



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 44 of 1974

An Act to amend the Waterworks Act, 1932-1972.

[Assented to 11th April, 1974]

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

PART I

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "Waterworks Act Amendment Act, 1974".

Arrangement of
this Act.

2. This Act is arranged as follows:—

PART I—PRELIMINARY.

PART II—AMENDMENTS TO HAVE EFFECT AS FROM THE
COMMENCEMENT OF THE 1973-1974 RATING
YEAR.

PART III—AMENDMENTS TO HAVE EFFECT AS FROM THE
COMMENCEMENT OF THE 1974-1975 RATING
YEAR.

PART II

PART II

AMENDMENTS TO HAVE EFFECT AS FROM THE
COMMENCEMENT OF THE 1973-1974 RATING YEAR

3. (1) The Waterworks Act, 1932-1972, is referred to in this Part as “the principal Act”. Short titles.

(2) The Waterworks Act, 1932-1972, as amended by this Part, may be cited as the “Waterworks Act, 1932-1974”.

4. This Part shall be deemed to have come into operation on the first day of July, 1973. Commencement.

5. Section 4 of the principal Act is amended—

Amendment of principal Act, s. 4—
Interpretation.

(a) by inserting after the definition of “consumer” the following definition:—

“country lands water district” means a water district declared by proclamation under this Act to be a country lands water district;;

(b) by striking out the passage “or premises” from the definition of “fittings”;

and

(c) by striking out the passage “or premises” from the definition of “payment day”.

6. Section 5 of the principal Act is amended by striking out the passage “The Compulsory Acquisition of Land Act, 1925 (except sections 79, 80, 81, and 82 thereof) is incorporated with this Act. The Minister may, under the Act so incorporated,” and inserting in lieu thereof the passage “The Minister may, in pursuance of the Land Acquisition Act, 1969-1972,”. Amendment of principal Act, s. 5—
Acquisition of land.

7. Section 5a of the principal Act is amended by inserting after subsection (3) the following subsection:— Amendment of principal Act, s. 5a—
Validation, etc.

(4) No rate declared in respect of any water district either before or after the enactment of this subsection shall be held to be invalid on the ground that it differs from a rate declared in respect of any other water district.

8. Section 6 of the principal Act is amended by inserting after subsection (1a) the following subsection:— Amendment of principal Act, s. 6—
Constitution of water districts, etc.

(1b) The Governor may, by proclamation, declare any water district to be a country lands water district.

9. Section 10 of the principal Act is amended—

Amendment of principal Act, s. 10—
Power to make regulations.

(a) by striking out from subsection (1) the passage “The Minister may from time to time make, alter, and repeal by-laws” and inserting in lieu thereof the passage “The Governor may make regulations”;

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- (b) by striking out from paragraph VII of subsection (1) the passage “fifteen yards” and inserting in lieu thereof the passage “15 metres”;
- (c) by striking out from paragraph VIII of subsection (1) the passage “to adjacent land or premises”;
- (d) by striking out from paragraph XIV of subsection (1) the words “by-laws” and inserting in lieu thereof the word “regulations”;
- (e) by striking out subsections (2), (3) and (4) and inserting in lieu thereof the following subsections:—

(2) The Governor may in any regulation made under this section prescribe a penalty, not exceeding two hundred dollars, for breach of, or non-compliance with, the regulation, and, in the case of a continuing offence, a further penalty not exceeding fifty dollars for each day the offence continues after notice of the offence has been given by the Minister to the offender.

(3) Any by-law in force under this section immediately before the enactment of this subsection shall be deemed to be a regulation under this section and, unless revoked shall remain in force.

Amendment of principal Act, s. 12—
Power of Minister to execute certain works.

10. Section 12 of the principal Act is amended by striking out from subsection (3) the passage “Compulsory Acquisition of Land Act, 1925” and inserting in lieu thereof the passage “Land Acquisition Act, 1969-1972”.

Amendment of principal Act, s. 20—
Power to take temporary possession of land.

11. Section 20 of the principal Act is amended by striking out from subsection (1) the passage “one hundred yards” and inserting in lieu thereof the passage “100 metres”.

Amendment of principal Act, s. 22—
Compensation for temporary occupation.

12. Section 22 of the principal Act is amended by striking out the passage “Compulsory Acquisition of Land Act, 1925” and inserting in lieu thereof the passage “Land Acquisition Act, 1969-1972”.

Amendment of principal Act, s. 29—
Fireplugs.

13. Section 29 of the principal Act is amended by striking out the passage “one hundred yards” and inserting in lieu thereof the passage “100 metres”.

Amendment of principal Act, s. 31—
Duty to distribute constant supply of water.

14. Section 31 of the principal Act is amended by striking out from subsection (1) the passage “and the by-laws made thereunder”.

Amendment of principal Act, s. 32—
Power to cut off water supply.

15. Section 32 of the principal Act is amended—

- (a) by striking out the passage “or premises” where it first occurs;
- (b) by striking out the passage “land or premises are” and inserting in lieu thereof the passage “land is”;

and

- (c) by striking out the passage “any such land or premises” and inserting in lieu thereof the passage “any such land”.

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16. Section 37 of the principal Act is amended—

Amendment of principal Act, s. 37—
Power to supply water by measure.

- (a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) The Minister may, instead of levying water rates upon any land in pursuance of this Act, enter into an agreement with the owner or occupier of the land to supply him upon that land with water by measure at such rates, upon such terms, and subject to such conditions, as may from time to time be determined by the Minister.;

- (b) by striking out from subsection (2) the passage “and signed it, subject to the provisions of this Act and to the by-laws made in pursuance thereof, and which shall from time to time be in force” and inserting in lieu thereof the passage “the agreement subject to the provisions of this Act”;

and

- (c) by inserting after subsection (3) the following subsection:—

(4) In any legal proceedings an apparently genuine document purporting to be signed by or on behalf of the Minister and stating that a quantity of water specified in the document has been supplied in pursuance of an agreement under this section shall be deemed, in the absence of proof to the contrary, to be proof of the fact that that quantity of water has in fact been supplied in pursuance of an agreement with the person named in the document.

17. Section 39 of the principal Act is amended—

Amendment of principal Act, s. 39—
Power to let meters.

- (a) by striking out from subsection (2) the passage “subject to distress for rent or to be”;

and

- (b) by striking out from subsection (2) the passage “, or the occupier of the premises,”.

18. Section 42 of the principal Act is amended by striking out the passage “and the consumer shall be chargeable for the amount of water so assessed” and inserting in lieu thereof the passage “and any liability for the payment of rates, or of any amount in pursuance of an agreement, shall be determined”.

Amendment of principal Act, s. 42—
Proceedings on failure of meter.

19. Section 47 of the principal Act is amended by striking out from subsection (3) the passage “upon such land or into such premises” and inserting in lieu thereof the passage “upon land or into a building or structure on the land”.

Amendment of principal Act, s. 47—
Power to enter and examine whether water is wasted, etc.

20. Section 89 of the principal Act is amended—

Amendment of principal Act, s. 89—
Land subject to water rates.

- (a) by striking out from subsection (1) the passage “and premises”;

- (b) by striking out from subsection (1) the passage “that are” and inserting in lieu thereof the passage “that is”;

PART II

- (c) by striking out from paragraph (a) of subsection (2) the passage “or were”;
and
- (d) by striking out from subparagraph (i) of paragraph (b) of subsection (2) the word “were” and inserting in lieu thereof the word “was”.

Amendment of
principal Act,
s. 99—
Power of lessee
to recover cost.

21. Section 99 of the principal Act is amended by striking out the word “them” and inserting in lieu thereof the passage “the land”.

Amendment of
principal Act,
s. 103—
Power to levy
construction
rate.

22. Section 103 of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (1) the passage “per acre” and inserting in lieu thereof the passage “per hectare”;
and
- (b) by striking out from subsection (2) the passage “per unit of area of the land” and inserting in lieu thereof the passage “per hectare of the land”.

PART III

PART III

AMENDMENTS TO HAVE EFFECT AS FROM THE
COMMENCEMENT OF THE 1974-1975 RATING YEAR

Short titles.

23. (1) The Waterworks Act, 1932-1972, as amended by both Part II and Part III of this Act, may be cited as the “Waterworks Act, 1932-1974”.
- (2) The Waterworks Act, 1932-1972, as amended by Part II of this Act, is in this Part referred to as “the principal Act”.

Commence-
ment.

24. This Part shall come into operation on the first day of July, 1974.

Amendment of
principal Act,
s. 2—
Arrangement.

25. Section 2 of the principal Act is amended by striking out the item:

PART VI—Construction rates on country lands.

Amendment of
principal Act,
s. 4—
Interpretation.

26. Section 4 of the principal Act is amended—

- (a) by inserting after the definition of “consumer” the following definition:—

“consumption year” means a period of approximately twelve months in respect of which the amount of water supplied to, or in relation to, any land is assessed or measured or such other period during which water has been supplied to, or in relation to, any land as may be determined by the Minister;;

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

"financial year" means the period commencing on the first day of July in any year and ending on the thirtieth day of June in the next year;

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

"quarter" in relation to a financial year means each of the following periods:—

(a) the period commencing on the first day of July and ending on the thirtieth day of September;

(b) the period commencing on the first day of October and ending on the thirty-first day of December;

(c) the period commencing on the first day of January and ending on the thirty-first day of March;

and

(d) the period commencing on the first day of April and ending on the thirtieth day of June;

and

(d) by striking out the definition of "ratable supplied land" and inserting in lieu thereof the following definition:—

"ratable land" means—

(a) adjacent land;

(b) land contiguous to adjacent land and subject to the same ownership or occupation;

(c) land to which water is supplied directly or indirectly by the Minister;

and

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

but does not include land to which water is supplied pursuant to an agreement under Part IV of this Act:.

27. Section 66 of the principal Act is repealed and the following section is enacted and inserted in its place:—

66. (1) The rates payable in respect of ratable land for any financial year shall be—

(a) the rates applicable to the land calculated on the basis of the number of kilolitres of water supplied by the Minister to, or in relation to, the land during the consumption year ending in that financial year;

or

Repeal of
s. 66 of
principal Act
and enactment
of section in
its place—
Fixation
of rates.

(b) the base rates applicable to that land, whichever are the greater.

(2) The base rates applicable to any land (except land situated in a country lands water district) shall be—

(a) the rates applicable to the land calculated on the basis of the annual value of the land or the minimum rates (if any) applicable to the land, whichever are the greater;

or

(b) where the Minister determines in relation to certain land that rates shall not be calculated on the basis of the annual value of that land, but fixes minimum rates in respect of that land, the minimum rates so fixed.

(3) The base rates applicable to any land situated in a country lands water district shall be—

(a) the rates applicable to the land calculated on the basis of the average unimproved value per hectare of the land and its area or the minimum rates (if any) applicable to the land, whichever are the greater;

or

(b) where the Minister determines in relation to certain land that rates shall not be calculated on the basis of the average unimproved value per hectare of that land and its area, but fixes minimum rates in respect of that land, the minimum rates so fixed.

(4) The Minister may, in respect of any financial year, by notice published in the *Gazette* fix—

(a) a rate at which the rates payable on any ratable land referred to in the notice shall be calculated, taking as the basis of calculation the number of kilolitres of water supplied to, or in relation to, the land during the consumption year ending in that financial year;

(b) a rate at which the rates payable on any ratable land referred to in the notice are to be calculated, taking as the basis of calculation the annual value of the land;

(c) a rate at which the rates payable on any ratable land referred to in the notice are to be calculated, taking as the basis of calculation the average unimproved value per hectare of the land and its area;

or

(d) an amount that shall be the minimum rates payable in respect of any ratable land referred to in the notice.

(5) The rates fixed by the Minister under subsection (4) of this section may be differential and may vary—

(a) according to whether the land is or is not situated in a water district;

(b) according to the water district or portion thereof in which the ratable land is situated;

- (c) according to whether water is, or is not, laid on the land;
 - (d) according to whether the land is or is not supplied with water from a *Gazetted* main pipe;
 - (e) according to whether a constant supply of water is or is not available to the land;
 - (f) according to the distance of the land from the main pipe from which it is supplied;
 - (g) according to the distance of the land from a boundary of a street or road in or adjacent to which the main pipe from which it is supplied is laid;
 - (h) according to whether the land is vacant land or not;
- or
- (i) according to any other factor.

(6) For the purposes of this section, the annual value or unimproved value of land is the annual value or unimproved value of the land determined under the Valuation of Land Act, 1971-1972, by determinations of value in force under that Act at the first day of July last preceding the publication of the notice fixing the rates applicable to the land.

(7) A determination of value shall be deemed to be in force at the time referred to in subsection (6) of this section if it is in force as at that time under the Valuation of Land Act, 1971-1972, whether the determination is actually made before or after that time.

(8) Where a determination of value, in force at the time referred to in subsection (6) of this section, is subsequently corrected or amended pursuant to the provisions of the Valuation of Land Act, 1971-1972, (whether in pursuance of an objection or appeal under that Act, or otherwise) the determination of value, as corrected or amended shall be deemed to have been in force at the time referred to in subsection (6) of this section.

28. Section 68 of the principal Act is repealed.

Repeal of
s. 68 of
principal Act.

29. Section 83 of the principal Act is repealed.

Repeal of
s. 83 of
principal Act

30. Section 84 of the principal Act is amended by striking out from paragraph (a) the passage "scale of".

Amendment of
principal Act,
s. 84—
Power to
reduce water
rates.

31. Section 86 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 86 of
principal Act
and enactment
of section in
its place—
Right of
Minister to
treat separate
holdings as a
single parcel
of ratable land
and *vice versa*.

86. (1) The Minister may, in his discretion, levy water rates upon any two or more parcels of land that are subject to the same ownership or occupation as if they constituted a single parcel of ratable land.

(2) The Minister may, in his discretion, levy water rates separately in respect of any parcel of land, or part thereof, notwithstanding that it is held conjointly with other land under the same ownership or occupation.

(3) Where the aggregate volume of water supplied to or in relation to two or more parcels of land is measured or assessed, but there are no separate measurements or assessments in relation to the individual parcels, the Minister may, for the purpose of determining water rates, or charges due under an agreement, in respect of the separate parcels of land, apportion the aggregate volume amongst the separate parcels in such manner as he considers just, and where such an apportionment has been made it shall be presumed that water has been supplied to or in relation to the separate parcels of land in accordance with that apportionment.

Repeal of
s. 89 of
principal Act.

32. Section 89 of the principal Act is repealed.

Amendment of
principal Act,
s. 90—
Gazetted
mains.

33. Section 90 of the principal Act is amended by striking out from subsection (3) the passage "section 89 of this Act" and inserting in lieu thereof the passage "section 94 of this Act".

Amendment of
principal Act,
s. 92—
Notice to
tenants.

34. Section 92 of the principal Act is amended by striking out from subsection (1) the passage "water rates in arrear for the payment whereof the owner of any land is liable" and inserting in lieu thereof the passage "water rates or any other moneys for the payment of which the owner of any land is liable".

Repeal of
s. 94 of
principal Act
and enactment
of section in
its place—
Time for
payment of
water rates,
etc.

35. Section 94 of the principal Act is repealed and the following section is enacted and inserted in its place:—

94. (1) Subject to this section water rates for any financial year in respect of any land shall be payable in the following manner:—

(a) the base rates shall be payable by equal instalments on the first day of each quarter of the financial year;
and

(b) any further amount of rates payable in respect of the land shall be paid within the time specified in a notice requiring payment thereof served upon the owner or occupier of the land.

(2) Subject to this section, where water is supplied by the Minister by agreement—

(a) any minimum charges payable under the agreement for water supplied during a financial year shall be payable by equal instalments on the first day of each quarter of the financial year;
and

(b) any further amount payable in pursuance of the agreement shall be paid within the time specified in a notice requiring payment thereof served upon the owner or occupier of the land.

(3) The Governor may by proclamation vary the time for payment of water rates or minimum charges under this section.

(4) Notwithstanding the foregoing provisions of this section, the owner or occupier of land shall be entitled to pay the base rates, or minimum charges under an agreement, for which he is liable in full, and in advance, upon receipt of a notice requiring payment of any quarterly amount that is due and payable.

(5) Where land that was not subject to water rates at the commencement of a financial year becomes ratable land during the course of that financial year, then the first instalment of rates in respect of that land shall be due and payable—

(a) in the case of adjacent land, on the first payment day after the day on which a notice was published under section 90 of this Act relating to the land;

and

(b) in the case of other land, on the first payment day after the day on which—

(i) water was supplied directly or indirectly to the land;

or

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

36. Section 96 of the principal Act is amended by inserting after the passage "water rates" wherever it occurs in subsections (1), (2), (3) or (4) the passage "or other charges".

Amendment of principal Act, s. 96—
Power of tenant paying water rates due by his landlord to recover same.

37. Section 97 of the principal Act is amended by inserting after the passage "water rates" the passage "or other charges".

Amendment of principal Act, s. 97—
Power of tenant to recover from landlord.

38. Section 98 of the principal Act is amended by inserting after the passage "water rates" wherever it occurs in subsections (1) and (2) the passage "or other charges".

Amendment of principal Act, s. 98—
Power to sell.

39. Part VI to the principal Act (including the headings thereto) is repealed.

Repeal of Part VI of principal Act.

40. Section 111 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

Amendment of principal Act, s. 111—
Proceedings.

(2) Proceedings for an offence against this Act may be commenced within two years after the date of the alleged commission of the offence.

PART III

Repeal of
s. 115 of
principal Act.

41. Section 115 of the principal Act is repealed.

Amendment of
principal Act,
s. 119—
Evidence.

42. Section 119 of the principal Act is amended by inserting after the word “rates” wherever it occurs the passage “or other charges”.

Repeal of
s. 122 of
principal Act.

43. Section 122 of the principal Act is repealed.

Repeal of
second
schedule of
principal Act.

44. The second schedule to the principal Act is repealed.

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

M. L. OLIPHANT, Governor