

South Australia

## **Waterworks Act 1932**

An Act to consolidate certain Acts relating to water supply.

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## Legislative history

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Waterworks Act 1932*.

#### 3—Acts consolidated and repealed

This Act is a consolidation of the Acts mentioned in Schedule 1, and the said Acts are hereby repealed.

#### 4—Interpretation

- (1) In this Act, except where the subject matter or context or some other provision requires a different construction—

*adjacent land* means—

- (a) land abutting upon part of a street in, or adjacent to, which a gazetted main pipe has been laid; or
- (b) land abutting upon, or traversed by, a gazetted main pipe; or
- (c) land that is, pursuant to section 121 of this Act, deemed to be adjacent land,

but does not include any such land to which the Corporation is not prepared to supply water by means of a direct service;

*consumer* means any person supplied with water under this Act;

*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 Corporation;

*Corporation* means *South Australian Water Corporation* established under the *South Australian Water Corporation Act 1994*;

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

*direct service* in relation to the supply of water in respect of land, means the supply of water to a point determined by the Corporation within or adjacent to the boundaries of that land;

*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;

*fittings* includes communication pipes, standpipes, and all other pipes, and also all cocks, valves, siphons, cisterns, tanks, vessels and other apparatus connected to the waterworks;

*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;

*land* includes premises;

**owner** includes the person for the time being receiving, or entitled to receive, the rents and profits of any land, whether on his own account or as agent, trustee, or attorney;

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

**premises** means any house, and any public or private building whatsoever, and any part of any house or building, and any garden, stable, yard, or other offices used together or in connection with any house, or building, and every part thereof;

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

**ratable land** means—

- (a) adjacent land; and
- (b) land contiguous to adjacent land and subject to the same ownership or occupation; and
- (c) land to which water is supplied directly or indirectly by the Corporation; and
- (d) land in respect of which the Corporation 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 Corporation, from which the land may receive water,

but does not include land to which water is supplied pursuant to an agreement under Part 4 of this Act;

**stream** includes a river, creek, brook, spring, lake, aqueduct, conduit, tunnel or any structure through or along which water passes and includes any water in a stream;

**street** means every public square, place, road, terrace, and thoroughfare, and any private street;

**vacant land** means unoccupied land which is not built upon, and which is not appurtenant to, or used in connection with, any building, and whether such land is used for the purpose of depasturing cattle thereon or otherwise;

**water district** means any water district proclaimed from time to time under this Act, or any Act repealed by this Act, within which water is to be supplied, and also means any other water district constituted before the passing of this Act;

**water rate** includes every rent payable, and every reward or payment to be made, whether under agreement or otherwise, to the Corporation, for a supply of water from the waterworks for any purpose whatever;

**watercourse** means the bed of a river, creek or other channel in which water flows whether ordinarily, intermittently or occasionally and any water therein;

*waterworks* includes all water storages, reservoirs, wells and bores, pumping stations, water treatment stations, tanks, aqueducts, tunnels, pipes and other works for the collection, treatment and distribution of water acquired by or under the control of the Corporation and all land acquired by or under the control of the Corporation for the purposes of this Act in connection with the supply of water.

- (2) For the purposes of this Act, a reference to connection to or disconnection from the waterworks includes a reference to connection to or disconnection from a pipe or fitting through which water is supplied from the waterworks.
- (3) For the purpose of applying the definition of *adjacent land*—
  - (a) where the land comprised in a strata plan under the *Strata Titles Act 1988* is adjacent land in relation to a gazetted main pipe, the common property and each of the units comprising the land will be taken to be adjacent land in relation to the main pipe;
  - (b) where land that is a community parcel within the meaning of the *Community Titles Act 1996* is adjacent land in relation to a gazetted main pipe and is divided by a strata plan under that Act, the common property and each of the strata lots comprising the parcel will be taken to be adjacent land in relation to the main pipe;
  - (c) where land that is a community parcel within the meaning of the *Community Titles Act 1996* is adjacent land in relation to a gazetted main pipe and is divided by a community plan (not being a strata plan) under that Act, those parts of the common property and those lots comprising the parcel that are, or are to be, connected to the main pipe will be taken to be adjacent land in relation to the main pipe.

## 5—Acquisition of land

The Corporation may, with the approval of the Minister, acquire land for the purposes of this Act under the *Land Acquisition Act 1969*.

### 5A—Validation etc

- (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.

- (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.

## **Part 1A—The Minister**

### **5B—Minister may delegate**

- (1) Subject to subsection (4), the Minister may delegate any of his or her functions, powers or duties under this Act (except this power of delegation)—
  - (a) to the Corporation; or
  - (b) to any other person or body.
- (2) A function, power or duty delegated under subsection (1) to the Corporation 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.
- (4) The Minister cannot delegate his or her functions, powers or duties under Part 5.

## **Part 2—Constitution of water districts**

### **6—Water districts**

- (1) The Corporation may, by notice published in the Gazette—
  - (a) declare any part of the State to be a water district;
  - (b) alter the boundaries of a water district by adding land to or removing land from the district;
  - (c) declare any water district to be a country lands water district;
  - (d) abolish a water district;
  - (e) declare that the notice has effect from the commencement of the financial year in which it is published in the Gazette or from any later date.
- (2) The Corporation may, by notice published in the Gazette, vary or revoke a notice published under this section.
- (3) A water district constituted under this Act or a corresponding previous enactment and in existence immediately before the commencement of this section will be taken to have been constituted by the Corporation by notice in the Gazette under this section.

## Part 3—Regulations and powers of Corporation

### 10—Regulations

- (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act, and, without limiting the generality of that power, the Governor may make regulations—
- I for regulating the conduct of the officers and servants appointed or employed under or for the purposes of this Act;
  - II for regulating the form of contracts to be entered into with him, and generally for carrying into effect the purposes of this Act;
  - III for determining, making, levying, and collecting the water rates to be paid in each water district, in respect of land liable to be rated under this Act;
  - IV for fixing the terms and conditions upon which water will be supplied by the Corporation;
  - V for fixing or empowering the Minister or the Corporation to fix charges or fees (including minimum charges or fees)—
    - (a) for the supply of water by the Corporation; and
    - (b) for the provision of works or services by the Corporation; and
    - (c) for inspections made by the Corporation pursuant to this Act or at the request of an owner or occupier of land; and
    - (d) otherwise in relation to the administration of this or any other Act;
  - VA empowering the Minister or the Corporation 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;
  - VI for determining the times at which any charge for water supplied under agreement shall be payable, whether in advance or otherwise;
  - VII for imposing an extra charge for water supply in places distant more than 15 metres from the main pipe;
  - VIIA prohibiting or regulating the connection of pipes, fittings, appliances or apparatus to the waterworks or the installation of pipes, fittings, appliances or apparatus to be connected to the waterworks;
  - VIII for regulating the—
    - (a) specifications, construction, number and position of pipes, fittings, appliances, and apparatus connected, or to be connected, to the waterworks;
    - (b) installation and inspection of pipes, fittings, appliances and apparatus connected, or to be connected, to the waterworks;
  - IX for regulating the construction, disposition, and inspection of meters, and for requiring that, for the purpose of permitting the reading, maintenance, repair or replacement of meters, meters shall be kept free from obstruction;

- X for regulating the quantity of water each consumer is in each year entitled to use in respect of his rates;
  - XI for preventing the waste or misuse of water, or for providing for the better conservation, use or management of water, whether supplied by meter or otherwise;
  - XII requiring the owner or occupier of land to clean, maintain and repair pipes, fittings, appliances and apparatus on the land that are connected to the waterworks;
  - XIIA prohibiting or regulating the alteration of or interference with pipes, fittings, appliances or apparatus connected to the waterworks;
  - XIII for preventing unauthorised persons using, directly or indirectly, water supplied by the Corporation;
  - XV for preventing persons from wilfully or negligently breaking, injuring, or from interfering with any pipe, lock, cock, valve, engine, work or other property belonging to the Corporation, and from doing any other wilful act whereby the water supplied by the Corporation may be wasted;
  - XVI for regulating or preventing the sale or use of pipes, fittings, appliances or apparatus that are capable of being connected to the waterworks;
  - XVIII for fixing a scale of fees and expenses which may be recovered for the service of any notice or the levying of any distress by any bailiff or other person;
  - XIX for fixing scales of costs and charges for the alteration of water services, levels of topstones, valve and fire plug chambers and cast iron meter boxes and the position of pillar hydrants and indicator posts, or other similar work, to conform to the surface levels of the roadworks;
  - XIXA for the purpose of protecting the waterworks and, without limiting that power, prohibiting or regulating the planting of trees, shrubs or other plants on any land and requiring the removal or killing of trees, shrubs or other plants on any land;
  - XIXB providing for liability for the costs of repairing damage caused to the waterworks by trees, shrubs or other plants;
  - XIXC empowering the Corporation or any other person or body to enter and inspect land or premises for any purpose related to the administration of this Act;
  - XIXD requiring any person to provide information to the Minister, the Corporation or any other person in relation to the administration of this Act;
  - XX for regulating, controlling or preventing the impairment of the quality of water supplied by the Corporation or that is within the waterworks.
- (2) A regulation under this Act may confer on the Minister or the Corporation such powers, authorities or discretions as the Governor thinks fit.
- (3) Charges or fees for the provision of works or services by the Corporation 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 Corporation of providing the works or service.

- (4) A regulation under this Act may prescribe specifications, standards or procedures by reference to specifications, standards or procedures published from time to time by a body or person named in the regulation.
- (5) If a regulation empowers the Minister or the Corporation to prescribe specifications, standards or procedures, the Minister or the Corporation may prescribe those specifications, standards or procedures by reference to specifications, standards or procedures published from time to time by a body or person named by the Minister or the Corporation.
- (6) The regulations may—
  - (a) impose a penalty not exceeding—
    - (i) \$10 000 for contravention of, or failure to comply with, a regulation by a body corporate; and
    - (ii) \$5 000 for contravention of, or failure to comply with, a regulation by a natural person; and
  - (b) fix an expiation fee not exceeding \$315 for an alleged contravention of, or failure to comply with, a regulation.
- (7) Where a person contravenes or fails to comply with a regulation the Minister may, by notice in writing, require him to desist from the contravention or remedy the default and if he fails to comply with the notice he shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars for every day for which that failure continues.
- (8) 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.

## **12—Power of Minister to do certain acts and execute certain works**

- (1) For the purpose of constructing, completing, extending, or maintaining any waterworks, or for supplying water to or in any water district, or for the purpose of making any examination or test of any land for the purpose of ascertaining whether that land is suitable for the construction thereon of any waterworks which are proposed to be constructed, or for any incidental purpose, or otherwise for the purpose of carrying out the provisions of this Act, the Minister may exercise any of the powers following, that is to say—
  - I He may enter upon any lands and take levels of the same, and set out such parts thereof as he shall think necessary, and dig, break, and trench the soil of such lands, and remove or use all earth, stone, minerals, trees, or other things dug or obtained out of or from the same:
  - II He may enter upon, take, and hold, either temporarily or permanently, such lands as he may from time to time deem necessary for the construction, maintenance, repair, or improvement of any waterworks authorised or for the construction of which money is voted by Parliament, or for obtaining or enlarging the supply of water, or for improving the quality thereof, or otherwise for the purposes of this Act:

- III He may from time to time sink such wells or shafts, and make, maintain, alter, or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands, streams, and watercourses authorised to be taken by him as he thinks proper for supplying the inhabitants of any water district with water:
  - IV He may from time to time divert and impound the water from any streams or springs as he may think fit, and alter the courses of the same, and also take the water of such streams or springs and also such waters as may be found in, under, or on any lands so to be taken for the purposes of this Act:
  - V He may enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, cut off, or remove the same, and may enter upon any such lands, streets, roads, or thoroughfares for the purpose of repairing any watercourses, pipes, or other works, being his property or under his control:
  - VI He may enter upon any lands within a watershed and execute such works, make such tests, do such things and make such alterations to the said lands as are in his opinion necessary to reduce, eliminate or destroy any agencies, things or substances which in his opinion are likely to be conveyed to watercourses, streams, reservoirs or other waterworks and infest or impair the quality of any water therein.
- (2) In the exercise of any of the powers conferred by this section the Minister shall inflict as little damage as may be, and in all cases, where he can conveniently do so, shall provide other watering-places, drains, and channels for the use of adjoining lands, in place of any taken away or interrupted by him, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.
- (3) The Minister shall not be liable to make compensation in respect of any damage sustained by reason of the taking or diverting of water permanently or otherwise from any river, stream, or watercourse, unless a claim in writing is made in respect of such compensation within twelve months after any damage has been caused. In every case where the Minister cannot agree with the owner or claimant, the amount of compensation shall be ascertained, and the case, in other respects, shall be dealt with under the provisions of the *Land Acquisition Act 1969*.
- (4) No park lands, or other lands under the control of any municipal corporation or district council shall be entered upon, taken, and held pursuant to this section, unless the consent in writing of the municipal corporation or district council having the control thereof is obtained.

### **13—Reversion of lands to councils**

If from any cause whatever the occupation by the Corporation of any park lands or reserve for the purposes of this Act shall at any time cease, the care, control, and management of the park lands or reserve shall revert to the municipal corporation or district council from which the same shall have been taken.

#### **14—Construction of accommodation works**

- (1) The Corporation shall construct and erect all works necessary for making good the interruption caused by the exercise of any of the said powers to the possession or enjoyment of any lands adjoining or near any part of the works or otherwise necessary for the accommodation of such lands.
- (2) If any difference arises respecting the number, kind, size, dimensions, or sufficiency of any such accommodation works, or respecting the maintenance thereof, the same shall be determined by a court of summary jurisdiction. The court shall have jurisdiction to make such order as it deems just, but the court shall not have power to decide as to the liability of the Corporation to construct any accommodation works in cases where that liability is disputed.

#### **15—Power to break up streets**

The Corporation may—

- (a) open and break up the soil and pavement of the several streets and bridges within or beyond the limits of any water district; and
- (b) open and break up any sewers, drains, or tunnels, within or under such streets and bridges; and
- (c) lay down and place within or beyond the limits of any water district, pipes, conduits, service-pipes, and other works and engines, and from time to time repair, alter, or remove the same; and
- (d) for any of the purposes aforesaid, remove and use all earth and materials in and under such streets and bridges; and
- (e) do all other acts which the Corporation shall from time to time deem necessary for supplying water to the inhabitants of any water district.

#### **16—Notice before breaking up streets**

Before the Corporation opens or breaks up any such street, bridge, sewer, drain, or tunnel, the Corporation must, except in cases of emergency arising from defects in any of the pipes or other works, give to the persons or authority under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention to open or break up the same, not less than twelve hours before beginning such work.

#### **17—Reinstatement of streets**

- (1) When the Corporation opens or breaks up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, the Corporation shall, with all convenient speed, complete the work for which the same shall be broken up and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby.
- (2) The Corporation shall at all times whilst any such road or pavement is so open or broken up cause the same to be guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement continues open or broken up.
- (3) The Corporation shall, after replacing and making good the road or pavement which is broken up as aforesaid, keep the same in good repair for six months thereafter.

## 18—Delay in reinstating streets

If the Corporation—

- (a) opens or breaks up any such street, bridge, sewer, drain, or tunnel, without giving such notice as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in cases in which the Corporation is authorised to perform such works without any notice; or
- (b) makes any unnecessary delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby; or
- (c) neglects to cause the place where such road or pavement has been broken up to be guarded and lighted; or
- (d) neglects to keep the road or pavement in repair for the space of six months next after the same is made good,

the Corporation shall forfeit to the authority or persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such default is made, a sum not exceeding five hundred dollars for every such offence, and an additional sum of fifty dollars for each day during which any such delay as aforesaid shall continue after the Corporation shall have received notice thereof.

## 19—Power of other persons to reinstate streets

If any such delay or omission as aforesaid takes place, the authority or persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission takes place, may, upon giving notice in writing to the Corporation, cause to be executed the work so delayed or omitted, and the expense of executing the same shall be repaid by the Corporation to, and may be recovered by, such authority or persons.

## 20—Power to take temporary possession of land

- (1) The Minister, and all persons by him authorised, may enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the house of the owner of any such lands than 100 metres therefrom, and may occupy the said lands so long as may be necessary for the construction or repair of any waterworks, and to use the same for any of the following purposes, that is to say:
  - I For the purpose of taking earth or soil by side cuttings therefrom; or
  - II For the purpose of depositing soil thereon; or
  - III For the purpose of obtaining materials therefrom, for the construction or repair of the waterworks; or
  - IV For the purpose of forming roads thereon to, or from, or by the side of, the said works.

- (2) In the exercise of the said powers the Minister, and all other persons employed therein, may—
- (a) deposit and manufacture and work upon such lands, materials of every kind used in constructing or repairing the said works; and
  - (b) take from any such lands any timber, and dig and take from or out thereof any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing or repairing the said works or any such roads as aforesaid; and
  - (c) for the purposes aforesaid, erect thereon workshops, sheds, and other buildings of a temporary nature.
- (3) Nothing in this Act contained shall exempt the Minister from an action for nuisance or other injury (if any) done, in the exercise of the powers hereby conferred, to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid.

### **21—Duty of Corporation to separate lands before using them**

If any such lands are used by the Corporation for any of the purposes aforesaid the Corporation shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be necessary for the convenient occupation of such lands, and, in case of any difference between the owners or occupiers of such lands and the Corporation as to the necessity for such fences and gates, then with such fences and gates as a court of summary jurisdiction may order for the purposes aforesaid.

### **22—Compensation for temporary occupation**

In any of the cases aforesaid where the Minister takes temporary possession of lands by virtue of the powers herein granted, it shall be incumbent on him, within one month after his entry upon such lands, upon being required to do so, to pay to the occupier of the said lands the value of any crop that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of the Minister so taking possession of his lands. If there is any dispute as to the said value, the same shall be settled in the manner provided by the *Land Acquisition Act 1969*, for settling questions of compensation.

### **23—Vesting of waterworks etc in Corporation**

The whole of the waterworks, and all lands, goods, materials, and things which form part thereof, shall be and be deemed to be the property of the Corporation, and shall be held and used by the Corporation for the purposes of this Act.

## **Part 4—Supply of water and protection of fittings and works**

### **27—Free supply for public purposes within Port Adelaide**

- (1) The Corporation shall, unless prevented by unusual drought or other unavoidable cause or accident, or during necessary repairs, supply to the City of Port Adelaide Enfield, free of charge, sufficient water for watering the streets of the township of Port Adelaide, and also for the use of all lands and buildings situate within the said township and occupied and used by the council exclusively for public purposes.

- (2) For the purposes of this section, the township of Port Adelaide will be that township as it existed in 1882.
- (3) This section will expire on a day to be fixed by proclamation.

### **28—Duty of Corporation to fix public fireplugs in the mains**

- (1) The Corporation shall, within every water district, fix proper fireplugs in the main and other pipes belonging to the Corporation, at such distances and at such places as the Corporation may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such district.
- (2) The Corporation shall from time to time renew and keep in effective order every such fireplug, and shall, so soon as any such fireplug is completed, deposit a key thereof at each fire-reel station within such district.
- (3) The cost of such fireplugs and the expenses of fixing and maintaining the same in repair (except in the Adelaide water district) shall be defrayed by the council of the municipality or district within the boundaries of which the plugs are fixed.

### **29—Fireplugs for manufactories etc**

The Corporation may, at the request and expense of the owner or occupier of any manufactory or other premises situated in or near any street in which, or within 100 metres of which, there is a pipe of the Corporation, place as near as conveniently may be to such manufactory or premises, and maintain in effective order a fireplug to be used only for extinguishing fires. The Corporation shall supply a key of every such fireplug to the said owner or occupier, but the fireplug shall not be opened or used by him except for the purpose of aiding in extinguishing fires within the water district.

### **30—Duty to keep pipes charged**

The Corporation shall at all times, unless prevented by drought or other unavoidable cause or accident, or during necessary repairs, keep charged with water all the Corporation's pipes to which fireplugs are fixed, and shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire within the water district.

### **31—Duty to distribute constant supply of water**

- (1) The Corporation shall, in each water district, unless prevented by unusual drought or other unavoidable cause or accident, distribute, to all persons entitled thereto under this Act, a constant supply of water in the manner prescribed by this Act.
- (2) The Corporation shall not be liable to supply water to any person in any street within the water district until after a main pipe has been laid down in such street.

### **31A—Power to use water for any district**

The Corporation may use water stored in any waterworks in any water district for the supply of water in that or any other water district.

### **32—Power to cut off water supply from unoccupied land**

The Corporation may cut off the water supply from any land when the same has remained unoccupied for three months, and whenever the land is occupied the water supply shall, on demand made in writing by the owner or occupier thereof, be restored upon payment of the cost of such cutting off and restoration. Cutting off the water shall not relieve the owner or occupier of any such land from any liability to pay water rates in respect thereof.

### **33—Power to lessen or discontinue supply**

Whenever the quantity of water available for supply under this Act has been, or is likely to be, diminished so as to render it necessary or expedient in the opinion of the Corporation to lessen the quantity of water supplied, the Corporation may, with the approval of the Minister, and after giving public notice of the intention so to do—

- (a) lessen the supply of water throughout the whole or any part of any water district, to such extent, for such time, and in such manner as the Corporation shall think proper; or
- (b) lessen the supply to any particular class or classes of consumers supplied under agreement; or
- (c) for such time as the Corporation shall think proper, discontinue the supply for any particular purpose.

### **33A—Restrictions on the use of water**

- (1) Subject to this section, the Corporation may, with the approval of the Minister by notice published in the Gazette, do one or more of the following:
  - (a) prohibit the use of water for a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
  - (b) prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;
  - (c) prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used.
- (1a) However, the Corporation may only act under subsection (1) if the Corporation has determined to take action because it is of the opinion that water available under this Act is insufficient, or is likely in the future to be insufficient, to meet demand, or the Corporation is of the opinion that other circumstances exist to justify the implementation of measures under this section to provide for the conservation or efficient use or management of water.
- (1b) A notice under subsection (1) may provide that a specified activity involving the use of water cannot occur except under the authority of a permit issued by the Corporation in accordance with the regulations.
- (2) The Corporation may, with the approval of the Minister by subsequent notice published in the Gazette, vary or revoke a notice referred to in subsection (1).
- (3) A person who contravenes or fails to comply with a notice referred to in subsection (1) is guilty of an offence.

Maximum penalty:

- (a) where the offender is a body corporate—\$10 000;
- (b) where the offender is a natural person—\$5 000.

Expiation fee: \$315.

### **34—Supply to groups of houses**

- (1) Whenever it appears to the Corporation that a constant supply of water can be effectually and more economically provided for any group or number of dwelling-houses situate in a court, passage, lane, or alley, within the water district, by means of a standpipe or other fitting fixed outside such dwelling-houses, the Corporation may provide, erect, and fix in readiness for use by the owners or occupiers of such group or number of dwelling-houses, and shall renew or repair, a standpipe, or other fittings, and shall afford and distribute by means thereof a constant supply of water to the owners or occupiers of such group or number of dwelling-houses.
- (2) The said owners or occupiers, but not any other person, shall be entitled to take, consume, and use in the said group, or number of dwellinghouses, but not elsewhere, such constant supply; and the Corporation shall be entitled to receive and recover from such owners or occupiers water rates, in the same manner and to the same amount as if water had been supplied to each of such dwelling-houses in the ordinary manner provided by this Act.
- (3) The expense of providing, erecting, and fixing in readiness for use such standpipe or other fittings, and of renewing or repairing the same from time to time, shall be borne by the owner of such group or number of dwelling-houses, or, if they belong to more than one owner, then by the respective owners thereof, in such proportions as the Corporation shall determine and by notice require.

### **35—Supply of water**

- (1) Save in the cases provided for by section 34 of this Act, where the Corporation receives from the owner or occupier of land a written request for the supply of water in respect of the land the Corporation—
  - (a) where the land is adjacent land, shall upon payment of the fee fixed by or under this Act provide and lay down a direct service for the supply of water in respect of the land; and
  - (b) in any other case, may upon payment of the fee fixed by or under this Act, provide a supply of water to a point determined by the Corporation, from which the land may receive a supply of water.
- (1a) The Corporation—
  - (a) may, upon payment of the fee fixed by or under this Act, provide and lay down additional services to land where the Corporation has been requested to do so by the owner or occupier of the land; or
  - (b) may, without being requested to do so by the owner or occupier of land, provide and lay down additional services to the land so that the number of services to that land will comply with the prescribed ratio.
- (1b) The Corporation's costs in providing and laying down a service pursuant to subsection (1a)(b) shall be paid by the owner or occupier of the land concerned.

- (1c) The Minister may, after consultation with the Corporation, by notice in the Gazette, fix an annual charge payable by the owner or occupier of land in respect of additional services provided to land and may, by subsequent notice in the Gazette, vary or revoke a notice published under this subsection.
- (2) Where pursuant to subsection (1) of this section the Corporation has provided a supply of water, in respect of any land, to a point determined by the Corporation, the owner or occupier of the land shall where necessary at his own cost and expense lay a pipe to the satisfaction of the Corporation from that point to the land in respect of which the supply is so provided.

### **35A—Reduction in water supply to cope with demand**

- (1) To ensure that the Corporation is able to supply water to all consumers during periods of greatest demand, the Corporation may serve notice under this section on the owner or occupier of land that is connected to the waterworks.
- (2) The notice may direct the owner or occupier—
  - (a) to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice to enable the flow in the pipes on the land that are connected to the waterworks to be reduced; and
  - (b) to use the device to reduce flow in those pipes during the periods specified in the notice.
- (3) The notice must specify a reasonable period for compliance with the requirements of the notice referred to in subsection (2)(a).
- (4) A person who fails to comply with a notice under this section is guilty of an offence.  
Maximum penalty:
  - (a) where the offender is a body corporate—\$10 000;
  - (b) where the offender is a natural person—\$5 000.Expiation fee: \$315.
- (5) If a person on whom a notice has been served fails to comply with the notice, the Corporation may install a flow reducing device to reduce the flow in the pipes on the land concerned notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.
- (6) The Corporation's costs in acting under subsection (5) are a debt due to the Corporation by the person on whom the notice was served.

### **36—Power to erect stand pipes and sell water**

The Corporation may erect standpipes at any place within or beyond the limits of any water district, and may, from any standpipe or from any hydrant, sell water by measure to any persons, at such price, at such times, and upon such conditions as the Corporation thinks fit.

### **37—Power to make agreement to supply water by measure**

- (1) The Corporation 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 Corporation.

- (2) The Corporation and every other party to each such agreement shall be deemed to have entered into the agreement subject to the provisions of this Act. The owner or occupier of the said land, and every subsequent owner and occupier thereof, shall hold or occupy the same subject to such agreement, and be bound by the same agreement as if parties thereto.
- (3) The land to which water shall be supplied to the owner thereof under any such agreement shall be charged with the moneys from time to time due to the Corporation for water so supplied, and such moneys shall be deemed to be and shall be recoverable as water rates.
- (4) In any legal proceedings an apparently genuine document purporting to be signed by or on behalf of the Corporation 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.

### **38—Prohibition against laying gaspipes and tramrails**

No person shall lay any gaspipe in any trench with, or close alongside, any main pipe of the Corporation, nor lay any tramrail along the line of and immediately above a main pipe without the consent of the Corporation. If any person without such consent, so lays any such gaspipe or tramrail and refuses to remove the same when required by the Minister so to do, he shall be liable to a penalty not exceeding five hundred dollars and a further penalty of fifty dollars for each day (if more than one) that the offence continues.

### **39—Power of Corporation to let meters etc**

- (1) The Corporation may let for hire, to any consumer of water supplied under agreement, any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes, fittings and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money and upon such terms as may be agreed upon between the Corporation and the consumer, and all money due in respect of such hiring shall be recoverable in the same manner as rates due to the Corporation for water.
- (2) The said meters, instruments, pipes, fittings and apparatus shall not be attached, or taken in execution under any process of any court of law, or under or in pursuance of any order in insolvency, or other legal proceedings against or affecting the consumer of the water or other person in whose possession the meters, pipes, instruments, fittings or apparatus may be.

### **40—Fixing, repairing, or interfering with meter**

No other person than the Corporation shall provide any meter for the supply of water under this Act, and no other person than the Corporation, or the person authorised by the Corporation, shall fix, refix, open, remove, alter, repair, or interfere with any such meter.

#### **41—Power to charge use of meter**

- (1) The Minister may, after consultation with the Corporation, 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 this 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.
- (2) Any notice published under this section at any time during the currency of the period of twelve months ending on the thirtieth day of June, in any year, may fix the annual fee to be paid for the use of meters during the whole of that period.

#### **42—Procedure on failure of meter**

If at any time the Corporation has reason to believe that any meter connected to the waterworks for the purpose of measuring water supplied to land is not correctly indicating, or has not correctly indicated, the quantity of water supplied to such land during any particular period, the Corporation may assess the amount of water supplied during that period at an amount not exceeding the fair average amount of water supplied in respect of the said or any similar land during any previous periods and any liability for the payment of rates, or of any amount in pursuance of an agreement, shall be determined as if that amount of water had been actually supplied.

#### **43—Interfering with or by-passing meter**

- (1) Where the Corporation is unable to determine the quantity of water that the Corporation has supplied to any land because—
  - (a) the meter installed for measuring that water has been removed; or
  - (b) the water, or part of the water, has been supplied by means of a pipe that by-passes the meter; or
  - (c) the meter has been altered, interfered with or damaged,

the person who removed, altered, interfered with or damaged the meter or who installed a pipe by-passing the meter and the owner and occupier of the land so supplied with water shall be guilty of an offence.

Maximum penalty:

- (a) where the offender is a body corporate—\$10 000;
- (b) where the offender is a natural person—\$5 000.

Expiation fee: \$315.

- (2) It shall be a defence to a prosecution for an offence under subsection (1) for the defendant to prove—
  - (a) that the person who removed, altered, interfered with or damaged the meter or who installed a pipe by-passing the meter did so with the authority of the Corporation;
  - (b) in the case of a defendant who is the owner or occupier of the land concerned—
    - (i) that he did not know and had no reason to suspect that the commission of an offence under subsection (1) had occurred or was likely; or

- (ii) that immediately after he first became aware or suspected that an offence under subsection (1) had occurred or was likely he informed the Corporation in writing of that fact.
- (3) A person convicted of an offence under subsection (1) is liable to pay to the Corporation the costs arising from the offence in replacing the meter, removing a pipe by-passing the meter or repairing or reinstating the meter to its original condition.

#### **44—Duty of consumer to keep pipes and fittings within his premises in repair**

Every person supplied with water by the Corporation shall keep such part of the communication pipe, and the stopcock, drains, and other works and fittings as shall be within his own premises, in good repair, so as effectually to prevent the water from running to waste, or the collection therein of unwholesome matter. In case any person neglects to keep the same in good repair, the Corporation may, with the approval of the Minister, cut off the pipe, or turn off the water from the premises of such person, until such stopcock or other works or fittings shall be provided or repaired, as the case may require.

#### **45—Alteration etc to pipes, fittings etc**

- (1) The owner or occupier of any land supplied with water by the Corporation, or any consumer of water of the Corporation, or any other person, shall not affix, or cause or permit to be affixed, any pipe, fitting, or apparatus to a pipe belonging to or used by such owner or occupier, consumer, or any other person, or make any addition to or alteration in any such communication or service pipe, fitting, or apparatus connected therewith, without the consent, in every such case, of the Corporation.
- (2) If any person acts in any respect in contravention of the provisions of this section, he shall, for every such offence, be liable to a penalty not exceeding one thousand dollars, without prejudice to the right of the Corporation to recover damages from him in respect of any injury done to property of the Corporation, and without prejudice to the Corporation's right to recover from him the value of any water wasted or misused.

#### **46—Use of fittings**

- (1) No person shall use or place in or upon, or affix or attach to, or permit to be used or placed in or upon or affixed or attached to, any lands supplied or to be supplied with water under this Act, for the purpose or with the intent of thereby using, taking, conveying, or delivering such water, any bath, watercloset, soilpan, receptacle fitting, appliance or apparatus other than in accordance with this Act or as permitted by the Corporation.
- (2) Any person who does or permits any act in contravention of this section shall be liable to a penalty not exceeding one thousand dollars for each offence.

#### **47—Powers of entry and inspection**

- (1) A person authorised by the Corporation may, at all reasonable times, enter upon any land, to which water is supplied by the Corporation under agreement or otherwise and into any building or structure upon the land, for the purpose of examining and ascertaining, and may examine and ascertain, whether there has been or is any waste, misuse, fouling, or contamination of such water, and what quantity of water has been consumed there, and whether all baths, waterclosets, soilpans, receptacles, fittings, appliances and apparatus, and the materials and mode of arrangement thereof, used or intended to be used on the land or in the building or structure for the purpose of conveying, delivering, or receiving water supplied, or about to be supplied, by the Corporation are in every respect in accordance with this Act, and are in proper order and repair, and that they are used only for the purposes for which they may be lawfully used under this Act.
- (2) If on such examination, any bath, watercloset, soilpan, receptacle, fitting, appliance or apparatus is found to be out of proper order or repair, or the mode of arrangement thereof is not in accordance with this Act, the Corporation may, without prejudice to any other power or remedy which the Corporation may have under this Act, give notice to the occupier or owner of such land, building or structure to repair or alter the same.
- (3) If any such occupier or owner fails or neglects to comply with such notice, or if a person authorised by the Corporation is at any reasonable time refused admission upon land or into a building or structure on the land, when such admission is claimed for any of the purposes mentioned in this section, or is obstructed in or hindered from doing all or any of the acts by this section authorised to be done, the Corporation may, with the approval of the Minister, cut off the water from such land, and shall not be bound to supply water thereto again except at such times and upon such conditions (including payment of the expenses of cutting off and restoring such water) as the Corporation thinks proper to prescribe, but the owner or occupier of such land shall, nevertheless, continue liable to pay water rates as theretofore.

#### **48—Exemption of pipes and fittings from distress**

No pipe or fitting attached to or connected with any of the pipes of the Corporation shall be seized or taken in execution by process of law or under distress for rent.

#### **49—Unauthorised fittings**

Any person, being an owner or occupier of land supplied with water under this Act who—

- (a) for the purpose of taking in a manner not authorised by this Act any such water, uses in or places on, or affixes or attaches to, such land, or to any prescribed fitting, or wilfully permits to be used in or placed on, or affixed or attached to such land, or to any fitting, any instrument or thing not authorised in that behalf by the Corporation; or
- (b) alters, misuses, injures, or removes any prescribed fitting, except for the purpose of necessary repairs,

shall be liable to a penalty not exceeding one thousand dollars, without prejudice to the right of the Corporation to recover from him damages in respect of any injury by such owner or occupier done or wilfully permitted to be done to the Corporation's property, and without prejudice to the Corporation's right to recover from him the value of any water wasted, misused, or unduly consumed.

### **50—Penalty for breaking fittings**

Every person who, not being authorised thereto by the Corporation—

- (a) wilfully or carelessly breaks, injures, or opens, or wilfully permits to be broken, injured, or opened, any lock, cock, valve, pipe, or other fitting, or any work or engine belonging to the Corporation; or
- (b) flushes, or draws off the water from the reservoirs or other works of the Corporation; or
- (c) does any other wilful act, or wilfully permits to be done any act whereby such water shall be wasted,

shall be liable to a penalty not exceeding one thousand dollars and in addition shall be liable to pay to the Corporation the amount of damage to which the Corporation may be put in respect thereof, as well for the value of the water wasted as in repairing such fittings or other parts of the works, and the amount of such damage shall be ascertained, determined, and recovered in the same manner as such penalty and may be recovered and ordered to be paid by the court imposing such penalty in the same proceedings.

### **51—Duty to give notice before paving street etc**

- (1) Before beginning—
  - (a) to first lay the pavement or hard surface in any street; or
  - (b) to relay the pavement or hard surface in any street; or
  - (c) to widen or extend the pavement or hard surface in any street; or
  - (d) to alter the level of any street; or
  - (e) to construct or alter any footpaths, gutters, kerbing or water tables in any street; or
  - (f) to construct or alter any drainage work in any street,

in which there is a water main, water service or waterwork which is the property of the Corporation, the person authorised or intending so to do shall give to the Corporation fourteen days' notice thereof in writing giving details of the work to be carried out, including the nature and thickness of the pavement or hard surface proposed to be made or laid thereon, or of the other work proposed to be done as the case may be.

- (2) The Corporation shall within fourteen days after receiving such notice advise the person who gave the same of any new water main, water service or waterworks proposed in the said street or of any resultant interference with existing water mains, water services or waterworks.

- (3) Should any work referred to in subsection (1) of this section involve any alteration to any water main, water service or waterworks being the property of the Corporation the person doing such work shall, subject to the provisions of subsection (6) of this section, pay to the Corporation one half the actual cost of such alteration and of any damage resultant upon such work: Provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.
- (4) If information in accordance with subsection (1) of this section has not been supplied the person carrying out the work shall pay the actual cost of the alterations to the water main, water service or waterworks the property of the Corporation, and of all damage resultant upon the work: Provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.
- (5) Should the alterations to the water main, water service or waterworks the property of the Corporation be of such a nature as to involve expense which in the opinion of the Corporation will be excessive, then the Corporation may confer with the person authorised to do such work to determine whether any variations to the work proposed under subsection (1) of this section would be advantageous to the parties.
- (6) Should any work referred to in subsection (1) of this section involve any alteration to any water main, water service or waterworks being the property of the Corporation and the Corporation is of the opinion that any water main, water service or waterworks involved in or affected by such alteration should be replaced or enlarged, the cost of all materials requisite for such replacement or enlargement shall be borne by the Corporation, but all other costs and charges shall be payable in accordance with this section.

## **52—Penalty for contravention of Act**

If any person supplied with water by the Corporation wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, or contamination of the water of the Corporation, he shall be liable to a penalty not exceeding two thousand dollars.

## **53—Penalty for wasting water etc**

If any person supplied with water by the Corporation wastes any water, or wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soilpan, watercloset, tank, vessel or other apparatus, or appliance or receptacle, to be out of repair, or to be so used or contrived that the water supplied to him by the Corporation is, or is likely to be, wasted, misused, or contaminated, or so as to occasion or allow the return of foul air, or other noisome or impure matter, into any pipe belonging to or connected with the pipes of the Corporation, he shall for every such offence be liable to a penalty not exceeding one thousand dollars.

#### **54—Power to cut off or reduce water supply**

- (1) If any person supplied with water by the Corporation, under agreement or otherwise, fails to pay on demand any water rates, or other moneys due by him to the Corporation, or due in respect of the land occupied by such person, or in the opinion of the Corporation commits a breach of any of the provisions of this Act, the Corporation may, without prejudice to any other of the Corporation's rights, powers, or remedies, cut off or reduce the supply of water to such person, and refuse to restore the same until all water rates and other moneys so due, and all penalties which have been inflicted, together with the expenses of cutting off or reducing and restoring such water, have been paid.
- (2) The Corporation must obtain the approval of the Minister before cutting off a supply of water under subsection (1).

#### **55—Unlawfully taking water**

If any person, not being supplied with water by the Corporation, wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe, belonging to the Corporation, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the Corporation, or supplied by the Corporation for the use of any consumer, he shall be liable to a penalty not exceeding one thousand dollars.

#### **56—Pollution of streams etc**

A person shall not—

- (a) bathe; or
- (b) throw, convey or suffer or permit to be thrown or conveyed any rubbish, dirt, filth or other noisome thing; or
- (c) wash or clean any cloth, wool, leather or skin of any animal or any clothes or other things,

in any stream or watercourse within a watershed or in any waterworks wherever situated.

Maximum penalty: Two thousand dollars.

#### **57—Allowing contaminated water to flow into streams**

If any person causes the water from any sink, sewer or drain or water from any steam, diesel or other engine, or water otherwise contaminated or any domestic, industrial or agricultural liquid or material of any kind belonging to him, or under his control to run, or be brought into any stream or watercourse within a watershed or into any waterworks wherever situated he shall be liable to a penalty not exceeding two thousand dollars.

### **58—Reduction and prevention of the pollution of water**

- (1) If the Minister is satisfied that any action or the discontinuance of any action by the owner or occupier of any land within a watershed is necessary or desirable for the purpose of reducing, limiting or preventing the fouling or pollution of any water within a watershed, he may issue a notice to that owner or occupier directing him to take or discontinue any action specified in the notice within the time specified in the notice.
- (2) If an owner or occupier served with a notice pursuant to this section fails fully to execute the directions specified therein within the time specified in the notice the Minister may enter the land and do the work specified in the notice, and may recover the cost of such work from the owner or occupier as a debt due to the Minister.
- (3) Any owner or occupier served with a notice pursuant to this section who fails fully to comply with the directions specified in the notice within the time specified in the notice shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars and a further penalty of fifty dollars for each day on which the offence is continued.

### **59—Waste material from gasworks**

Every person making or supplying gas within the limits of a water district, who at any time causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, or waterworks belonging to the Corporation, or into any drain, communicating therewith, any washing or other substance which is produced in making or supplying gas, or who wilfully does any act, connected with the making or supplying of gas, whereby the water in any such stream, reservoir, aqueduct, or other waterworks is fouled, or the pipes or conduits thereof injured, shall forfeit to the Corporation the sum of two thousand dollars, to be recovered with full costs in the Supreme Court for each day during which such washing or other substance is brought or flows as aforesaid, or during which the act continues by which such water is fouled, after the expiration in either case of twenty-four hours from the time when notice of offence has been served on such person by the Corporation.

### **60—Pollution caused by gasmaker**

If the water supplied by the Corporation is fouled by the gas of any person making or supplying gas within any water district, such person shall be liable to a penalty not exceeding two thousand dollars.

### **61—Power to examine gaspipes to ascertain cause of water being fouled**

- (1) For the purpose of ascertaining whether the water of the Corporation is fouled by the gas of any person making or supplying gas within any water district, the Corporation may dig up the ground and examine the pipes, conduits, and works of the persons making or supplying gas.
- (2) At least twenty-four hours before proceeding so to dig and examine, the Corporation shall give notice in writing to the person so making or supplying gas of the time at which the digging and examining is intended to take place, and shall give the like notice to the persons having the control or management of the roads, pavements, or place where such digging shall take place.

- (3) The Corporation shall be subject to the like obligation of reinstating the road, pavement, or place, and to the same penalties for delay or any non-feasance or misfeasance therein, as hereinbefore provided with respect to roads and pavements broken up by the Corporation for laying pipes.
- (4) If upon such examination it appears that such water has been fouled by any gas belonging to such person, the expenses of the digging, examination, and repairs of the road, pavement, or place disturbed in any such examination shall be paid by the person making or supplying gas, but if upon such examination it appears that the water has not been fouled by the gas of such person, then the Corporation shall pay all the expenses of the examination and repair, and also make good to the said person any injury which may be occasioned to the Corporation's works by such examination.

## **62—Injury to or obstruction of works**

Every person who—

- (a) wilfully obstructs any person acting under the authority of the Corporation in setting out the line of any works undertaken under the authority of this Act; or
- (b) pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the line of such works; or
- (c) destroys or injures any works so undertaken as aforesaid,

shall be liable to a penalty not exceeding five hundred dollars.

## **63—Penalty for illegally diverting water**

- (1) After any stream or supply of water has been diverted, impounded, or taken by the Corporation, under the authority of this Act, every person who illegally, or without authority of the Corporation, diverts or takes any water supplying or flowing into the stream or source of supply so diverted, impounded, or taken by the Corporation, or who does any unlawful act whereby any such stream or supply of water may be diverted or diminished in quantity, or injured in quality or purity, and who does not immediately repair the injury done by him, on being required by the Corporation, so as to restore such stream or supply of water to the state in which it was before such unlawful act, shall be guilty of an offence.

Maximum penalty: One thousand dollars.

- (2) Any such penalty shall be in addition to the sum which such person may be lawfully adjudged to pay to the Corporation for any damage which the Corporation may sustain by reason of the Corporation's supply of water being diminished.
- (3) The imposition of any such penalty shall not bar the right of the Corporation to bring any action or any other remedy at law in respect of the damage so committed.

## **64—Penalty for destroying works**

Any person who unlawfully and maliciously destroys or damages or attempts to destroy or damage, any reservoir, dam, tank, tunnel, watercourse, sluice, main-pipe, aqueduct, bridge, roadway, or engine, or other part whatever of the works of the Corporation, shall be guilty of an offence, and shall be liable to be imprisoned for any term not exceeding ten years.

## 65—Entry onto land of the Corporation

- (1) A person who enters onto, or remains on, land owned or occupied by the Corporation or that is under the care, control and management of the Corporation without being authorised to do so by the Corporation is guilty of an offence.  
Maximum penalty: \$2 500.  
Expiation fee: \$315.
- (2) Without limiting the manner in which the Corporation may authorise a person to enter and remain on land, the Corporation may authorise members of the public to enter and remain on its land by notice published in the Gazette.
- (3) A notice referred to in subsection (2) may be varied or revoked by the Corporation by subsequent notice published in the Gazette.
- (4) An authorisation under this section is subject to conditions imposed—
  - (a) by this section; or
  - (b) by regulation; or
  - (c) by including them in a notice published in the Gazette under subsection (2) or in any other form of authorisation given by the Corporation; or
  - (d) by direction of a person under subsection (5); or
  - (e) by two or more of those methods.
- (5) A person acting with the authority of the Corporation (whether an employee of the Corporation or not) may give directions to persons on, or about to enter, land referred to in subsection (1) in relation to their entry, or their right to remain on, the land.
- (6) A direction given to a person under subsection (5) is a condition of that person's authorisation to enter and remain on the land.
- (7) It is a condition of an authorisation under this section (except in the case of a person who has been exempted from this condition by the Corporation) that a person who is on land referred to in subsection (1)—
  - (a) must carry with him or her identification that shows his or her name and his or her current residential address; and
  - (b) must present the identification to a person who is entitled to give directions under subsection (5) when requested to do so.
- (8) A person must not give directions under subsection (5) or make a request under subsection (7)(b) unless he or she—
  - (a) carries identification issued by the Corporation that states that he or she is authorised to act under this section; and
  - (b) presents, or makes a genuine attempt to present, the identification to a person for inspection when giving a direction to the person under subsection (5) or when requesting to see the person's identification under subsection (7).
- (9) A person who contravenes or fails to comply with a condition to which an authorisation is subject is guilty of an offence.  
Maximum penalty: \$2 500.  
Expiation fee: \$315.

## Part 5—Rates

### Division 1—Rates

#### 65A—Interpretation

- (1) In this Division, unless the contrary intention appears—

**commercial land** means ratable land that is not situated in a country lands water district and—

- (a) that, in the opinion of the Minister, is used primarily for a commercial purpose; or
- (b) that is not used for any purpose but was last used, in the opinion of the Minister, primarily for a commercial purpose;

**commercial purpose** in relation to the use of land means use of the land for one or more of the following purposes:

- (a) wholesale trade in goods;
- (b) retail trade in goods;
- (c) the provision of a service of any kind,

but does not include a purpose excluded from this definition by regulation;

**country land** means ratable land situated in a country lands water district;

**non-commercial land** means country land, residential land and all other ratable land except commercial land;

**residential building** means a building that, in the opinion of the Minister, is used primarily for residential purposes but does not include a hotel, motel, boarding house or hostel;

**residential land** means ratable land that is not situated in a country lands water district and on which a residential building is situated but does not include land—

- (a) on which a hotel, motel, boarding house or hostel is also situated; or
- (b) that, in the opinion of the Minister, is used primarily for a commercial purpose;

**water consumption rate** means the amount determined by applying the water rate to the volume of water supplied to land in a financial year;

**water rate** means the water rate fixed by the Minister under section 65C.

- (2) For the purpose of determining the water consumption rate payable in respect of land for a financial year the volume of water supplied to the land in that financial year will be taken to be the volume of water supplied to the land in the consumption year that ends in that financial year.
- (3) The provision of goods or a facility of any kind for the temporary use of a person will be taken, for the purposes of the definition of **commercial purpose**, to be the provision of a service to that person.

### **65B—Composition of rates**

- (1) Rates are made up of—
  - (a) a supply charge which is payable for the right to a supply of water to the land by the Corporation; and
  - (b) a water consumption rate based on the volume of water supplied to the land; and
  - (c) the Save the River Murray levy.
- (2) The supply charge is payable in respect of land notwithstanding that the land is not connected to the waterworks or that the Corporation has lessened, discontinued or cut off the supply of water to the land under this Act.
- (3) The supply charge in respect of commercial land is the greater of—
  - (a) the minimum supply charge fixed by the Minister in respect of that land;
  - (b) an amount determined by applying a rate fixed by the Minister in respect of that land to the capital value of the land.
- (4) The supply charge in respect of non-commercial land and the water rate in respect of both commercial and non-commercial land will be fixed by the Minister.
- (5) Payment of the supply charge in respect of commercial land for each financial year up to and including the 2001/2002 financial year must be credited against the water consumption rate payable in respect of that land for that year.

### **65C—Declaration of rates etc by Minister**

- (1) The Minister may, after consultation with the Corporation, by notice in the Gazette, fix—
  - (a) the supply charge in respect of non-commercial land;
  - (b) the minimum supply charge in respect of commercial land;
  - (c) the rate to be applied to the capital value of commercial land in order to determine the supply charge in respect of that land;
  - (d) the water rate in respect of water supplied to land.
- (2) A notice under subsection (1)—
  - (a) may fix different supply charges or rates under subsection (1)(a), (b), (c), or (d) in relation to different classes of land;
  - (b) may, in relation to all land or to a particular class of land, fix a series of water rates that increase as the volume of water supplied to the land in a financial year increases;
  - (c) will have effect in relation to a financial year specified in the notice.
- (3) Land may be classified for the purposes of subsection (2) by reference to one, or to a combination of two or more, of the following factors—
  - (a) whether the land is commercial, country or residential land or any other kind of land;
  - (b) the part of the State in which the land is situated;

- (c) any other factor or factors.

### 65CA—Save the River Murray levy

- (1) The Save the River Murray levy is—
- (a) for category 1 land—\$30 (indexed) for each financial year;
  - (b) for category 2 land—\$135 (indexed) for each financial year.

*Category 1 land* is residential land and land of any other class declared under subsection (4) to be category 1 land.

*Category 2 land* is any other land.

- (2) A proportionate amount of the levy is payable for each quarter.

**Note—**

As the levy will not come into operation until the second quarter of the 2003–2004 financial year, it follows that the amount of the levy for that financial year will be only three-quarters of the amount referable to a full financial year.

- (3) The amount of the levy is to be adjusted (to the nearest 20 cents) for each financial year commencing after this section comes into operation by multiplying the relevant amount fixed in subsection (1) by a multiplier obtained by dividing the Consumer Price Index (All Groups Index for Adelaide) for the March quarter in the calendar year in which the relevant financial year commences by the Consumer Price Index (All Groups Index for Adelaide) for the March quarter 2003.
- (4) The Minister may—
- (a) declare specified non-residential land or a particular class of non-residential land to be category 1 land; or
  - (b) exclude specified land or land of a specified class from the application of the levy; or
  - (c) declare that specified persons or persons of a specified class are entitled to a remission or partial remission of the levy; or
  - (d) vary or revoke a previous declaration or exclusion under this subsection.
- (5) The Minister is to exercise the powers conferred by subsection (4)—
- (a) by notice in the Gazette; or
  - (b) in the case of a declaration or exclusion related to specified land or specified persons (or the variation or exclusion of such a declaration or exclusion)—either by notice in the Gazette or by instrument in writing.

A declaration or exclusion (or the variation or revocation of a declaration or exclusion) is to take effect from the commencement of a particular financial year or a particular quarter (to be specified in the relevant notice or instrument). Where the declaration or exclusion (or its variation or revocation) is made by notice in the Gazette, the notice must be published before the date on which it is to take effect. An instrument related to specified land or specified persons may operate retrospectively from a specified date (but not from a date falling before the commencement of the financial year in which the instrument is made).

- (6) The above provisions are subject to the following qualifications:
- (a) a local government council is liable to a single levy of \$135 (indexed) for each financial year irrespective of the number of its landholdings and their classification;
  - (b) a person entitled to a remission of water rates under the *Rates and Land Tax Remission Act 1986* is exempt from the levy;
  - (c) a registered housing co-operative entitled to a remission of water rates in respect of premises or a part of premises under section 104 of the *South Australian Co-operative and Community Housing Act 1991* is exempt from the levy to the extent that it would (apart from this paragraph) apply to the relevant premises or the relevant part of the premises.

### **65D—Transitional provisions**

Transitional provisions affecting the application of the water consumption rate to commercial land in the 2002/2003, 2003/2004, 2004/2005 and 2005/2006 financial years are set out in the Schedule.

## **Division 3—General**

### **66A—Capital value of land**

- (1) For the purposes of this Part the capital value of land is the capital value of the land in force under the *Valuation of Land Act 1971* at the commencement of the financial year to which the water rates relate but is subject to correction or amendment upon objection, review or appeal under that Act.
- (2) If, at the commencement of the financial year to which the water rates relate, there is no capital value of the land in force under the *Valuation of Land Act 1971* the capital value of the land will be the capital value subsequently determined under that Act.

### **67—Right to recover rates not to be suspended**

The Corporation's right to recover water rates is not suspended by an objection, review or appeal in relation to a valuation under the *Valuation of Land Act 1971*, and the Corporation may recover water rates on the assumption that the valuation is correct, but if any alteration to a valuation affecting the amount of water rates payable in respect of any land is made under that Act (whether in consequence of an objection, review or appeal, or otherwise) the Corporation shall refund any excess amount recovered to the person from whom it was recovered, and may recover any additional amount, recoverable on the basis of the altered valuation, as arrears.

### **68—Time for publication of notices**

- (1) A notice under section 65C(1) fixing the supply charge in respect of non-commercial land or the water rate or rates in respect of either commercial or non-commercial land must be published in the Gazette on or before 7 December preceding the financial year in relation to which the notice has effect.

- (2) A notice under section 65C(1) fixing the minimum supply charge in respect of commercial land or the rate to be applied to the capital value of commercial land in order to determine the supply charge in respect of that land must be published in the Gazette on or before 31 July in the financial year in relation to which the notice has effect.
- (3) Notices under section 65C(1) in respect of the 1995/1996 financial year need not be published in the Gazette until 31 July 1995.

### **69—Reduction of rates**

Where water rates are not payable in respect of any land at the commencement of a financial year, but become payable in respect thereof before the expiration of that financial year, the Minister may, after consultation with the Corporation, reduce the amount of the water rates payable for that financial year in respect of the land.

### **84—Power to reduce water rates**

By notice published in the Government Gazette the Minister may, after consultation with the Corporation, from time to time, throughout the whole or any part of any water district—

- (a) reduce the water rates on every or any description of land; and
- (b) reduce the price of water supplied by the Corporation under agreement.

### **86—Right to Corporation to treat separate holdings as a single parcel of ratable land and vice versa**

- (1) The Corporation may, in the Corporation's 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 Corporation may, in the Corporation's 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 Corporation 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 the Corporation 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.

### **86A—Liability for rates in strata scheme**

- (1) Subject to subsection (3), where land is divided by a strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*—
  - (a) the owner of each lot or unit is liable for payment of the supply charge and the Save the River Murray levy in respect of the lot or unit; and
  - (b) the community or strata corporation is liable for payment of the supply charge (if any) in respect of the common property or a part of the common property; and

- (c) the community or strata corporation is liable for payment of the water consumption rate in respect of the strata scheme.
- (2) A community or strata corporation may advise the Corporation by written notice that the corporation has decided that the water consumption rate will be shared between the lots or units equally or in some other proportion specified in the notice.
- (3) Where a notice under subsection (2) is in operation in respect of a financial year, the owner of a lot or unit (and not the community or strata corporation) is liable for the payment of a proportion of the water consumption rate for that year in accordance with the notice.
- (4) A community or strata corporation may revoke a notice under subsection (2) by written notice given to the Corporation.
- (5) A notice under subsection (2) or (4)—
- (a) must be in a form approved by the Corporation;
  - (b) does not operate in respect of a financial year unless it is given to the Corporation before the commencement of the consumption year for the strata scheme that ends in that financial year.
- (6) A notice given to the Corporation under this section must have been authorised by a special resolution of the community or strata corporation but if it was not so authorised—
- (a) the owners of the lots or units or the community or strata corporation are nevertheless liable to the Corporation for payment of the water consumption rate as though the notice has been so authorised;
  - (b) the owner of a lot or unit or a community or strata corporation that is liable to pay to the Corporation a greater share of the water consumption rate than he, she or it would have been liable for if the notice had not been given to the Corporation is entitled to contribution from the lot or unit holders or the community or strata corporation (whichever is applicable) on the basis of what their respective liabilities would have been if the notice had not been given to the Corporation.
- (7) This section is subject to—
- (a) the other provisions of this Act;
  - (b) a provision of any other Act as to the manner in which the liability for water rates, or any component of water rates, is to be shared between the owner and occupier of land.
- (8) Notwithstanding subsection (5), a notice under subsection (2) or (4) will operate in respect of the 1995/1996 financial year if it is given to the Minister before 1 July 1995.
- (9) In this section—
- owner** in relation to a lot or unit includes subsequent owners of the lot or unit.

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**86AA—Liability for rates where land divided by community plan**

- (1) Where land is divided by a primary, secondary or tertiary plan of community division under the *Community Titles Act 1996*—
  - (a) in the case of the division of land by a primary plan—water rates are payable in respect of the primary lots that are not divided by a secondary plan and in respect of a development lot or lots (if any);
  - (b) in the case of the division of land by a secondary plan—water rates are payable in respect of the secondary lots that are not divided by a tertiary plan and in respect of the development lot or lots (if any);
  - (c) in the case of the division of land by a tertiary plan—water rates are payable in respect of the tertiary lots and a development lot or lots (if any).
- (2) Where land is divided by a primary, secondary or tertiary plan of community division under the *Community Titles Act 1996* and the lots created by the plan comprise commercial land—
  - (a) in the case of the division of land by a primary plan—where the use of the common property or part of it is, in the opinion of the Valuer-General reasonably incidental to the use of one or more of the primary lots, a supply charge will not be levied against the common property, or that part of it, but the interest in the common property, or that part of it, that attaches to each primary lot will be regarded for the purposes of valuation as part of the lot;
  - (b) in the case of the division of land by a secondary plan—where the use of the common property or part of it is, in the opinion of the Valuer-General reasonably incidental to the use of one or more of the secondary lots, a supply charge will not be levied against the common property, or that part of it, but the interest in the common property, or that part of it, (and in the common property of the primary scheme referred to in paragraph (a) (if any)) that attaches to each secondary lot will be regarded for the purposes of valuation as part of the lot;
  - (c) in the case of the division of land by a tertiary plan—where the use of the common property or part of it is, in the opinion of the Valuer-General, reasonably incidental to the use of one or more of the tertiary lots, a supply charge will not be levied against the common property, or that part of it, but the interest in the common property, or that part of it, (and in the common property of the primary and secondary schemes referred to in paragraphs (a) and (b) (if any)) that attaches to each tertiary lot will be regarded for the purposes of valuation as part of the lot.
- (3) Where—
  - (a) land is divided by a primary, secondary or tertiary plan of community division under the *Community Titles Act 1996*; and
  - (b) the lots created by the plan comprise commercial land; and
  - (c) the use of the common property or any part of it is not, in the opinion of the Valuer-General, reasonably incidental to the use of any of the community lots,

a supply charge may be levied against the common property or that part of it and the relevant community corporation is liable for the supply charge as though it were the owner of the common property.

- (4) Subject to this Act, where land is divided by a plan of community division and water rates are levied separately against the common property, or part of the common property, the community corporation is liable for those rates as though it were the owner of the common property.
- (5) In this section—
- commercial land* has the same meaning as in Division 1.

### **86B—Sharing water consumption rate in certain circumstances**

- (1) Where—
- (a) water supplied to land is used by two or more persons; and
  - (b) the Corporation—
    - (i) levies water rates separately against each of those persons; and
    - (ii) has measured the volume of water supplied but not the proportions in which it has been used by each of those persons,

those persons are liable for payment of the water consumption rate in respect of that water in the following shares:

- (c) if a notice under subsection (2)(a) is in operation—the shares specified in the notice; or
  - (d) if such a notice is not in operation—equal shares.
- (2) The persons referred to in subsection (1) may—
- (a) advise the Corporation by written notice that they have agreed to share the water consumption rate in the manner specified in the notice;
  - (b) revoke a notice referred to in paragraph (a) by written notice given to the Corporation.
- (3) A notice under subsection (2)—
- (a) must be in a form approved by the Corporation;
  - (b) does not operate in respect of a financial year unless it is given to the Corporation before the commencement of the consumption year for the land that ends in that financial year.
- (4) This section does not apply to land divided by a strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*.
- (5) Notwithstanding subsection (3), a notice under subsection (2) will operate in respect of the 1995/1996 financial year if it is given to the Minister before 1 July 1995.
- (6) Where—
- (a) subsection (1) would, but for this subsection, apply in relation to land; and
  - (b) a notice under subsection (2)(a) does not operate in relation to the land in respect of the 1995/1996 financial year,

subsection (1) does not apply in relation to the land in respect of that financial year.

### **87—Recovery of money by Corporation**

- (1) A notice containing particulars of any amount (other than a pecuniary penalty) payable to the Corporation by any person under this Act or under an agreement to defer payment of an amount due under this Act, or under a notice made or published under this Act (which notice may also contain particulars of an amount payable to the Corporation under the *Sewerage Act 1929*), shall be given to such person as soon as conveniently may be after the amount becomes payable.
- (2) Any such notice may be given—
  - (a) by delivering the same to the person by whom the 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 with respect to which, or with respect to any meter or fitting upon or in which the amount is payable; or
  - (c) by posting the same enclosed in a prepaid envelope addressed to the person by whom the amount is payable, at his last known or most usual place of abode or business.
- (3) In any proceedings for the recovery of any such amount as aforesaid, the onus of proving that notice was not given as provided by this section shall be on the defendant.
- (4) The amount specified in a notice under this section shall, upon the giving of the notice, be forthwith paid to the Corporation, and the Corporation may, in default of such payment, whether or not the amount is due in respect of rates—
  - (a) use any or all of the methods and remedies provided by this Act for the recovery of rates in arrear; and
  - (b) cut off or reduce the supply of water to the land in respect of which, or of the meter or any fitting upon or in which, such amount is payable, until the amount, together with all the expenses incurred by the Corporation in cutting off or reducing such supply and the estimated cost of restoring such supply, have been paid.
- (4a) The Corporation must obtain the approval of the Minister before cutting off a supply of water under subsection (4)(b).
- (5) 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 Corporation.

### **88—Exemption from rates**

- (1) Subject to this section, land that has been acquired or is used—
  - (a) exclusively for charitable purposes; or
  - (b) exclusively for public worship; or
  - (c) for the purposes of a State school,shall be exempt from water rates.

- (2) Where land is acquired for a purpose referred to in subsection (1) but, before being used for that purpose, is used for a purpose not referred to in that subsection, the land shall cease to be exempt from water rates under that subsection and the water rates that have not been paid (if any) by virtue of that exemption shall, subject to subsection (2a), become payable.
- (2a) Rates payable under subsection (2) shall be reduced by the amount of the charges (if any) paid under subsection (4) in respect of the same period.
- (3) The Minister may, after consultation with the Corporation, remit all or portion of the rates that would by virtue of the operation of subsection (2) of this section be payable.
- (4) Notwithstanding that land is exempt from water rates under this section or under the provisions of any other Act, the Minister may, after consultation with the Corporation, require the owner or occupier of the land to pay charges for—
  - (a) the supply of water to the land; or
  - (b) other services related to the supply of water.
- (5) The charges imposed on the owner or occupier of land under subsection (4) must not exceed, in a financial year, the total amount of the rates and charges that would be payable in respect of the land for that financial year if the land were not exempt from water rates.
- (6) In the exercise of powers under subsection (4) the Minister may, after consultation with the Corporation, impose—
  - (a) a charge determined according to the volume of water supplied; or
  - (b) a fixed charge or a fixed minimum charge; or
  - (c) a charge determined on any other basis; or
  - (d) a combination of two or more of the foregoing charges.
- (7) The Minister may publish the charges payable under this section in the Gazette.
- (8) A charge payable under this section in respect of land that is exempt from water rates may be recovered in the same manner as water rates.

## **90—Gazetted mains**

- (1) Whenever a main pipe or part of a main pipe has been laid down by the Corporation the Corporation may cause to be published in the Gazette a notice that the Corporation is prepared to provide a constant supply of water to adjacent land.
- (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 94 of this Act, be deemed to have been published immediately after the day on which the notice or 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.

### **91—Provisions where several houses supplied by one pipe**

Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or where water is supplied to courts, alleys, and rights-of-way by standpipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of the same water rates as they would have been liable to if each of the several houses or parts of houses had been supplied with water from the works of the Corporation by a separate pipe.

### **92—Power of Corporation to give notice to occupiers to pay rents when water rates payable by owner are in arrear**

- (1) In respect of water rates or any other moneys for the payment of which the owner of any land is liable, the Corporation may give notice in writing to the occupier of the land, in respect of which the arrears shall be due, to pay to the Corporation all rents thenceforward until satisfaction shall be made thereof of the arrears.
- (2) Every such occupier shall pay all rent accruing due after the service of such notice, pursuant to the requisitions thereof, to the Corporation.
- (3) Until full satisfaction of the said arrears by the receipt of rent as aforesaid, together with an amount equal to five per centum of the rent paid as aforesaid (which said amount shall be payable to the Corporation as costs for the collection of such rent), the Corporation is hereby empowered to exercise against the occupier, in addition to any other remedy under this Act, all remedies which may be enforced by a landlord against a tenant for recovery of rent in arrear.
- (4) The receipts given by the Corporation to each such occupier shall, as between him and the person to whom he should otherwise have paid such rent, be a complete discharge from such rent to the amount paid, and may be pleaded in bar to every action in which such rent is, or damages in lieu thereof are, sued for.

### **93—Recovery of amounts due to Corporation**

- (1) Subject to subsection (1a), any amount (other than a pecuniary penalty) due to the Corporation under this Act or under an agreement to defer payment of an amount due under this Act shall, until payment, be and remain a first charge upon the land with respect to which, or to any meter or fitting upon or in which, the amount is payable.
- (1a) An amount due to the Corporation under this Act or under an agreement to defer payment of an amount due under this Act that is payable in respect to land, or to a meter or fitting on land, that comprises the whole or part of the common property of a scheme under the *Community Titles Act 1996* or the *Strata Titles Act 1988* is not a charge on the common property but is, instead, a first charge on each of the lots or units of the community or strata scheme.
- (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 any such amount.

- (3) The said amount shall be payable by and be recoverable from the consumer, or from the owner or occupier for the time being of the land with respect to which, or to any meter or fitting upon or in which, the amount is payable.

#### **94—Time for payment of water rates etc**

- (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 supply charge is payable by equal instalments on the first day of each quarter of the financial year;
  - (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 Corporation 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 supply charge, 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 Corporation.

#### **95—Recovery of rates**

- (1) If any water rates or other charges due to the Corporation are unpaid, the Corporation may—
- (a) recover the said rates or charges with costs; or

- 
- (b) issue a warrant to a bailiff or other person referred to in the warrant (whether by name or by reference to his office) to levy the said rates or charges together with fees and expenses not exceeding the fees and expenses prescribed by this Act, by distress and sale of the goods and chattels, wheresoever they may be found, of the owner or occupier, at the time when the warrant is executed, of the land with respect to which the said rates or charges are payable.
- (2) The Corporation may in the first instance at the Corporation's option, cause to be distrained under this section either the goods and chattels of the person occupying the land in respect of which rates or charges are due and unpaid, or the goods and chattels of the owner of the said land; and in case no sufficient goods and chattels of the person against whom distress is levied in the first instance are found to satisfy the distress, the Corporation may cause to be distrained the goods and chattels of the other person whose goods and chattels are under this section liable to distraint.
- (3) If the owner of any land in respect of which any rates or charges are due and unpaid is absent from the State, and upon distress being levied no sufficient goods of the occupier can be found to satisfy such distress, the agent of the owner shall be liable for the said rates or charges and the same may be recovered from him: Provided that the liability of such agent shall be limited to moneys held by him or coming into his possession on behalf of the owner.
- (4) Any bailiff or other person to whom a warrant has been issued under this section shall, for the purpose of executing the warrant, have all the powers and authorities of a bailiff under the *Local Courts Act 1926*.

#### **96—Power of tenant paying water rates or other charges due by his landlord to recover same**

- (1) When any owner or lessor of any land is, by contract or otherwise, liable to payment of any water rates or other charges to be collected in respect thereof, and such water rates or other charges are required from and paid by any lessee or occupier, then the lessee or occupier may set off the amount so paid against any rent due from him to such owner or lessor, and the Corporation's receipt for such water rates or other charges shall be a discharge of rent and evidence of payment to the amount specified therein.
- (2) If the water rates or other charges so paid or satisfied exceed the rent due, the lessee or occupier may either set off the amount of the excess against accruing rent or recover the same by action as for money paid.
- (3) If any notice is given by the lessee or occupier to the owner or lessor of the water rates or other charges having been demanded, and there is no rent due from him in respect of the property rated, and the lessee or occupier is compelled to pay the water rates or other charges, he may sue the owner or lessor for the amount as for money paid, and shall be entitled to recover the same with full costs as between solicitor and client.
- (4) If the goods of the lessee or occupier are subjected to distress and sale for the satisfaction of the water rates or other charges and no rent at the time is due, he may sue the owner or lessor for double the amount of the value of his goods so distrained and sold, and shall be entitled to recover the same with costs as aforesaid.

### 97—Power of tenant to recover portion of water rate or other charges in certain cases

A tenant who pays water rates or other charges for a period prior to or extending beyond his term shall be entitled to recover from his landlord the amount so paid.

### 98—Power to sell land

- (1) If any water rates or other charges in respect of any land are in arrear for the space of two years, the Corporation may cause to be published three times in the Government Gazette a notice, in the prescribed form.
- (2) If, after one year from the last publication of the notice, all or any part of the water rates or other charges due at the time of the first publication thereof are still unpaid, the Corporation may, with the approval of the Minister—
  - (a) let such land from year to year, and may receive the rents and apply the same towards the payment of the water rates or other charges and the costs and expenses, and hold any surplus for the owners of the land:
  - (b) by application to the Supreme Court or any judge thereof, apply for a sale of the lands described in such notice, or of so much thereof as may be necessary.
- (3) The court or judge, on being satisfied by affidavit or otherwise that the arrears are lawfully due and were in arrear at the time of the first publication of such notice, and that all acts required by this section to be done by the Corporation have been done, shall order—
  - (a) that the said land be sold, or so much thereof as is sufficient to pay all arrears due up to the time of sale and interest at five per centum per annum, from the time of the first publication of the notice on such arrears as were then due, together with all costs of and attending the notice, and the costs of and attending the application and of and attending the sale by public auction; and
  - (b) that the proceeds be paid into court; and
  - (c) that payment of the said water rates, charges, interests, costs, and expenses be made in preference to any mortgage or other security; and
  - (d) that the conveyance or deed of assurance, as the case may require, shall be executed by the Master, or other officer of the court, to the purchaser, in such form as shall be approved by the court or a judge.
- (4) The said conveyance or deed of assurance shall vest the legal estate (according to its nature) in the sold lands in the purchaser, free from all encumbrances.
- (5) The balance arising from the proceeds of such sale shall remain and be subject to any future or other orders of the court, for behoof of the party or parties interested therein.
- (6) In any case where the land is under the provisions of the *Real Property Act 1886*, the purchaser shall be entitled to receive a certificate of title to the land purchased.
- (7) In this section—

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

## 99—Power of lessee to recover half cost of service pipes etc when lease has less than five years to run

Any lessee, and the executors, administrators, and assigns of any lessee of land, who holds or who hold the land under a lease for a term whereof a period less than five years remain unexpired, when the cost hereinafter mentioned is incurred, shall—

- (a) be entitled to receive from his lessor, his executors, administrators, or assigns, a moiety of the cost which such lessee or his under-lessee, or the executors, administrators, or assigns of such lessee or under-lessee, may have paid or may be liable to pay to the Corporation for providing, laying down, and fixing in readiness for use, such service pipes or other prescribed fittings as are necessary for conveying the water from the main pipe to such land; and
- (b) may, in addition to any other remedy for recovering such costs, deduct such moiety from any rent due or to accrue due under the lease.

## Part 6—Save the River Murray Fund

### 100—Save the River Murray Fund

- (1) The *Save the River Murray Fund* is established.
- (2) The Fund will be held by the Minister.
- (3) The component of rates paid to the Corporation under this Act attributable to the Save the River Murray levy will be paid by the Corporation into the Consolidated Account.
- (4) The revenue paid into the Consolidated Account under this section is to be paid by the Treasurer into the Fund (and the Consolidated Account is appropriated by this section to the necessary extent).
- (5) The money paid into the Fund under this section will from time to time be applied by the Minister towards—
  - (a) programs and measures to—
    - (i) improve and promote the environmental health of the River Murray; or
    - (ii) ensure the adequacy, security and quality of the State's water supply from the River Murray; and
  - (b) if the State's contributions to the Murray-Darling Basin Authority (established under the *Water Act 2007* of the Commonwealth) for a particular financial year exceed \$15 million (indexed<sup>1</sup>)—payment of the excess; and
  - (c) if the Minister is satisfied that it may be appropriate to provide rebates in particular cases—the costs of rebates (including the costs of administering the rebate scheme).
- (6) The Minister must, as soon as practicable after 30 June in each year, submit to the President of the Legislative Council and the Speaker of the House of Assembly a report detailing—
  - (a) the amount of money paid into the Fund under this section; and

- (b) the application by the Minister of money paid into the Fund under this section,

during the period of 12 months preceding that 30 June.

- (7) The President of the Legislative Council and the Speaker of the House of Assembly must, on receiving a report under this section, lay the report before their respective Houses.

- (8) In this section—

*Minister* means the Minister to whom the administration of the *Murray-Darling Basin Act 1993* is for the time being committed.

**Note—**

- 1 The sum of \$15 million is to be adjusted, for each financial year commencing after this paragraph comes into operation, by the same indexation factor as is applicable to the calculation of the amount of the levy for that financial year.

## Part 7—Power to lease certain waterworks

### 106—Power to lease

- (1) The Corporation may lease to any municipal corporation or district council or to any persons the whole or any part of any waterworks, and any property connected therewith, for such period, at such rent, upon such terms and conditions, and subject to such powers, reservations, restrictions, and provisions as the Corporation may think fit.
- (2) Any municipal corporation or district council may accept any such lease, and may from time to time apply all necessary portions of its revenue in paying the rent reserved thereby, and also in repairing and maintaining the waterworks so leased.
- (3) The power to lease conferred by this section shall not apply to any waterworks within the Adelaide water district.

### 107—Power to accept surrenders

The Corporation may accept a surrender of any such lease upon such terms and conditions, and may allow such concessions and remissions, as the Corporation shall think fit.

### 108—Powers of lessees

- (1) Every such lessee shall, during the term of the lease, have and may exercise, with respect to the works so leased, all such rights, powers, and privileges vested in and exercisable by the Corporation as the Governor may, from time to time by proclamation, declare.
- (2) Notwithstanding any such lease, all convictions, fines, penalties, and forfeitures for any crime or offence against the provisions of this Act, shall be punishable, payable, and recoverable against, by, and from the person committing or liable to the same, as if any such leases had not been made.

## 109—Rating powers of lessees

Whenever any waterworks are leased under this Part it shall be competent for the Governor by proclamation, to confer on the lessees, during the term of any lease, all or any of the powers in Part 5 granted to the Corporation. The powers conferred as aforesaid may be conferred subject to such conditions or restrictions as the Governor in the proclamation may fix.

## Part 8—Miscellaneous

### 109A—Certain work may be carried out by owner

- (1) Where a person who has applied to the Corporation 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 Corporation) is dissatisfied with the Corporation'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.
- (2) Where—
  - (a) a person has applied to the Corporation 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; and
  - (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 Corporation 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 authorise the connection of the new work to the waterworks.
- (4) The work must be designed by, or to the satisfaction of, the Corporation and be carried out under the supervision, and to the satisfaction, of the Corporation.
- (5) The Corporation 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 Corporation for—
  - (a) designing the work; and
  - (b) providing the necessary plans and specifications; and
  - (c) connecting the work to the waterworks; and
  - (d) supervising and inspecting the work,

but the applicant is not liable, subject to section 109B for any other charge or fee under this Act in respect of the work.

### **109B—Capital contribution where capacity of waterworks increased**

- (1) Where the Minister has decided to increase the capacity of the waterworks to cater for future demand for the supply of water in a particular area and—
- (a) the decision was made in response to an application for development authorisation for the division of land in that area; or
  - (b) the decision was made in response to such an application or for any other reason and a person applies for development authorisation for the division of land in that area at any time after the Minister made the decision,

the applicant is liable to make a contribution to the Minister towards the cost of increasing the capacity of the waterworks.

- (2) The amount of the contribution is an amount equivalent to that part of the cost of increasing the capacity of the waterworks that should, in the Minister's opinion, be attributed to the additional demand for the supply of water resulting from the division.
- (3) If a proposed division of land does not proceed because—
- (a) the application for development authorisation lapses or is withdrawn; or
  - (b) development authorisation for the division is refused or is subject to conditions that are unacceptable to the applicant,

any contribution paid to the Minister under this section must be refunded by the Minister.

- (4) In this section—

*cost* of increasing the capacity of the waterworks means the estimated cost, or if the required work has been completed, the actual cost of the increase;

*development authorisation* means a development authorisation within the meaning of the *Development Act 1993* and includes a planning authorisation within the meaning of the *Planning Act 1982* and a certificate of approval issued under Part 2 Division 5 of the *Strata Titles Act 1988*;

*division* of land means division under Part 19AB of the *Real Property Act 1886* or by community plan under the *Community Titles Act 1996* or by strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*.

### **111—Time for commencement of prosecutions**

Proceedings for an offence against this Act must be commenced within two years of the date of the alleged offence.

### **112—Register of meters to be prima facie evidence**

The register of every meter provided by the Corporation, or a copy thereof, certified to be true by the Corporation, shall be *prima facie* evidence of the quantity of water consumed.

### **112A—Certificate of Corporation**

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

### **113—Persons liable to penalties**

Every penalty imposed by this Act may be proceeded for and enforced either against the person actually in breach of this Act or the person in whose employment he is, or on whose behalf he is acting.

### **116—Tender of amends**

If any person commits any irregularity, trespass, or other wrongful proceeding in execution of this Act, or omits to do anything which in pursuance of this Act, or by virtue of any power or authority hereby given, he ought to do, and makes tender to the person injured, his solicitor or agent, of such amends as, in the opinion of the court at the trial were sufficient, such last-mentioned person shall not recover in any such action.

### **118—Gazette to be evidence in certain cases**

The production of the Government Gazette containing any notice purporting to be published by the Minister or the Corporation in pursuance of this Act, shall in every court of justice be deemed and taken to be *prima facie* evidence of the publication, and of all such facts and circumstances as were or shall be necessary to authorise the publication of any such notice.

### **119—Evidence**

In all proceedings for the recovery of rates or other charges, the allegation by the Corporation that a person is the owner or occupier of any particular quantity of land liable to be rated, and of the amount of rates or other charges due in respect thereof, shall be *prima facie* evidence of the fact.

### **119A—Validation of certain surcharges**

The expressions *water rates* and *rates* when used in section 3 of the *Waterworks Act 1927*, section 3 of the *Water and Sewerage Rates (Surcharge) Act 1928*, section 3 of the *Water and Sewerage Rates (Surcharge) Act 1929*, section 3 of the *Water and Sewerage Rates (Surcharge) Act 1930*, section 3 of the *Water and Sewerage Rates (Surcharge) Act 1931*, section 3 of the *Water and Sewerage Rates (Surcharge) Act 1932*, section 3 of the *Water and Sewerage Rates (Surcharge) Act 1933* and section 3 of the *Water and Sewerage Rates (Surcharge) Act 1934*, shall be deemed to include and refer to and always to have included and referred to construction rates payable under *The Waterworks Act Amendment Act 1888* (as amended by the *Waterworks Act Amendment Act 1925*) or under Part 6 of this Act.

## 120—Existence of communication pipes and meter evidence of contract

The existence of a communication pipe or pipes between a main pipe of the Corporation and any land and the existence of a meter on or near such land shall, in any legal proceedings, be conclusive evidence that the consumer, and the owner and the occupier of the land for the time being, have severally contracted with the Corporation for the supply of water to them respectively, subject to the provisions of this Act.

## 121—Tod River and Coonalpyn Downs water district

Land 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 for the purposes of this Act notwithstanding that the land is separated from a gazetted main pipe by—

- (a) any land constituting, or forming part of, a road, or roads; or
- (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.

## Schedule—Transitional provisions

### 1—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.

### 2—Water consumption rate for commercial land

- (1) Part of the water consumption rate payable for the 2002/2003, 2003/2004, 2004/2005 and 2005/2006 financial years in respect of commercial land will be discounted.
- (2) The part of the rate to be discounted is that part of the rate payable in respect of the water supplied to the land up to a volume determined in accordance with the following formula:

$$A = \frac{SC}{WR} \times F$$

Where

*A* is the volume of water expressed in kilolitres

*SC* is the supply charge payable in respect of the land for the financial year to which the discount relates

*WR* is the water rate declared for the relevant financial year in respect of the land or, if a series of two or more rates have been declared for that year in respect of the land, is the higher or highest of those rates

*F* is a factor having the following values depending on the financial year:

<b>Financial year</b>	<b>Value</b>
2002/2003	1.07
2003/2004	1.14
2004/2005	1.21
2005/2006	1.28.

(3) The discount is—

- (a) 80 per cent for the 2002/2003 financial year;
- (b) 60 per cent for the 2003/2004 financial year;
- (c) 40 per cent for the 2004/2005 financial year;
- (d) 20 per cent for the 2005/2006 financial year.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation repealed by principal Act

The *Waterworks Act 1932* repealed the following:

*The Waterworks Act 1882*

*The Waterworks Act Amendment Act 1888*

*Waterworks Act Amendment Act 1921*

*Waterworks Act Amendment Act 1925*

*Waterworks Act 1927*

*Waterworks Act Amendment Act 1929*

*Waterworks Act Amendment Act 1932*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1932	2101	<i>Waterworks Act 1932</i>	30.11.1932	30.11.1932
1935	2235	<i>Waterworks Act Amendment Act 1935</i>	12.12.1935	12.12.1935
1936	2293	<i>Statute Law Revision Act 1936</i>	8.10.1936	8.10.1936
1936	2326	<i>Waterworks Act Amendment Act 1936</i>	26.11.1936	26.11.1936
1954	50	<i>Waterworks Act Amendment Act 1954</i>	16.12.1954	1.7.1954: s 13
1956	10	<i>Waterworks Act Amendment Act 1956</i>	18.10.1956	18.10.1956
1962	53	<i>Waterworks Act Amendment Act 1962</i>	15.11.1962	15.11.1962
1966	40	<i>Statutes Amendment (Waterworks and Sewerage) Act 1966</i>	25.8.1966	25.8.1966
1969	64	<i>Waterworks Act Amendment Act 1969</i>	4.12.1969	21.5.1970 ( <i>Gazette</i> 21.5.1970 p1842)

1970	59	<i>Waterworks Act Amendment Act 1970</i>	10.12.1970	10.12.1970
1971	37	<i>Waterworks Act Amendment Act 1971</i>	22.4.1971	22.4.1971
1972	79	<i>Statutes Amendment (Valuation of Land) Act 1972</i>	5.10.1972	1.6.1972: s 2
1974	16	<i>Rates and Taxes Remission Act 1974</i>	4.4.1974	1.7.1973: s 2
1974	44	<i>Waterworks Act Amendment Act 1974</i>	11.4.1974	1.7.1973: s 4 except ss 23—44— 1.7.1974: s 24
1975	98	<i>Statutes Amendment (Rates and Taxes Remission) Act 1975</i>	20.11.1975	1.7.1975: s 2
1977	55	<i>Statutes Amendment (Rates and Taxes Remission) Act 1977</i>	15.12.1977	1.7.1978: s 2
1978	18	<i>Waterworks Act Amendment Act 1978</i>	23.3.1978	23.3.1978
1981	10	<i>Statutes Amendment (Water and Sewerage Rating) Act 1981</i>	5.3.1981	1.7.1980: s 2
1981	29	<i>Statutes Amendment (Valuation of Land) Act 1981</i>	19.3.1981	30.6.1981 ( <i>Gazette 4.6.1981 p1640</i> )
1984	18	<i>Waterworks Act Amendment Act 1984</i>	3.5.1984	17.5.1984 ( <i>Gazette 17.5.1984 p1161</i> )
1984	88	<i>Valuation of Land Act Amendment Act 1984</i>	29.11.1984	11.7.1985 ( <i>Gazette 4.7.1985 p6</i> )
1986	78	<i>Rates and Land Tax Remission Act 1986</i>	4.12.1986	1.4.1987 ( <i>Gazette 26.3.1987 p702</i> )
1987	39	<i>Waterworks Act Amendment Act 1987</i>	23.4.1987	1.7.1987 ( <i>Gazette 14.5.1987 p1248</i> )
1991	7	<i>Statutes Amendment (Water Resources) Act 1991</i>	28.3.1991	s 7—1.7.1998 ( <i>Gazette 25.6.1998 p2649</i> )
1991	10	<i>Waterworks (Rating) Amendment Act 1991</i>	28.3.1991	1.7.1991 ( <i>Gazette 2.5.1991 p1435</i> )
1991	51	<i>Statutes Amendment (Waterworks and Sewerage) Act 1991</i>	22.11.1991	s 3(a)—(d)—22.11.1991; s 3(e)— 1.7.1991: s 2
1992	68	<i>Waterworks (Residential Rating) Amendment Act 1992</i>	19.11.1992	1.12.1992 ( <i>Gazette 26.11.1992 p1620</i> )
1994	33	<i>Statutes Amendment (Waterworks and Sewerage) Act 1994</i>	2.6.1994	1.7.1987: s 2
1994	59	<i>Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994</i>	27.10.1994	1.1.1995 ( <i>Gazette 8.12.1994 p1942</i> )
1994	82	<i>South Australian Water Corporation Act 1994 as amended by 23/1995</i>	8.12.1994	Sch 1 (cl 7)—22.6.1995; Sch 2— 1.7.1995 ( <i>Gazette 15.6.1995 p2841</i> )
1995	23	<i>Waterworks (Rating) Amendment Act 1995</i>	20.4.1995	1.7.1995 ( <i>Gazette 8.6.1995 p2790</i> )
1995	25	<i>Plumbers, Gas Fitters and Electricians Act 1995</i>	27.4.1995	1.7.1995 ( <i>Gazette 29.6.1995 p2977</i> )
1996	38	<i>Statutes Amendment (Community Titles) Act 1996</i>	9.5.1996	ss 48—52—4.11.1996 ( <i>Gazette 31.10.1996 p1460</i> )

## Waterworks Act 1932—15.12.2008 to 24.6.2009

### Legislative history

1996	61	<i>Statutes Amendment (Waterworks and Sewerage) Act 1996</i>	8.8.1996	22.8.1996 ( <i>Gazette</i> 22.8.1996 p684)
2001	57	<i>Waterworks (Commercial Land Rating) Amendment Act 2001</i>	8.11.2001	8.11.2001
2003	15	<i>Statutes Amendment (Water Conservation Practices) Act 2003</i>	19.6.2003	19.6.2003
2003	32	<i>Waterworks (Save the River Murray Levy) Amendment Act 2003</i>	24.7.2003	1.10.2003: s 2
2005	69	<i>Adelaide Park Lands Act 2005</i>	8.12.2005	Sch 1 (cl 26)—1.12.2006 ( <i>Gazette</i> 26.10.2006 p3810)
2006	17	<i>Statutes Amendment (New Rules of Civil Procedure) Act 2006</i>	6.7.2006	Pt 79 (ss 255 & 256)—4.9.2006 ( <i>Gazette</i> 17.8.2006 p2831)
<b>2008</b>	<b>41</b>	<b><i>Murray-Darling Basin Act 2008</i></b>	<b>6.11.2008</b>	<b>Sch 1 (cl 35)—15.12.2008 (<i>Gazette</i> 11.12.2008 p5475)</b>

### Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 11 of The Public General Acts of South Australia 1837-1975 at page 412.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
s 4		
s 4(1)	s 4 redesignated as s 4(1) by 18/1984 s 3(c)	17.5.1984
adjacent land	amended by 82/1994 Sch 2	1.7.1995
consumption year	amended by 82/1994 Sch 2	1.7.1995
Corporation	inserted by 82/1994 Sch 2	1.7.1995
direct service	amended by 82/1994 Sch 2	1.7.1995
fittings	amended by 18/1984 s 3(a)	17.5.1984
<i>Minister</i>	<i>deleted by 18/1984 s 3(b)</i>	<i>17.5.1984</i>
ratable land	amended by 82/1994 Sch 2	1.7.1995
water rate	amended by 82/1994 Sch 2	1.7.1995
<i>watershed</i>	<i>deleted by 7/1991 s 7(a)</i>	<i>1.7.1998</i>
<i>watershed zone</i>	<i>deleted by 7/1991 s 7(a)</i>	<i>1.7.1998</i>
waterworks	amended by 82/1994 Sch 2	1.7.1995
s 4(2)	inserted by 18/1984 s 3(c)	17.5.1984
s 4(3)	inserted by 61/1996 s 4	22.8.1996
s 5	substituted by 82/1994 Sch 2	1.7.1995
Pt 1A	inserted by 61/1996 s 5	22.8.1996
Pt 2		
s 6	substituted by 61/1996 s 6	22.8.1996
Pt 3	heading substituted by 82/1994 Sch 2	1.7.1995

<i>s 9</i>	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
<i>s 9A</i>	<i>deleted by 7/1991 s 7(b)</i>	<i>1.7.1998</i>
<i>s 10</i>		
<i>s 10(1)</i>	amended by 18/1984 s 4(a)—(e)	17.5.1984
	IVA deleted by 18/1984 s 4(b)	17.5.1984
	XVII deleted by 18/1984 s 4(d)	17.5.1984
	amended by 39/1987 s 3(a)	1.7.1987
	amended by 7/1991 s 7(c)	1.7.1998
	XXI—XXIV deleted by 7/1991 s 7(d)	1.7.1998
	amended by 82/1994 Sch 2	1.7.1995
	XIV deleted by 25/1995 Sch 2 cl 1(d)	1.7.1995
	amended by 61/1996 s 7(a)—(j)	22.8.1996
	amended by 15/2003 s 6(1)	19.6.2003
<i>s 10(2)</i>	substituted by 18/1984 s 4(f)	17.5.1984
	substituted by 61/1996 s 7(k)	22.8.1996
<i>s 10(2aa)—see</i>		
<i>s 10(3)</i>		
<i>s 10(2a)—see</i>		
<i>s 10(4)</i>		
<i>s 10(2ab)—see</i>		
<i>s 10(5)</i>		
<i>s 10(2b)—see</i>		
<i>s 10(6)</i>		
<i>s 10(2c)—see</i>		
<i>s 10(7)</i>		
<i>s 10(3)</i>	<i>s 10(2aa) inserted by 39/1987 s 3(b)</i>	<i>1.7.1987</i>
	<i>s 10(2aa) amended by 82/1994 Sch 2</i>	<i>1.7.1995</i>
	<i>s 10(2aa) redesignated as s 10(3) by 61/1996 s 7(m)</i>	<i>22.8.1996</i>
<i>s 10(4)</i>	<i>s 10(2a) inserted by 18/1984 s 4(f)</i>	<i>17.5.1984</i>
	<i>s 10(2a) substituted by 61/1996 s 7(l)</i>	<i>22.8.1996</i>
	<i>s 10(2a) redesignated as s 10(4) by 61/1996 s 7(m)</i>	<i>22.8.1996</i>
<i>s 10(5)</i>	<i>s 10(2ab) inserted by 61/1996 s 7(l)</i>	<i>22.8.1996</i>
	<i>s 10(2ab) redesignated as s 10(5) by 61/1996 s 7(m)</i>	<i>22.8.1996</i>
<i>s 10(6)</i>	<i>s 10(2b) inserted by 18/1984 s 4(f)</i>	<i>17.5.1984</i>
	<i>s 10(2b) redesignated as s 10(6) by 61/1996 s 7(m)</i>	<i>22.8.1996</i>
	<i>substituted by 15/2003 s 6(2)</i>	<i>19.6.2003</i>
<i>s 10(7)</i>	<i>s 10(2c) inserted by 18/1984 s 4(f)</i>	<i>17.5.1984</i>
	<i>s 10(2c) redesignated as s 10(7) by 61/1996 s 7(m)</i>	<i>22.8.1996</i>
<i>s 10(8)</i>	<i>s 10(3) redesignated as s 10(8) by 61/1996 s 7(m)</i>	<i>22.8.1996</i>
<i>s 11</i>	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>

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s 13	amended by 82/1994 Sch 2	1.7.1995
s 14		
s 14(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
ss 15 and 16	amended by 82/1994 Sch 2	1.7.1995
s 17		
s 17(1)—(3)	amended by 82/1994 Sch 2	1.7.1995
s 18	amended by 18/1978 s 2	23.3.1978
	amended by 18/1984 s 5	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
ss 19, 21 and 23	amended by 82/1994 Sch 2	1.7.1995
ss 24—26	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
Pt 4		
s 27	will expire by proclamation: s 27(3)	
s 27(1)	s 27 amended by 82/1994 Sch 2	1.7.1995
	s 27 amended and redesignated as s 27(1) by 69/2005 Sch 1 cl 26(1)—(4)	1.12.2006
s 27(2) and (3)	inserted by 69/2005 Sch 1 cl 26(4)	1.12.2006
s 28		
s 28(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
ss 29 and 30	amended by 82/1994 Sch 2	1.7.1995
s 31		
s 31(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
ss 31A and 32	amended by 82/1994 Sch 2	1.7.1995
s 33	amended by 82/1994 Sch 2	1.7.1995
	amended by 61/1996 s 8	22.8.1996
	amended by 15/2003 s 7	19.6.2003
s 33A	inserted by 61/1996 s 9	22.8.1996
s 33A(1)	substituted by 15/2003 s 8(1)	19.6.2003
s 33A(1a) and (1b)	inserted by 15/2003 s 8(1)	19.6.2003
s 33A(3)	amended by 15/2003 s 8(2)	19.6.2003
s 34		
s 34(1)—(3)	amended by 82/1994 Sch 2	1.7.1995
s 35		
s 35(1)	amended by 18/1984 s 6(a)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 35(1a)—(1c)	inserted by 18/1984 s 6(b)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 35(2)	amended by 82/1994 Sch 2	1.7.1995
s 35A	inserted by 61/1996 s 10	22.8.1996
s 35A(4)	amended by 15/2003 s 9	19.6.2003
s 36	amended by 82/1994 Sch 2	1.7.1995
s 37		
s 37(1)—(4)	amended by 82/1994 Sch 2	1.7.1995

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s 38	amended by 18/1978 s 3	23.3.1978
	amended by 18/1984 s 7	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 39		
s 39(1)	amended by 18/1984 s 8(a)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 39(2)	amended by 18/1984 s 8(b), (c)	17.5.1984
s 40	amended by 82/1994 Sch 2	1.7.1995
s 41		
s 41(1)	amended by 82/1994 Sch 2	1.7.1995
s 42	amended by 18/1984 s 9	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 43	amended by 18/1978 s 4	23.3.1978
	substituted by 18/1984 s 10	17.5.1984
s 43(1)	amended by 82/1994 Sch 2	1.7.1995
	amended by 15/2003 s 10	19.6.2003
s 43(2) and (3)	amended by 82/1994 Sch 2	1.7.1995
s 44	amended by 82/1994 Sch 2	1.7.1995
s 45		
s 45(1)	amended by 82/1994 Sch 2	1.7.1995
s 45(2)	amended by 18/1978 s 5	23.3.1978
	amended by 18/1984 s 11	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 46		
s 46(1)	amended by 18/1984 s 12(a)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 46(2)	amended by 18/1978 s 6	23.3.1978
	amended by 18/1984 s 12(b)	17.5.1984
s 47		
s 47(1)	amended by 18/1984 s 13(a), (b)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 47(2)	amended by 18/1984 s 13(c), (d)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 47(3)	amended by 82/1994 Sch 2	1.7.1995
s 48	amended by 82/1994 Sch 2	1.7.1995
s 49	amended by 18/1978 s 7	23.3.1978
	amended by 18/1984 s 14	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 50	amended by 18/1978 s 8	23.3.1978
	amended by 18/1984 s 15	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 51		
s 51(1)—(6)	amended by 82/1994 Sch 2	1.7.1995

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s 52	amended by 18/1978 s 9	23.3.1978
	amended by 18/1984 s 16	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 53	amended by 18/1978 s 10	23.3.1978
	amended by 18/1984 s 17	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 54		
s 54(1)	s 54 amended by 18/1984 s 18	17.5.1984
	s 54 amended by 82/1994 Sch 2	1.7.1995
	s 54 amended and redesignated as s 54(1) by 61/1996 s 11	22.8.1996
s 54(2)	inserted by 61/1996 s 11(d)	22.8.1996
s 55	amended by 18/1978 s 11	23.3.1978
	amended by 18/1984 s 19	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 56	amended by 18/1984 s 20	17.5.1984
s 57	amended by 18/1984 s 21	17.5.1984
s 58		
s 58(3)	amended by 18/1984 s 22	17.5.1984
s 59	amended by 18/1978 s 12	23.3.1978
	amended by 18/1984 s 23	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
	amended by 17/2006 s 255	4.9.2006
s 60	amended by 18/1978 s 13	23.3.1978
	amended by 18/1984 s 24	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 61		
s 61(1)—(4)	amended by 82/1994 Sch 2	1.7.1995
s 62	amended by 18/1978 s 14	23.3.1978
	amended by 18/1984 s 25	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 63		
s 63(1)	amended by 18/1978 s 15	23.3.1978
	amended by 18/1984 s 26	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 63(2) and (3)	amended by 82/1994 Sch 2	1.7.1995
s 64	amended by 59/1994 Sch 2	1.1.1995
	amended by 82/1994 Sch 2	1.7.1995
s 65	amended by 18/1978 s 16	23.3.1978
	amended by 18/1984 s 27	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
	substituted by 61/1996 s 12	22.8.1996

Pt 5

Pt 5 Div 1	inserted by 10/1991 s 3	1.7.1991
	amended by 51/1991 s 3(a), (b)	22.11.1991
	amended by 68/1992 ss 3—5	1.12.1992
	substituted by 23/1995 s 3	1.7.1995
s 65B		
s 65B(1)	amended by 82/1994 Sch 2 as substituted by 23/1995 s 7(a)	1.7.1995
	amended by 32/2003 s 4	1.10.2003
s 65B(2)	amended by 82/1994 Sch 2 as substituted by 23/1995 s 7(a)	1.7.1995
s 65B(5)	amended by 57/2001 s 2	8.11.2001
s 65C		
s 65C(1)	amended by 82/1994 Sch 2 as substituted by 23/1995 s 7(a)	1.7.1995
s 65CA	inserted by 32/2003 s 5	1.10.2003
s 65D	inserted by 57/2001 s 3	8.11.2001
Pt 5 Div 2	<i>amended by 29/1981 s 19</i>	<i>30.6.1981</i>
	<i>amended by 88/1984 s 8(4) (Sch Pt 4)</i>	<i>11.7.1985</i>
	<i>amended by 10/1991 ss 4—6</i>	<i>1.7.1991</i>
	<i>deleted by 23/1995 s 3</i>	<i>1.7.1995</i>
Pt 5 Div 3	heading inserted by 10/1991 s 7	1.7.1991
s 66A	inserted by 10/1991 s 8	1.7.1991
s 67	amended by 88/1984 s 8(4) (Sch Pt 4)	11.7.1985
	amended by 10/1991 s 9	1.7.1991
	amended by 82/1994 Sch 2	1.7.1995
s 68	inserted by 51/1991 s 3(c)	22.11.1991
	substituted by 23/1995 s 4	1.7.1995
s 69	amended by 82/1994 Sch 2	1.7.1995
s 84	amended by 82/1994 Sch 2	1.7.1995
s 84A	<i>amended by 55/1977 s 5</i>	<i>1.7.1978</i>
	<i>deleted by 78/1986 Sch 5</i>	<i>1.4.1987</i>
s 85	<i>deleted by 39/1987 s 4</i>	<i>1.7.1987</i>
s 86		
s 86(1)—(3)	amended by 82/1994 Sch 2	1.7.1995
s 86A	inserted by 23/1995 s 5	1.7.1995
s 86A(1)	substituted by 38/1996 s 48(a)	4.11.1996
	amended by 32/2003 s 6	1.10.2003
s 86A(2)	amended by 82/1994 Sch 2	1.7.1995
	substituted by 38/1996 s 48(a)	4.11.1996
s 86A(3)	substituted by 38/1996 s 48(a)	4.11.1996
s 86A(4)	amended by 82/1994 Sch 2	1.7.1995
	substituted by 38/1996 s 48(a)	4.11.1996
s 86A(5)	amended by 82/1994 Sch 2	1.7.1995
s 86A(6)	amended by 82/1994 Sch 2	1.7.1995

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	substituted by 38/1996 s 48(b)	4.11.1996
s 86A(9)	substituted by 38/1996 s 48(c)	4.11.1996
s 86AA	inserted by 38/1996 s 49	4.11.1996
s 86B	inserted by 23/1995 s 5	1.7.1995
s 86B(1)—(3)	amended by 82/1994 Sch 2	1.7.1995
s 86B(4)	amended by 38/1996 s 50	4.11.1996
s 87		
s 87(1)	amended by 18/1984 s 28	17.5.1984
	amended by 39/1987 s 5	1.7.1987
	amended by 82/1994 Sch 2	1.7.1995
s 87(4)	amended by 82/1994 Sch 2	1.7.1995
	amended by 61/1996 s 13(a), (b)	22.8.1996
s 87(4a)	inserted by 61/1996 s 13(c)	22.8.1996
s 87(5)	amended by 82/1994 Sch 2	1.7.1995
s 88		
s 88(1) and (2)	substituted by 18/1984 s 29	17.5.1984
s 88(2a)	inserted by 18/1984 s 29	17.5.1984
s 88(3)	amended by 82/1994 Sch 2	1.7.1995
s 88(4)	inserted by 10/1981 s 3	1.7.1980
	amended by 82/1994 Sch 2	1.7.1995
s 88(5)	inserted by 10/1981 s 3	1.7.1980
s 88(6)	inserted by 10/1981 s 3	1.7.1980
	amended by 82/1994 Sch 2	1.7.1995
s 88(7) and (8)	inserted by 10/1981 s 3	1.7.1980
s 90		
s 90(1)	amended by 82/1994 Sch 2	1.7.1995
s 90(3)	amended by 61/1996 s 14	22.8.1996
s 91	amended by 82/1994 Sch 2	1.7.1995
s 92		
s 92(1)—(4)	amended by 82/1994 Sch 2	1.7.1995
s 93		
s 93(1)	amended by 18/1984 s 30	17.5.1984
	amended by 39/1987 s 6	1.7.1987
	amended by 82/1994 Sch 2	1.7.1995
	amended by 38/1996 s 51(a)	4.11.1996
s 93(1a)	inserted by 38/1996 s 51(b)	4.11.1996
s 94		
s 94(1)	amended by 10/1991 s 10(a)	1.7.1991
	amended by 51/1991 s 3(d)	22.11.1991
	amended by 68/1992 s 6(a)	1.12.1992
	amended by 23/1995 s 6(a)	1.7.1995
s 94(2)	amended by 82/1994 Sch 2	1.7.1995
s 94(4)	amended by 10/1991 s 10(b)	1.7.1991

	amended by 68/1992 s 6(b)	1.12.1992
	amended by 23/1995 s 6(b)	1.7.1995
s 94(5)	amended by 82/1994 Sch 2	1.7.1995
s 95		
s 95(1)	amended by 18/1984 s 31	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 95(2)	amended by 82/1994 Sch 2	1.7.1995
s 96		
s 96(1)	amended by 82/1994 Sch 2	1.7.1995
s 98		
s 98(1)	amended by 18/1984 s 32	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 98(2)	amended by 82/1994 Sch 2	1.7.1995
	amended by 17/2006 s 256	4.9.2006
s 98(3)	amended by 39/1987 s 7(a)	1.7.1987
	amended by 82/1994 Sch 2	1.7.1995
s 98(7)	inserted by 39/1987 s 7(b)	1.7.1987
	amended by 82/1994 Sch 2	1.7.1995
s 99	amended by 82/1994 Sch 2	1.7.1995
s 100	<i>deleted by 82/1994 Sch 1 cl 7</i>	22.6.1995
Pt 6	inserted by 32/2003 s 7	1.10.2003
<b>s 100</b>		
<b>s 100(5)</b>	<b>amended by 41/2008 Sch 1 cl 35</b>	<b>15.12.2008</b>
Pt 7		
s 101	<i>deleted by 82/1994 Sch 2</i>	1.7.1995
s 106		
s 106(1)	amended by 82/1994 Sch 2	1.7.1995
s 107	amended by 82/1994 Sch 2	1.7.1995
s 108		
s 108(1)	amended by 82/1994 Sch 2	1.7.1995
s 108(2)	amended by 59/1994 Sch 2	1.1.1995
s 109	amended by 82/1994 Sch 2	1.7.1995
Pt 8		
s 109A	inserted by 39/1987 s 8	1.7.1987
s 109A(1), (2), (4) and (5)	amended by 82/1994 Sch 2	1.7.1995
s 109A(6)	amended by 33/1994 s 4	1.7.1987
	amended by 82/1994 Sch 2	1.7.1995
s 109B	inserted by 33/1994 s 5	1.7.1987
s 109B(4) division	amended by 38/1996 s 52	4.11.1996
s 110	<i>deleted by 82/1994 Sch 1 cl 7</i>	22.6.1995
s 111	substituted by 59/1994 Sch 2	1.1.1995

s 112	amended by 82/1994 Sch 2	1.7.1995
s 112A		
s 112A(1)	amended by 82/1994 Sch 2	1.7.1995
s 113	amended by 18/1984 s 33	17.5.1984
<i>s 114</i>	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
<i>s 117</i>	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
ss 118, 119 and 120	amended by 82/1994 Sch 2	1.7.1995
<i>Sch 1</i>	<i>deleted 82/1994 Sch 2</i>	<i>1.7.1995</i>
<i>Sch 2</i>	<i>inserted by 51/1991 s 3(e)</i>	<i>1.7.1991</i>
	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
Sch		
cl 1	Sch inserted by 82/1994 Sch 2	1.7.1995
	Sch redesignated as cl 1 by 57/2001 s 4	8.11.2001
cl 2	inserted by 57/2001 s 4	8.11.2001

## **Transitional etc provisions associated with Act or amendments**

### ***Waterworks (Residential Rating) Amendment Act 1992***

#### **7—Transitional provision**

Water rates continue to be payable under the principal Act in respect of residential land for any period prior to the financial year commencing on 1 July 1993 as if this Act had not been enacted.

## **Historical versions**

Reprint No 1—15.1.1992  
Reprint No 2—1.12.1992  
Reprint No 3—2.6.1994  
Reprint No 4—1.1.1995  
Reprint No 5—1.7.1995  
Reprint No 6—22.8.1996  
Reprint No 7—4.11.1996  
Reprint No 8—1.7.1998  
Reprint No 9—8.11.2001  
Reprint No 10—19.6.2003  
Reprint No 11—1.10.2003  
4.9.2006  
1.12.2006