (1) All water rates levied and payable on land or premises or purporting to have been so levied and payable pursuant to this Act as in force before the commencement of the Waterworks Act Amendment Act, 1970, shall except as provided in subsection (2) of this section be deemed to be and always to have been as validly and effectually levied and payable as they would have been had the amendments effected to this Act by the Waterworks Act Amendment Act, 1970, come into operation on the first day of July, 1970.

(2) Nothing in this section shall affect any proceedings in Supreme Court actions No. 992 of 1969 and No. 1095 of 1970 and those proceedings may be continued and judgment may be given therein in all respects as if the Waterworks Act Amendment Act, 1970, had not been enacted.

(3) Any by-law made or purporting to be made pursuant to powers conferred by this Act shall be deemed to be and always to have been as validly and effectually made as it would have been had the amendment effected to this Act by section 4 of the Waterworks Act Amendment Act, 1970, come into operation on the day upon which this Act came into operation.

Amendment of
principal Act,
s. 10—
Power to make
by-laws.

4. Section 10 of the principal Act is amended by inserting in subsection (1) immediately after paragraph IV the following paragraph:—

IVA. for regulating or fixing any charges or fees payable in respect of works or services provided by the Minister for or in relation to the supply of water:.

Repeal of
s. 35 of
principal Act
and enactment
of section in
its place.

5. Section 35 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Supply of water.

35. (1) Save in the cases provided for by section 34 of this Act, where the Minister receives from the owner or occupier of land or premises a written request for the supply of water in respect of the land or premises the Minister—

(a) where the land or premises are adjacent land or premises, shall upon payment of the prescribed fee provide and lay down a direct service for the supply of water in respect of the land or premises;

and

(b) in any other case, may upon payment of the prescribed fee, provide a supply of water to a point determined by the Minister, from which the land or premises may receive a supply of water.

(2) Where pursuant to subsection (1) of this section the Minister has provided a supply of water, in respect of any land or premises, to a point determined by him, the owner or occupier of the land or premises shall where necessary at his own cost and expense lay a pipe to the satisfaction of the Minister from that point to the land or premises in respect of which the supply is so provided.

6. Section 88 of the principal Act is amended—

(a) by inserting after the passage “State school,” the passage “and, subject to subsection (2) of this section, no lands acquired for use for any of the purposes referred to in paragraphs (a), (b) or (c) of this subsection”;

and

(b) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsection:—

(2) If any lands acquired for any of the purposes referred to in subsection (1) of this section are at any time used for a purpose other than those purposes, that subsection shall be deemed never to have applied to or in relation to those lands.

(3) The Minister may in his discretion remit all or portion of the rates that would by virtue of the operation of subsection (2) of this section be payable.

Amendment of principal Act, s. 88—

Property exempted from rates.

7. Section 89 of the principal Act is repealed and the following section is enacted and inserted in its place:—

89. (1) Water rates under this Act shall be paid and payable in respect of all land and premises within the area comprised in any water district, mentioned in the second schedule to this Act, that are—

(a) adjacent land or premises;

or

(b) ratable supplied land or premises.

(2) Water rates referred to in subsection (1) of this section shall be payable in accordance with the scale of water rates which is for the time being in force in relation to the water district within the area of which the land or premises is situated and shall be payable—

(a) in the case of adjacent land or premises, from the payment day next ensuing after the expiration of seven

Repeal of s. 89 of principal Act and enactment of section in its place.

Land, etc., subject to water rates.

days from the day of publication of a notice under section 90 of this Act relating to the water district within the area of which the adjacent land or premises was or were, at the time of that publication, situated;

and

(b) in the case of ratable supplied land or premises from the payment day next ensuing after the expiration of seven days from the day on which—

(i) the land or premises were supplied directly or indirectly from a gazetted mainpipe;

or

(ii) the Minister at the request of an owner or occupier of the premises, provided a supply of water to a point determined by the Minister,

whichever day first occurred.

Repeal of
s. 90 of
principal Act
and enactment
of section in
its place.

Gazetted
mains.

8. Section 90 of the principal Act is repealed and the following section is enacted and inserted in its place:—

90. (1) Whenever a main pipe or part of a main pipe has been laid down by the Minister he may cause to be published in the *Gazette* a notice that he is prepared to provide a constant supply of water to adjacent land or premises.

(2) A notice of a kind contemplated by this section published under this Act, as in force before the commencement of the Waterworks Act Amendment Act, 1970, shall be deemed to be a notice published under this section in all respects as if this section had been in force when that notice was published.

(3) Where a notice has been published under this section before the declaration of the area, in which the main pipe has been laid, to be a water district that notice shall, for the purposes of section 89 of this Act, be deemed to have been published immediately after the day on which the proclamation declaring the area to be a water district comes into force.

(4) In any proceedings under this Act, objection shall not be allowed on the ground that a notice under this section is invalid or inoperative by reason of an error or inaccuracy contained therein if the court before which the proceedings are brought is satisfied that, notwithstanding that error or inaccuracy, the meaning and effect of that notice is clear.

9. The following section is enacted and inserted in the principal Act immediately after section 112 thereof:—

Enactment of
s. 112a of
principal Act.

112a. (1) In any proceedings for the recovery of water rates payable under this Act, a certificate under the hand of the Minister to the effect that on and from a day specified in the certificate the Minister was prepared to supply water by means of a direct service to land or premises specified in the certificate, shall be conclusive evidence of the facts set out in the certificate.

Certificate
of Minister.

(2) In any proceedings referred to in subsection (1) of this section a document purporting to be a certificate referred to in subsection (1) of this section shall in the absence of proof to the contrary be deemed to be such a certificate.

10. Section 121 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 121 of
principal Act
and enactment
of section in
its place.

121. Land or premises within the Tod River water district constituted under the Tod River Waterworks Act, 1916, or the Coonalpyn Downs water district, shall be deemed to be adjacent land or premises for the purposes of this Act notwithstanding that the land or premises is or are separated from a gazetted main pipe by—

Tod River
and
Coonalpyn
Downs water
district.

- (a) any land constituting, or forming part of, a road, or roads;
- (b) any land traversed by, or appurtenant to, a railway line;
- or
- (c) any combination of contiguous land within the categories of paragraphs (a) and (b) of this section.

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

J. W. HARRISON, Governor.