



ANNO TRICESIMO SEXTO

**ELIZABETHAE II REGINAE**

**A.D. 1987**

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**No. 39 of 1987**

**An Act to amend the Waterworks Act, 1932.**

*[Assented to 23 April 1987]*

Short title. The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Waterworks Act Amendment Act, 1987".

Commencement. (2) The Waterworks Act, 1932, is in this Act referred to as "the principal Act".

Amendment of s. 10— Regulations. 2. This Act will come into operation on a day to be fixed by proclamation.

3. Section 10 of the principal Act is amended—

(a) by inserting after paragraph V of subsection (1) the following paragraph:

VA. empowering the Minister to release a person from, or defer, the obligation to pay part or all of an amount due under this Act or under an agreement made under this Act;

and

(b) by inserting after subsection (2) the following subsection:

(2aa) Charges or fees for the provision of works or services by the Minister fixed under this section will not be invalid by reason of the fact that, in a particular case or class of cases, the charges or fees so fixed (or the aggregate of those charges or fees where more than one is payable in respect of the works or service) exceed the cost to the Minister of providing the works or service.

Repeal of s. 85.

4. Section 85 of the principal Act is repealed.

Amendment of s. 87— Recovery of money by Minister.

5. Section 87 of the principal Act is amended by inserting in subsection (1) "or under an agreement to defer payment of an amount due under this Act" after "under this Act" first occurring.

6. Section 93 of the principal Act is amended by inserting in subsection (1) "or under an agreement to defer payment of an amount due under this Act" after "under this Act".

Amendment of  
s. 93—  
Recovery of  
amounts due to  
Minister.

7. Section 98 of the principal Act is amended—

(a) by inserting after "water rates," in paragraph (c) of subsection (3) "charges,";

Amendment of  
s. 98—  
Power to sell  
land.

and

(b) by inserting after subsection (6) the following subsection:

(7) In this section—

"charges" includes any amount payable to the Minister under an agreement to defer payment of an amount due under this Act.

8. The following section is inserted in Part VIII of the principal Act after section 109:

Insertion of new  
s. 109a.

109a. (1) Where a person who has applied to the Minister for the extension of a main pipe or the connection of land to a main pipe (being work for which the amount prescribed by this Act is the cost of the work estimated by the Minister) is dissatisfied with the Minister's estimate, the applicant may, subject to this section, arrange for the work to be carried out by a competent person of his or her choice.

Certain work may  
be carried out by  
owner.

(2) Where—

(a) a person has applied to the Minister for the extension of a main pipe to land that the applicant has divided, or proposes to divide, or for the connection of such land to a main pipe;

(b) the regulations do not prescribe the amount, or the basis for determining the amount, payable for that work;

and

(c) the applicant is dissatisfied with the amount that the Minister wishes to charge for that work,

the applicant may, subject to this section, arrange for the work to be carried out by a competent person of his or her choice.

(3) Subsections (1) and (2) do not authorize the connection of the new work to the waterworks.

(4) The work must be designed by, or to the satisfaction of, the Minister and be carried out under the supervision, and to the satisfaction, of the Minister.

(5) The Minister will, at the request of the applicant, provide the applicant with plans and specifications of the proposed work.

(6) The applicant must pay the reasonable costs of the Minister for—

(a) designing the work;

(b) providing the necessary plans and specifications;

(c) connecting the work to the waterworks;

and

(d) supervising and inspecting the work,

but the applicant is not liable for any other charge or fee under this Act in respect of the work.

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

D. B. DUNSTAN, Governor