

(Reprint No. 1)

SOUTH AUSTRALIA

SOUTH AUSTRALIAN WATER CORPORATION ACT 1994

This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 July 1995.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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SOUTH AUSTRALIAN WATER CORPORATION ACT 1994

being

South Australian Water Corporation Act 1994 No. 82 of 1994
[Assented to 8 December 1994]¹

as amended by

Waterworks (Rating) Amendment Act 1995 No. 23 of 1995 [Assented to 20 April 1995]²

¹ Came into operation (except Sched. 1 cl. 7) 1 July 1995, Sched. 1 cl. 7 came into operation 22 June 1995: *Gaz.* 15 June 1995, p. 2841.

² Came into operation 1 July 1995: *Gaz.* 8 June 1995, p. 2790.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix.

An Act to provide for the provision of water and sewerage services; to establish a corporation for that purpose; to amend the Sewerage Act 1929 and the Waterworks Act 1932; and for other purposes.

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *South Australian Water Corporation Act 1994*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Object

3. The object of this Act is to establish a statutory corporation as a business enterprise with the principal responsibility of providing water and sewerage services for the benefit of the people and economy of the State.

Interpretation

4. In this Act, unless the contrary intention appears—

"board" means the board of directors established as the governing body of the Corporation under Part 3;

"Corporation" means *South Australian Water Corporation* established under Part 2;

"director" means a member of the board under Part 3;

"reticulated system" for the supply of water includes major pipes, ducts, conduits and channels for the movement of water from reservoirs and other sources of supply;

"sewerage system" means pipes, channels, tunnels, pumping stations, plant and other works and facilities used in the removal and treatment of wastewater;

"wastewater" does not include stormwater.

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**PART 2
CORPORATION**

Establishment of South Australian Water Corporation

5. (1) *South Australian Water Corporation* is established.

(2) The Corporation—

- (a) has perpetual succession and a common seal; and
- (b) is capable of suing and being sued in its corporate name; and
- (c) has the functions and powers assigned or conferred by or under this or any other Act.

Application of Public Corporations Act 1993

6. The Corporation is a statutory corporation to which the provisions of the *Public Corporations Act 1993* apply.

Functions of Corporation

7. (1) The Corporation's primary functions are to provide services—

- (a) for the supply of water by means of reticulated systems; and
- (b) for the storage, treatment and supply of bulk water; and
- (c) for the removal and treatment of wastewater by means of sewerage systems.

(2) The Corporation has the following further functions:

- (a) to carry out research and works to improve water quality and wastewater disposal and treatment methods;
- (b) to provide consultancy and other services within areas of the Corporation's expertise;
- (c) to develop commercially and market products, processes and intellectual property produced or created in the course of the Corporation's operations;
- (d) to advise users of water in the efficient and effective use of water;
- (e) to encourage and facilitate private or public sector investment and participation, whether from within or outside the State, in the provision of water and wastewater services and facilities;
- (f) any other function conferred on the Corporation by this Act, any other Act or the Minister or delegated to the Corporation by the Minister.

Powers of Corporation

8. (1) The Corporation has all the powers of a natural person together with the powers specifically conferred on it by this or any other Act.

(2) The Corporation may exercise its powers within or outside the State.

Restriction on contracting out by Corporation

9. The board must not cause water or wastewater services or facilities to be provided or operated on behalf of the Corporation by another party under a contract or arrangement without first giving full consideration (having regard to the powers, functions and duties of the board under this Act, the *Public Corporations Act 1993* and any other Act) as to whether the Corporation could provide or operate the same services or facilities competitively.

Corporation to furnish Treasurer with certain information

10. (1) The Corporation must furnish the Treasurer with such information or records in the possession or control of the Corporation as the Treasurer may require in such manner and form as the Treasurer may require.

(2) Subsections (2), (3) and (4) of section 7 of the *Public Corporations Act 1993* apply in relation to such a requirement of the Treasurer in the same way as to a requirement of the Minister under that section.

Common seal and execution of documents

11. (1) The common seal of the Corporation must not be affixed to a document except in pursuance of a decision of the board, and the affixing of the seal must be attested by the signatures of two directors.

(2) The Corporation may, by instrument under its common seal, authorise a director, an employee of the Corporation (whether nominated by name or by office or title) or any other person to execute documents on behalf of the Corporation subject to conditions and limitations (if any) specified in the instrument of authority.

(3) Without limiting subsection (2), an authority may be given so as to authorise two or more persons to execute documents jointly on behalf of the Corporation.

(4) A document is duly executed by the Corporation if—

(a) the common seal of the Corporation is affixed to the document in accordance with this section; or

(b) the document is signed on behalf of the Corporation by a person or persons in accordance with an authority conferred under this section.

**PART 3
BOARD**

Establishment of board

12. (1) A board of directors is established as the governing body of the Corporation.

(2) The board consists of—

(a) four members appointed by the Governor; and

(b) the chief executive officer.

(3) The board's membership must include persons who together have, in the Minister's opinion, the abilities and experience required for the effective performance of the Corporation's functions and the proper discharge of its business and management obligations.

(4) At least one member of the board must be a woman and one a man.

(5) One director (who must not be the chief executive officer) will be appointed by the Governor to chair meetings of the board.

(6) The Governor may appoint a director (who must not be the chief executive officer) to be the deputy of the director appointed to chair meetings of the board and the deputy may perform or exercise the functions and powers of that director in his or her absence.

(7) On the office of an appointed director becoming vacant, a person may be appointed under this section to the vacant office.

Conditions of membership

13. (1) A director will be appointed for a term, not exceeding three years, specified in the instrument of appointment and will, at the expiration of a term of appointment, be eligible for reappointment.

(2) The Governor may remove an appointed director from office on the recommendation of the Minister.

(3) The Minister may recommend the removal of an appointed director on any ground that the Minister considers sufficient.

(4) The office of an appointed director becomes vacant if the director—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice to the Minister; or

(d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or

(e) is convicted of an indictable offence or sentenced to imprisonment for an offence; or

(f) is removed from office under subsection (2).

Vacancies or defects in appointment of directors

14. An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

Remuneration

15. An appointed director is entitled to be paid from the funds of the Corporation such remuneration, allowances and expenses as may be determined by the Governor.

Board proceedings

16. (1) A quorum of the board consists of three members.

(2) The director appointed to chair meetings of the board will preside at each meeting of the board at which he or she is present.

(3) If the director appointed to chair meetings of the board is absent from a meeting of the board, the following provisions apply:

- (a) if another director has been appointed as that director's deputy and is present at the meeting—the deputy will preside at the meeting;
- (b) in any other case—a director (who must not be the chief executive officer) chosen by the directors present at the meeting will preside at the meeting.

(4) A decision carried by a majority of the votes cast by directors at a meeting is a decision of the board.

(5) Each director present at a meeting of the board has one vote on any question arising for decision and, if the votes are equal, the director presiding at the meeting may exercise a casting vote.

(6) A conference by telephone or other electronic means between directors will, for the purposes of this section, be taken to be a meeting of the board at which the participating directors are present if—

- (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
- (b) each participating director is capable of communicating with every other participating director during the conference.

(7) A proposed resolution of the board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if—

- (a) notice of the proposed resolution is given to all directors in accordance with procedures determined by the board; and
- (b) a majority of the directors express their concurrence in the proposed resolution by letter, telex, facsimile transmission or other written communication setting out the terms of the resolution.

(8) The board must cause accurate minutes to be kept of its proceedings.

(9) Subject to this Act, the board may determine its own procedures.

PART 4
STAFF

Staff of Corporation

17. (1) The chief executive officer of the Corporation will be appointed by the board with the approval of the Minister.

(2) The Corporation may appoint such other employees as it thinks necessary or desirable.

(3) An employee's appointment will be on terms and conditions fixed by the Corporation.

**PART 5
MISCELLANEOUS**

Delegation to Corporation

18. (1) The Minister may delegate any of the Minister's powers or functions under any Act to the Corporation.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated by the Corporation.

(3) A delegation under this section—

(a) must be by instrument in writing; and

(b) may be absolute or conditional; and

(c) does not derogate from the power of the delegator to act in any matter; and

(d) is revocable at will by the delegator.

Regulations

19. The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

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SCHEDULE 1
Transitional Provisions

Interpretative provision

1. The Governor may, by proclamation, declare that a reference in an Act or instrument to a Minister is a reference to the Corporation and the proclamation has effect in accordance with its terms.

Vesting of property, rights, etc. in Corporation

2. (1) Subject to the *Sewerage Act 1929* and the *Waterworks Act 1932*, as amended by this Act, the Corporation succeeds to all the property, rights, powers, liabilities and obligations of the Minister arising from the operation of the *Sewerage Act 1929* and the *Waterworks Act 1932* as in force before the commencement of this Act.

(2) A certificate executed by the Minister certifying that any specified property, right, power, liability or obligation has vested in the Corporation by virtue of this clause is to be taken to be conclusive evidence of the matter so certified.

(3) An apparently genuine document purporting to be a certificate of the Minister under subclause (2) is to be presumed to be such a certificate in the absence of proof to the contrary.

(4) Despite section 29(1) of the *Public Corporations Act 1993*, where property vests by virtue of this clause in the Corporation, the vesting of the property, and any instrument evidencing or giving effect to that vesting, are exempt from stamp duty.

Application of Real Property Act

3. (1) The Registrar-General must, on the application of the Corporation, register the Corporation as the proprietor of land that has vested in the Corporation under this schedule.

(2) An instrument relating to land that has vested in the Corporation under this schedule must, if the instrument is executed by the Corporation and is otherwise in registrable form, be registered by the Registrar-General despite the fact that the Corporation has not been registered as the proprietor of the land under subclause (1).

Appointment of first chief executive officer

4. (1) The first appointment to the position of chief executive officer of the Corporation is to be made by the Governor on the nomination of the Minister (but, on such an appointment having been made, the person so appointed will be taken to be an employee of the Corporation).

(2) Any subsequent appointment to the position of chief executive officer of the Corporation is to be made by the board under Part 4.

Transfer of staff

5. (1) All employees of the Department (other than the chief executive officer) are transferred to the employment of the Corporation.

(2) An employee transferred to the employment of the Corporation will have rights, obligations and liabilities in respect of his or her employment with the Corporation that are the same as or equivalent to those that would apply if—

(a) the Engineering and Water Supply Department continued as an administrative unit of the Public Service; and

(b) the employee continued as an employee of the Department.

(3) Subclause (2) applies subject to any industrial or enterprise award, determination or agreement that may become binding on the Corporation after the commencement of this Act.

(4) In this clause—

"employee of the Department" means—

- (a) a person employed in the Public Service in the Engineering and Water Supply Department;
or
- (b) a person employed by the Minister and subject to the direction of the chief executive officer of the Engineering and Water Supply Department in that employment.

Annual report

6. The Corporation's report to the Minister on its operations during a financial year may incorporate a report on the operations of the Engineering and Water Supply Department during that financial year.

Repeal of ss. 100 and 110 of Waterworks Act

7. Sections 100 and 110 of the *Waterworks Act 1932* are repealed.

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SCHEDULE 2

Consequential Amendments to Other Acts

| Provision Amended | How Amended |
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| <i>Sewerage Act 1929</i> | |
| Section 2 | Strike out this section. |
| Section 4(1) | |
| Definition of "Corporation" | Insert the following definition before the definition of "country drainage area": "Corporation" means <i>South Australian Water Corporation</i> established under the <i>South Australian Water Corporation Act 1994</i> ; |
| Definition of "undertaking" | Strike out this definition and substitute: "undertaking" means the sewers, drains, and other works connected to the sewers and drains, authorised by this or another Act to be constructed and maintained, and includes all fittings laid down or fixed by the Minister or the Corporation and all land held or used by the Minister or the Corporation for the purposes of this Act; |
| Section 5 | Strike out this section and substitute: Acquisition of land 5. The Corporation may, with the approval of the Minister, acquire land for the purposes of this Act under the <i>Land Acquisition Act 1969</i> . |
| Part 2 (Sections 6 to 9) | Strike out this Part. |
| Heading to Part 3 | Strike out this heading and substitute: PART 3 REGULATIONS AND VESTING OF PROPERTY |
| Section 12 | Strike out this section. |
| Section 13(1)V | Strike out "Minister" and substitute "Corporation". |
| Section 13(1)VII(a) | Strike out "Minister" and substitute "Corporation". |
| Section 13(1)VII(b) | Strike out "Minister" and substitute "Corporation". |
| Section 13(2a) | After "Minister" (twice occurring) insert, in each case, "or the Corporation". |
| Section 14 | Strike out "Minister" and substitute "Corporation". Strike out "his property" and substitute "the property of the Corporation". Strike out "by him". |
| Section 15 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 16 | Strike out this section. |
| Section 17 | Strike out this section. |
| Section 17A | Strike out this section. |

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| Section 19 | Strike out this section. |
| Section 20 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 20(1)(a) | Strike out "he" and substitute "the Corporation". |
| Section 20(1)(e) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 20(1)(h) | Strike out "he" and substitute "the Corporation". |
| Section 20(2) | Strike out this subsection. |
| Section 21 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". Strike out "he" and substitute "the Corporation". |
| Section 22 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 23 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 24 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 24(a) | Strike out "he" and substitute "the Corporation". |
| Section 24(c) | Strike out "his" and substitute "the Corporation's". Strike out "he" and substitute "the Corporation". |
| Section 25(1) | Strike out "Minister" and substitute "Corporation". Strike out "he" (wherever occurring) and substitute, in each case, "the Corporation". |
| Section 25(2) | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". Strike out "his". |
| Section 26(1) | Strike out "Minister" and substitute "Corporation". Strike out "he" and substitute "the Corporation". Strike out "his" and substitute "the". |
| Section 26(2) | Strike out this subsection and substitute: (2) The notice must be given at least three clear days before beginning the work, except in the case of an emergency, in which case the notice must be given as soon as practicable after beginning the work or after the need for the work has arisen. |
| Section 27 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 28 | Strike out "Minister" and substitute "Corporation". Strike out "he" and substitute "the Corporation". |
| Section 29(1) | Strike out "Minister" and substitute "Corporation". Strike out "he" and substitute "the Corporation". |

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| Section 29(2) | Strike out "Minister" and substitute "Corporation". |
| Section 30 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 31(2) | Strike out "Minister" and substitute "Corporation". |
| Section 31(3) | Strike out "Minister" and substitute "Corporation". |
| Section 32(1) | Strike out "Minister" and substitute "Corporation". Strike out "him" and substitute "the Corporation". |
| Section 32(2) | Strike out "Minister" and substitute "Corporation". Strike out "he" (wherever occurring) and substitute, in each case, "the Corporation". |
| Section 33(1) | Strike out "Minister" and substitute "Corporation". |
| Section 33(3) | Strike out "Minister" and substitute "Corporation". |
| Section 33(5) | Strike out "Minister" and substitute "Corporation". Strike out "his opinion" and substitute "the opinion of the Corporation". Strike out "he" and substitute "the Corporation". |
| Section 33(6) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". Strike out "he" and substitute "the Corporation". |
| Section 34(1) | Strike out "Minister would be subject if he" and substitute "Corporation would be subject if it". |
| Section 34(2) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". Strike out "his" (twice occurring) and substitute, in each case, "the Corporation's". |
| Section 35(1) | Strike out "Minister" and substitute "Corporation". |
| Section 35(2) | Strike out "Minister" and substitute "Corporation". Strike out "he" and substitute "the Corporation". |
| Section 36(1) | Strike out "Minister" and substitute "Corporation". |
| Section 36(2) | Strike out "Minister" and substitute "Corporation". Strike out "he" and substitute "the Corporation". |
| Section 36(4) | Strike out "Minister" and substitute "Corporation". |
| Section 42 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 43 | Strike out "Minister" and substitute "Corporation". |
| Section 45 | Strike out "Minister" and substitute "Corporation". |
| Section 46 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 46(1) | Strike out "Minister's" and substitute "Corporation's". |

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| Section 47 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 47(2) | Strike out "Minister's" and substitute "Corporation's". |
| Section 49(1) | Strike out "Minister" and substitute "Corporation". |
| Section 49(2) | Strike out "Minister, who shall signify his" and substitute "Corporation, which must signify its". |
| Section 50 | Strike out this section. |
| Section 51(1) | Strike out "Minister" and substitute "Corporation". |
| Section 52(1) | Strike out "Minister" and substitute "Corporation". |
| Section 52(2) | Strike out "Minister may" and substitute "Corporation may, with the approval of the Minister,". |
| Section 52(3) | Strike out "Minister may," and substitute "Corporation may, with the approval of the Minister,". |
| Section 52(3a) | Strike out "Minister" and substitute "Corporation". |
| Section 53 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 54 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 54(5) | Strike out "he" and substitute "the Corporation". |
| Section 55 | Strike out "Minister" and substitute "Corporation". |
| Section 56 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 56(5) | Strike out "his opinion" and substitute "the opinion of the Corporation". Strike out "he" and substitute "the Corporation". |
| Section 56(6) | Strike out "he" and substitute "the Corporation". |
| Section 57 | Strike out "Minister" (first occurring) and substitute "Corporation". Strike out "Minister his costs in" and substitute "Corporation the costs of". |
| Section 59 | Strike out "any surveyor, inspector, collector, or other officer, workman, or person whomsoever employed by virtue of this Act in the performance or execution of his duty" and substitute "the Corporation or an employee or other person acting on behalf of the Corporation in the performance of official duties". |
| Section 60 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 61(3) | Strike out "Minister" and substitute "Corporation". Strike out "to him". |
| Section 65(1c) | After "Minister may" insert ", after consultation with the Corporation,". |

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- Section 65(2) After "the Minister may" insert ", after consultation with the Corporation,".
- Strike out "such".
- Strike out "as the Minister thinks fit".
- Section 65(4) Strike out "his".
- After "the Minister may" insert ", after consultation with the Corporation,".
- Section 65(4)(a) Strike out "Minister" and substitute "Corporation".
- Section 65(4)(c) Strike out "that the Minister thinks fit".
- Section 66(2) Strike out "Minister" and substitute "Corporation".
- Section 73(1) After "The Minister may," insert "after consultation with the Corporation,".
- Section 74 Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation".
- Strike out "his" and substitute "the Corporation's".
- Section 75(1) After "The Minister may," insert "after consultation with the Corporation,".
- Section 77(1) Strike out "he may," and substitute "the Minister may, after consultation with the Corporation,".
- Section 78(1) Strike out "Minister" and substitute "Corporation".
- Strike out "he shall" and substitute "the Corporation must".
- Section 78(2) Strike out "Minister" and substitute "Corporation".
- Section 78A(1) After "The Minister may" insert ", after consultation with the Corporation,".
- Strike out "such charges as the Minister thinks fit" and substitute "charges".
- After "Minister" (second and third occurring) insert, in each case, "or the Corporation".
- Section 78A(2) Strike out "his".
- After "the Minister may" insert ", after consultation with the Corporation,".
- Section 80(1) Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation".
- Section 80(3) Strike out "Minister" (first occurring) and substitute "Corporation".
- Strike out "Minister may" and substitute "Corporation may, with the approval of the Minister".
- Strike out "himself" and substitute "itself".
- Strike out "Minister" (third and fourth occurring) and substitute, in each case, "Corporation".

- Section 82(1) Strike out "collector" and substitute "Corporation".
Strike out "him" and substitute "the Corporation".
- Section 82(2) Strike out "collector" and substitute "Corporation".
- Section 82(3) Strike out "Minister" and substitute "Corporation".
- Section 82(4) Strike out "Minister or collector" and substitute "Corporation".
- Section 83(1) Strike out "collector's" and substitute "Corporation's".
- Section 85 Strike out "Minister" (first occurring) and substitute "Corporation".
Strike out "Minister shall have, and may avail himself of or exercise in his own name," and substitute "Corporation may exercise".
Strike out "which he has, or might exercise or avail himself of," and substitute "of the Corporation".
- Section 85A(1) Strike out "Minister may, with the consent of the Governor," and substitute "Corporation may".
Strike out "he" and substitute "the Corporation".
- Section 85B Strike out "Minister may, with the consent of the Governor," and substitute "Corporation may".
Strike out "he" and substitute "the Corporation".
- Section 85C(1) Strike out "Minister" and substitute "Corporation".
- Section 85D Strike out "the Minister in the lease or" (twice occurring).
Strike out "Minister" (second occurring) and substitute "Corporation".
- Section 92(1) Strike out "Minister, or any collector of sewerage rates," and substitute "Corporation".
- Section 92(2) Strike out "Minister or collector" (twice occurring) and substitute, in each case, "Corporation".
Strike out "his" and substitute "the Corporation's".
- Section 93(1) Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation".
- Section 94(1) Strike out "Minister may" and substitute "Corporation may, with the approval of the Minister,".
Strike out "Minister" (second occurring) and substitute "Corporation".
- Section 94(2) Strike out "Minister may" and substitute "Corporation may, with the approval of the Minister".
- Section 94(3) Strike out "Minister" and substitute "Corporation".
- Section 96 Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation".
- Section 97(1) Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation".
Strike out "or any collector in his name".

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| Section 97(2) | Strike out "Minister's" and substitute "Corporation's". Strike out "his" and substitute "the". |
| Section 99 | Strike out this section. |
| Section 100 | After "Minister" insert "or the Corporation". |
| Section 100AA | Strike out "Director-General and Engineer-in-Chief" and substitute "Corporation". |
| Section 100A(1) | Strike out "under the hand of the Minister" and substitute "of the Corporation". Strike out "Minister" (second occurring) and substitute "Corporation". |
| Section 101(3) | Strike out "Minister" and substitute "Corporation". |
| Section 103 | Strike out "Minister" and substitute "Corporation". |
| Schedules 1 and 2 | Strike out these schedules and substitute the following schedule: |

SCHEDULE

Transitional Provisions

Delegations not affected

1. A delegation by the Minister in force immediately before the commencement of this schedule continues in force as a delegation by the Corporation under the provisions of the *Public Corporations Act 1993* subject to any variation or revocation of the delegation under those provisions.

Agreements not affected

2. An agreement in existence immediately before the commencement of this schedule between the Minister and an owner or occupier of land under section 42 or the Minister and an owner of land under section 43 continues to exist as an agreement between the Corporation and the owner or occupier (as the case may be) subject to the terms of the agreement.

Waterworks Act 1932

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| Section 2 | Strike out this section. |
| Section 4(1) | |
| Definition of "adjacent land" | Strike out "Minister" and substitute "Corporation". |
| Definition of "consumption year" | Strike out "Minister" and substitute "Corporation". |
| Definition of "Corporation" | Insert the following definition after the definition of "consumption year": "Corporation" means <i>South Australian Water Corporation</i> established under the <i>South Australian Water Corporation Act 1994</i> ; |
| Definition of "direct service" | Strike out "Minister" and substitute "Corporation". |
| Definition of "ratable land" | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Definition of "water rate" | Strike out "Minister" and substitute "Corporation". |

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| Definition of "waterworks" | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 5 | Strike out this section and substitute: Acquisition of land 5. The Corporation may, with the approval of the Minister, acquire land for the purposes of this Act under the <i>Land Acquisition Act 1969</i> . |
| Heading to Part 3 | Strike out this heading and substitute: PART 3 REGULATIONS AND POWERS OF CORPORATION |
| Section 9 | Strike out this section. |
| Section 10(1)V(a) | Strike out "Minister" and substitute "Corporation". |
| Section 10(1)V(b) | Strike out "Minister" and substitute "Corporation". |
| Section 10(1)V(c) | Strike out "Minister" and substitute "Corporation". |
| Section 10(1)XII | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 10(1)XIII | Strike out "Minister" and substitute "Corporation". |
| Section 10(1)XIV | Strike out "Minister" and substitute "Corporation". |
| Section 10(1)XV | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 10(1)XX | Strike out "Minister" and substitute "Corporation". |
| Section 10(2aa) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 11 | Strike out this section. |
| Section 13 | Strike out "Minister" and substitute "Corporation". |
| Section 14 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 15 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 16 | Strike out "Minister" and substitute "Corporation". Strike out "he shall" and substitute "the Corporation must". Strike out "his" and substitute "the". |
| Section 17 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 17(1) | Strike out "he" and substitute "the Corporation". |
| Section 18 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". Strike out "he" (twice occurring) and substitute, in each case, "the Corporation". |
| Section 19 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |

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| Section 21 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". Strike out "he" and substitute "the Corporation". |
| Section 23 | Strike out "Minister" and substitute "Corporation". Strike out "him" and substitute "the Corporation". |
| Section 24 | Strike out this section. |
| Section 25 | Strike out this section. |
| Section 26 | Strike out this section. |
| Section 27 | Strike out "Minister" and substitute "Corporation". |
| Section 28 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 28(1) | Strike out "him" and "he" and substitute, in each case, "the Corporation". |
| Section 29 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 30 | Strike out "Minister" and substitute "Corporation". Strike out "his" and substitute "the Corporation's". |
| Section 31 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 31A | Strike out "Minister" and substitute "Corporation". |
| Section 32 | Strike out "Minister" and substitute "Corporation". |
| Section 33 | Strike out "Minister" and substitute "Corporation". Strike out "he" (wherever occurring) and substitute, in each case, "the Corporation". Strike out "his intention" and substitute "the intention". |
| Section 34 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 34(1) | Strike out "he" and substitute "the Corporation". |
| Section 35 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 35(1a)(a) | Strike out "he" and substitute "the Corporation". |
| Section 35(1b) | Strike out "Minister's" and substitute "Corporation's". |
| Section 35(1c) | Strike out "The Minister may," and substitute "The Minister may, after consultation with the Corporation,". |
| Section 35(2) | Strike out "him" and substitute "the Corporation". |
| Section 36 | Strike out "Minister" and substitute "Corporation". Strike out "as he shall think fit" and substitute "as the Corporation thinks fit". |
| Section 37 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |

- Section 38 Strike out "Minister" (first and second occurring) and substitute, in each case, "Corporation".
- Section 39 Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation".
- Section 40 Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation".
- Strike out "him" and substitute "the Corporation".
- Section 41 After "Minister may," insert "after consultation with the Corporation,".
- Section 42 Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation".
- Section 43 Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation".
- Section 43(1) Strike out "he" and substitute "the Corporation".
- Section 43(3) Strike out "his costs" and substitute "the costs".
- Section 44 Strike out "Minister" (first occurring) and substitute "Corporation".
- Strike out "the Minister may, in addition to any other remedy he may possess," and substitute "the Corporation may, with the approval of the Minister,".
- Section 45 Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation".
- Section 45(2) Strike out "his property" and substitute "property of the Corporation".
- Strike out "Minister's" and substitute "Corporation's".
- Section 46 Strike out "Minister" and substitute "Corporation".
- Section 47(1) Strike out "Any officer of the Minister may" and substitute "A person authorised by the Corporation may".
- Strike out "Minister" (second and third occurring) and substitute, in each case, "Corporation".
- Section 47(2) Strike out "Minister" and substitute "Corporation".
- Strike out "he" and substitute "the Corporation".
- Section 47(3) Strike out "any officer of the Minister" and substitute "a person authorised by the Corporation".
- Strike out "Minister may" and substitute "Corporation may, with the approval of the Minister,".
- Strike out "he" and substitute "the Corporation".
- Section 48 Strike out "Minister" and substitute "Corporation".
- Section 49 Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation".
- Strike out "Minister's" (twice occurring) and substitute, in each case, "Corporation's".

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| Section 50 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 51 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 52 | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 53 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 54 | Strike out "Minister" (first, second and third occurring) and substitute, in each case, "Corporation". Strike out "Minister may," and substitute "Corporation may, with the approval of the Minister,". Strike out "his rights" and substitute "the Corporation's rights". |
| Section 55 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". Strike out "him" and substitute "the Corporation". |
| Section 59 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 60 | Strike out "Minister" and substitute "Corporation". |
| Section 61 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 61(4) | Strike out "his" and substitute "the Corporation's". |
| Section 62 | Strike out "Minister" and substitute "Corporation". |
| Section 63 | Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation". |
| Section 63(2) | Strike out "he" and substitute "the Corporation". Strike out "his" and substitute "the Corporation's". |
| Section 64 | Strike out "Minister" and substitute "Corporation". |
| Section 65 | Strike out "Minister" and substitute "Corporation". |
| Section 65B(1) and (2) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 65C(1) | After "The Minister may," insert "after consultation with the Corporation,". |
| Section 67 | Strike out "Minister's" and substitute "Corporation's". Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 69 | After "Minister may" insert ", after consultation with the Corporation,". Strike out "by so much as he deems just". |

- Section 84 After "Minister may," insert "after consultation with the Corporation,".
- Strike out "him" and substitute "the Corporation".
- Section 86 Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation".
- Strike out "in his discretion" (twice occurring) and substitute "in the Corporation's discretion".
- Strike out "he considers just" and substitute "the Corporation considers just".
- Section 86A(2), (4), (5) and (6) Strike out "Minister" wherever occurring and substitute, in each case, "Corporation".
- Section 86B(1), (2) and (3) Strike out "Minister" wherever occurring and substitute, in each case, "Corporation".
- Section 87 Strike out "Minister" (wherever occurring) and substitute, in each case, "Corporation".
- Section 87(4)(a) Strike out "avail himself, for the purposes of recovering the amount, of" and substitute "use".
- Section 87(4)(b) Before "cut off" insert "with the approval of the Minister,".
- Section 88(3) Strike out "The Minister may in his discretion" and substitute "The Minister may, after consultation with the Corporation,".
- Section 88(4) After "Minister may" insert ", after consultation with the Corporation,".
- Strike out "such".
- Strike out "as the Minister thinks fit".
- Section 88(6) Strike out "his".
- After "Minister may" insert ", after consultation with the Corporation,".
- Section 88(6)(c) Strike out "that the Minister thinks fit".
- Section 90(1) Strike out "Minister" and substitute "Corporation".
- Strike out "he" (twice occurring) and substitute, in each case, "the Corporation".
- Section 91 Strike out "Minister" and substitute "Corporation".
- Section 92(1) Strike out "collector" and substitute "the Corporation".
- Strike out "him" and substitute "the Corporation".
- Section 92(2) Strike out "collector" and substitute "the Corporation".
- Section 92(3) Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation".
- Section 92(4) Strike out "Minister or collector" and substitute "Corporation".
- Section 93(1) Strike out "Minister" and substitute "Corporation".
- Section 94(2) Strike out "Minister" and substitute "Corporation".

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| Section 94(5) | Strike out "Minister" and substitute "Corporation". |
| Section 95(1) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 95(2) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| | Strike out "his" and substitute "the Corporation's". |
| Section 96(1) | Strike out "collector's" and substitute "Corporation's". |
| Section 98(1) | Strike out "Minister" and substitute "Corporation". |
| Section 98(2) | Strike out "Minister may" and substitute "Corporation may, with the approval of the Minister,". |
| Section 98(3) | Strike out "Minister" and substitute "Corporation". |
| Section 98(7) | After "Minister" insert "or the Corporation". |
| Section 99 | Strike out "Minister" and substitute "Corporation". |
| Section 101 | Strike out this section. |
| Section 106(1) | Strike out "Minister" and substitute "Corporation". |
| | Strike out ", with the consent of the Governor,". |
| | Strike out "he" and substitute "the Corporation". |
| Section 107 | Strike out "Minister" and substitute "Corporation". |
| | Strike out ", with the consent of the Governor,". |
| | Strike out "he" and substitute "the Corporation". |
| Section 108(1) | Strike out "Minister" and substitute "Corporation". |
| Section 109 | Strike out "the Minister in the lease or" (twice occurring). |
| | Strike out "Minister" (second occurring) and substitute "Corporation". |
| Section 109A(1) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| | Strike out "Minister's" and substitute "Corporation's". |
| Section 109A(2) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 109A(4) | Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation". |
| Section 109A(5) | Strike out "Minister" and substitute "Corporation". |
| Section 109A(6) | Strike out "Minister" and substitute "Corporation". |
| Section 112 | Strike out "Minister" (first occurring) and substitute "Corporation". |
| | Strike out "Minister or any officer appointed by him under this Act" and substitute "Corporation". |

- Section 112A(1) Strike out "under the hand of the Minister" and substitute "of the Corporation".
- Strike out "Minister" (next occurring) and substitute "Corporation".
- Section 114 Strike out this section.
- Section 117 Strike out this section.
- Section 118 After "Minister" insert "or the Corporation".
- Section 119 Strike out "Minister" and substitute "Corporation".
- Section 120 Strike out "Minister" (twice occurring) and substitute, in each case, "Corporation".
- Schedules 1 and 2 Strike out these schedules and substitute the following schedule:

SCHEDULE

Transitional Provision

Delegations not affected

A delegation by the Minister in force immediately before the commencement of this schedule continues in force as a delegation by the Corporation under the provisions of the *Public Corporations Act 1993* subject to any variation or revocation of the delegation under those provisions.

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APPENDIX

LEGISLATIVE HISTORY

Schedule 2

Items amending the
Waterworks Act 1932:

amended by 23, 1995, s. 7