



ANNO VICESIMO TERTIO

# GEORGII V REGIS.

A.D. 1932.

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## No. 2077.

An Act to amend the Waterworks Acts, 1882 to 1929.

[Assented to, November 15th, 1932.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Waterworks Act Amendment Act, 1932". Short title.

(2) The Waterworks Acts, 1882 to 1929, and this Act may be cited together as the "Waterworks Acts, 1882 to 1932".

(3) The Waterworks Act, 1882, is hereinafter referred to as "the principal Act". No. 269 of 1882.

2. (1) Section 5 of the principal Act (as amended by section 3 of the Waterworks Act Amendment Act, 1921) is amended by adding at the end thereof the following passage:— Amendment of principal Act, s. 5—  
Proclamation of Districts.

"The Governor may in any such proclamation fix a day (whether before or after the date of the proclamation) upon which the proclamation shall come into force".

(2) The amendment made by this section shall be deemed to have been made at the time of the commencement of the principal Act.

3. Section 10 of the principal Act is amended—

(a) by adding at the end of paragraph IX. thereof the words "and for requiring that, for the purpose of permitting the reading of meters, meters shall be kept free from obstruction"; and

Amendment of principal Act, s. 10—  
By-laws.

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(b) by adding at the end thereof the following paragraph:—

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.

Amendment of  
principal Act,  
s. 14—  
Accommodation  
works.

4. Section 14 of the principal Act is amended by striking out the words “by two Justices in the manner provided by the Railway Clauses Consolidation Act for settling differences as to accommodation works; but such Justices” and by inserting in lieu thereof “by a Court of Summary Jurisdiction. The Court shall have jurisdiction to make such order as it deems just but the Court”.

Amendment of  
principal Act,  
s. 16—  
Penalty for  
diverting water.

5. Section 16 of the principal Act is amended—

(a) by striking out the words “forfeit to the Commissioner any sum” in the eleventh and twelfth lines thereof and by inserting in lieu thereof the words “be liable to a penalty”;

(b) by striking out the words “sum so forfeited” in the fifteenth line thereof and by inserting in lieu thereof the words “such penalty”; and

(c) by striking out the words “the payment of the sum so forfeited” in the eighteenth line thereof and by inserting in lieu thereof the words “the imposition of any such penalty”.

Amendment of  
principal Act,  
s. 23—  
Powers with respect  
to land.

6. Section 23 of the principal Act is amended by striking out the last proviso thereto.

Amendment of  
principal Act, s. 32—  
Agreements for  
supply of water  
by measure.

7. Section 32 of the principal Act is amended by striking out the words “any by-law made in pursuance of this Act with respect to the supply of water by agreement” in the fifth and sixth lines thereof and by inserting in lieu thereof the words “the Commissioner”.

Repeal of principal  
Act, s. 38.

8. Section 38 of the principal Act is hereby repealed.

Amendment of  
principal Act,  
s. 50—  
Using unlawful  
fittings.

9. Section 50 of the principal Act is amended by striking out the words “forfeit and pay to the Commissioner any sum” in the penultimate and last lines thereof and by inserting in lieu thereof the words “a penalty”.

Amendment of  
principal Act,  
s. 53—  
Penalties.

10. Section 53 of the principal Act is amended by striking out the words “forfeit and pay to him a sum” in the tenth line thereof and by inserting in lieu thereof the words “be liable to a penalty”.

Amendment of  
principal Act,  
s. 54—  
Penalty for  
breaking valves.

11. Section 54 of the principal Act is amended—

(a) by striking out the words “forfeit to the Commissioner for every such offence a sum not exceeding Ten Pounds besides” in the eighth, ninth, and tenth lines thereof and by inserting in lieu thereof the words “be liable to a penalty”

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penalty not exceeding Ten Pounds and in addition shall be liable to pay to the Commissioner"; and

- (b) by striking out the words "forfeited sum" in the last line thereof and by inserting in lieu thereof the words "penalty and may be recovered and ordered to be paid by the Court imposing such penalty in the same proceedings".

**12.** Section 54A of the principal Act (as enacted by section 6 of the Waterworks Act, 1927) is amended—

Amendment of principal Act, s. 54A.—

- (a) by inserting after the word "No" in the first line thereof the words "Municipal or"; and

Duties of Councils.

- (b) by striking out the words "Hydraulic Engineer" in the fourth and fifth lines thereof and by inserting in lieu thereof the words "Engineer-in-Chief".

**13.** Section 55 of the principal Act is amended by striking out the words "forfeit and pay to the Commissioner for each such offence a sum" in the penultimate and last lines thereof and by inserting in lieu thereof the words "be liable to a penalty".

Amendment of principal Act, s. 55—  
Penalties.

**14.** Section 64 of the principal Act is amended—

Amendment of principal Act, s. 64—

- (a) by striking out the words "forfeit to the Commissioner for every such offence a sum" in the third and fourth lines thereof and by inserting in lieu thereof the words "be liable to a penalty"; and

Penalty on gasmakers.

- (b) by striking out the word "sum" in the fifth line thereof and by inserting in lieu thereof the word "penalty".

**15.** Section 70 of the principal Act is amended so as to read as follows:—

Amendment of principal Act, s. 70—

70. (1) The annual value of vacant lands shall be estimated at five per centum on the capital value of the fee simple.

Estimation of annual values.

(2) The annual value of lands and premises (other than vacant lands) shall, if the whole of the lands and premises are assessed together, be estimated at three-fourths of the gross annual rental at which the whole would let for a term of seven years or at five per centum on the capital value of the fee simple. The Commissioner may assess separately any part of any such land and premises and the annual value of any such part so assessed shall be estimated at three-fourths of the gross annual rental at which such part would let for a term of seven years or at five per centum on the capital value of the fee simple.

**16.** Section 82 of the principal Act is amended by inserting before the words "the land or premises of the consumer" therein the words "or near".

Amendment of principal Act, s. 82—  
Scale of water charges.

**17.** The

*Waterworks Act Amendment Act.—1932.***Amendment of principal Act—**

**Power of Commissioner to fix minimum water rates.**

**Cf., 1910, 1929, s. 75.**

**17.** The principal Act is amended by inserting therein after section 82 the following section :—

82A. (1) The Commissioner may fix a minimum water rate payable in respect of vacant lands comprised in any assessment, and may also fix a minimum water rate payable in respect of lands and premises (other than vacant lands) comprised in any assessment.

(2) The said minimum water rates fixed in respect of any portion of any such vacant lands or lands and premises may be different from or greater than the minimum water rates fixed in respect of the remainder of or any other portion of such vacant lands or lands and premises.

(3) No such minimum water rate fixed pursuant to this section shall exceed the following amounts, namely :—

(i.) in the case of vacant lands to which a water service is not laid—Five Shillings :

(ii.) in the cases of vacant lands to which a water service is laid and lands and premises (other than vacant lands)—Fifteen Shillings.

**Amendment of principal Act, s. 86—  
Lands subject to water rates.**

**18.** Section 86 of the principal Act is amended by adding at the end thereof the following paragraph :—

“ Water rates under this Act shall also be paid and payable in respect of all lands and premises within a water district to which a water supply is laid, notwithstanding that such land and premises are not situate in a street in which a main pipe has been laid down as aforesaid ”.

**Amendment of principal Act, s. 89—  
Payment of rate by tenants.**

**19.** Section 89 of the principal Act is amended by striking out the words “ all costs, including a poundage of One Shilling on the total sum ” in the ninth and tenth lines thereof and by inserting in lieu thereof the words “ an amount equal to five per centum of the rent paid as aforesaid (which said amount shall be payable to the Commissioner as costs for the collection of such rent). ”

**Amendment of principal Act, s. 92.**

**Recovery of rates.**

**20.** Section 92 of the principal Act (as amended by section 7 of the Waterworks Act, 1927) is amended so as to read as follows :—

92. (1) If any water rates or other charges due to the Commissioner are unpaid the Commissioner 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 by-law, 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 or premises with respect to which the said rates or charges are payable.

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(2) The Commissioner may, in the first instance, at his option, cause to be distrained under this section either the goods and chattels of the person occupying the premises in respect of which rates or charges are due and unpaid, or the goods and chattels of the owner of the said premises; 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 Commissioner 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 premises 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 any 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.

**21.** Section 95 of the principal Act is amended by adding at the end thereof the following paragraph:—

Amendment of  
principal Act,  
s. 95—

“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”.

Sale of land.

**22.** Section 104 of the principal Act is amended by striking out the words “in an action on the case” in the last line thereof and by inserting in lieu thereof the words “in any Court of competent jurisdiction.”

Amendment of  
principal Act,  
s. 104—  
Action for unlawful  
distress.

**23.** Section 105 is amended by striking out the words “actions or prosecutions” in the first line thereof and by inserting in lieu thereof the words “proceedings other than proceedings for an offence against this Act”.

Amendment of  
principal Act,  
s. 105—  
Proceedings against  
officers, &c.

**24.** Section 107 of the principal Act is amended—

(a) by striking out the words “Special Magistrate or two Justices” in the sixth line thereof and by inserting in lieu thereof the words “Court of Summary Jurisdiction”; and

Amendment of  
principal Act,  
s. 107—  
Transient offenders.

(b) by striking out the words “such Special Magistrate or Justices” in the seventh and eighth lines thereof and by inserting in lieu thereof the words “the Court of Summary Jurisdiction”.

**25.** Section 3 of the Waterworks Act Amendment Act, 1888 (as enacted by section 4 of the Waterworks Act Amendment Act, 1925), is amended by inserting after the word “rates” in the third line thereof the words “or charges”:

Amendment of  
446, 1888, s. 3—  
Construction rate.

**26.** Section

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Amendment of 446,  
1888, s. 7—  
Power of lessees.

**26.** Section 7 of the Waterworks Act Amendment Act, 1888, is amended—

- (a) by inserting after the word “all” in the fourth line thereof the words “or any of”; and
- (b) by adding at the end thereof the words “The powers conferred as aforesaid may be conferred subject to such conditions or restrictions as the Commissioner in the lease or the Governor in the proclamation may fix”.

Amendment of 446,  
1888, The Second  
Schedule.

**27.** The Second Schedule to The Waterworks Act Amendment Act, 1888 (as enacted by section 6 of the Waterworks Act Amendment Act, 1925) is amended by striking out all the words therein up to and including the word “laid” in the fourth line thereof and by inserting in lieu thereof the following words:—

“The construction rate hereinafter mentioned shall be payable upon—

- (a) all land which abuts upon a street in which a reticulation main is laid and which is distant one mile or less from any portion of the boundary of the land abutting upon the portion of the street in which the main is laid:
- (b) all land which is contiguous to any land described in paragraph (a) which is occupied by the same occupier as the occupier of the said land described in paragraph (a) and which is distant one mile or less from any portion of the boundary described in paragraph (a):
- (c) all land which does not abut upon any such street but for which a water service is laid, and which land is distant one mile or less from the main from which the water service is laid”.

Amendment of  
1473, 1921, s. 14—  
Evidentiary  
provision.

**28.** Section 14 of the Waterworks Act Amendment Act, 1921, is amended by inserting after the word “on” in the third line thereof the words “or near”.

Amendment of 1473,  
1921, s. 15—  
Proceedings when  
meter fails to  
register.

**29.** Section 15 of the Waterworks Act Amendment Act, 1921, is amended—

- (a) by striking out the word “such” in the seventh line thereof and by inserting in lieu thereof the words “the said or any similar”;
- (b) by striking out the words “the corresponding” in the seventh line thereof and by inserting in lieu thereof the words “any previous”; and
- (c) by striking out the words “within the past three years” in the eighth line thereof.

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

A. HORE-RUTHVEN, Governor.