

South Australia

## Sewerage Act 1929

An Act to consolidate certain Acts providing for the sewerage and cleansing of the metropolitan area and other places.

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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 *Sewerage Act 1929*.

#### 3—Acts consolidated

This Act is a consolidation of the Acts mentioned in the Schedule hereto, and the said Acts are hereby repealed.

#### 4—Interpretation

- (1) In this Act, except when inconsistent with the context—

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

**country drainage area** means any drainage area other than the Adelaide drainage area;

**drain** means any drain of, and used for the drainage of one building only, or of premises within the same curtilage, and made merely for the purpose of communicating with a cesspit or like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed;

**drainage area** means all land to which, immediately before the passing of this Act, the Acts hereby repealed applied, and includes all other land declared by proclamation made under this Act to form the whole or part of a drainage area;

**equipment** includes appliances and apparatus;

**fittings** includes cocks, valves, cisterns, water pipes, traps, syphons, manholes, lampholes, ventilators, entrances, and other apparatus;

**land** includes premises;

**owner** includes the person for the time being receiving the rent of the lands in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rent;

**payment day** means the day on which sewerage rates are payable upon land within a drainage area pursuant to the provisions of section 79 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;

**sewer** means sewer or drain of every description, except a drain as hereinbefore defined;

**street** includes any square, court, alley, highway, bridge, lane, road, thoroughfare, passage, or place;

**sewerage rates** means rates made and levied under the provisions of this Act or any Act hereby repealed;

**undertaking** means the sewers, drains, and other works connected to the sewers and drains, authorised by this or another Act to be constructed and maintained, and includes all fittings laid down or fixed by the Minister or the Corporation and all land held or used by the Minister or the Corporation for the purposes of this Act;

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

- (2) For the purposes of this Act, a reference to connection to or disconnection from the undertaking includes a reference to connection to or disconnection from a drain or pipe through which waste material may be discharged into the undertaking.

## **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 of certain sewerage rates etc**

- (1) All sewerage 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 *Sewerage Act Amendment Act 1970*, shall 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 *Sewerage Act Amendment Act 1970*, come into operation on the first day of July, 1970.
- (2) Any regulation made or purporting to have been 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 *Sewerage Act Amendment Act 1970*, come into operation on the day upon which this Act came into operation.

- (3) No rate declared in respect of any land within a drainage area, 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 land either in that same drainage area, or in some other drainage area.

## **Part 2—The Minister**

### **6—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 6.

## **Part 3—Regulations and vesting of property**

### **13—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 protecting the undertaking, and every part thereof, from trespass or injury;
  - II. For regulating, in regard to drainage, the plans, inclination, and the materials of the pavement and roadway of public and private streets, and the plans and levels of sites for buildings, and the levels of the bottoms of cellars and the lowest parts of buildings, and the drainage of streets into sewers;
  - III. For regulating the dimensions, form, and mode of construction, and the materials, and the keeping, cleaning, and repairing of the pipes, drains, and other means of communicating with sewers, and the fittings and apparatus connected therewith for the emptying, cleansing, closing, and filling up of sinks, cesspools, and privies, and for such other works of cleansing and of removing and disposing of refuse as the Minister is authorised to perform;
  - IIIA. For regulating the—
    - (a) specifications, construction, number and position of pipes, fittings and equipment connected, or to be connected, to the undertaking;

- (b) installation and inspection of pipes, fittings and equipment connected, or to be connected, to the undertaking;
  - IV. For regulating or preventing the sale or use of pipes, fittings or equipment that are capable of being connected to the undertaking;
  - V. For regulating the conduct of the officers, workmen, and servants appointed, employed, or hired under and for the purposes of this Act, and for the making, levying, and collecting of sewerage rates, and for providing for the due management and use in all respects of the property of the Corporation and of the undertaking, and for its construction, completion, maintenance, and extension, and for carrying into effect the purposes of this Act generally;
  - VII. For fixing or empowering the Minister or the Corporation to fix charges or fees (including minimum charges or fees)—
    - (a) for the provision of works or services by the Corporation; and
    - (b) for inspections made by the Corporation pursuant to this Act or at the request of an owner or occupier of land; and
    - (c) otherwise in relation to the administration of this or any other Act;
  - VIIA. 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;
  - VIIIB. Prohibiting or regulating the connection of pipes, fittings or equipment to the undertaking or the installation of pipes, fittings or equipment to be connected to the undertaking;
  - VIII. For fixing scales of costs and charges for the alteration of levels of topstones and castings of lampholes, inspection openings, airshafts and manholes, or other similar work, to conform to the surface levels of the roadworks;
  - IX. Requiring the owner or occupier of land to clean, maintain and repair pipes, fittings and equipment on the land that is connected to the undertaking;
  - X. Prohibiting or regulating the alteration of or interference with pipes, fittings or equipment connected to the undertaking;
  - XI. For the purpose of protecting the undertaking 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;
  - XII. Providing for liability for the cost of repairing damage caused to the undertaking by trees, shrubs or other plants;
  - XIII. 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;
  - XIV. Requiring any person to provide information to the Minister, the Corporation or any other person in relation to the administration of this Act.
- (2) A regulation under this Act may confer on the Minister or the Corporation such powers, authorities or discretions as the Governor thinks fit.

- (2a) Charges or fees for the provision of works or services by the Minister or the Corporation fixed under this section shall not be invalid by reason of the fact that, in a particular case or class of case, the charges or fees so fixed (or the aggregate of those charges or fees where more than one is payable in respect of the same works or service) exceed the cost to the Minister or the Corporation of providing the works or service.
- (3) 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.
- (3a) 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.
- (4) The regulations may impose a penalty not exceeding two thousand dollars for contravention of, or failure to comply with, a regulation.
- (5) 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.

#### **14—Undertaking to vest in Corporation**

The whole of the undertaking, and all the materials and things which at any time are part thereof, are vested in the Corporation, and shall be deemed to be the property of the Corporation, and shall be held and used for the purposes of this Act.

#### **15—Street drains to be under control of Corporation**

The exclusive control of all gutters, shoots, grates, and openings in the streets, within a drainage area, communicating directly or indirectly with the sewers vested in the Corporation, by whomsoever the said gutters, shoots, grates, and openings have been made or are maintained or managed, shall belong to and the same is hereby vested in the Corporation.

### **Part 3A—Sanitary Plumbers Examining Board and Plumbing Advisory Board**

#### **17C—Plumbing Advisory Board**

- (1) The Plumbing Advisory Board continues in existence.
- (2) The Governor may, by regulation, prescribe—
  - (a) powers and functions of the Board;
  - (b) provisions for the appointment of members and deputy members of the Board and any other matters relating to membership of the Board;
  - (c) procedures to be followed at meetings of the Board;

- (d) any other matters that are necessary or expedient for the continued operation of the Board.

## **Part 4—Construction, maintenance, and extension of the undertaking**

### **18—Drainage areas**

- (1) The Corporation may, by notice published in the Gazette—
  - (a) declare any part of the State to be a drainage area;
  - (b) alter the boundaries of a drainage area by adding land to or removing land from the area;
  - (c) abolish a drainage area;
  - (d) 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 drainage area 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.

### **20—Corporation may construct sewers**

- (1) The Corporation may at any time, subject to the provisions herein contained—
  - (a) make and construct sewers, drains, and works with all necessary fittings, of such construction and in such manner as the Corporation thinks expedient, for the purpose of effectually draining the drainage area; and
  - (b) carry any such sewers and drains through, across, or under any public or private street, and any cellar or vault which may be under the pavement of any public or private street, and into, through, or under any land whatsoever, making compensation for any damage done thereby, as herein provided; and
  - (c) break up any street, and the soil, pitchings, and pavements thereof; and
  - (d) excavate and sink trenches for the purpose of laying down, making, and constructing any such sewers and drains therein; and
  - (e) cause any such sewers to discharge upon such land as may be acquired by the Corporation for that purpose, or cause any such sewers to communicate with the sea as the Corporation may think expedient; and
  - (f) from time to time open, cleanse, and repair any such sewers, drains, and fittings, and alter the position or construction thereof; and
  - (g) make any drains to any main sewer from any land within the drainage area for the purpose of cleansing and draining any such land by means of such drains and sewers; and

- (h) do all such other acts, matters, and things as the Corporation from time to time deems necessary and proper for making, amending, attaching, altering, repairing, completing, or improving any such sewers, drains, fittings, or other works for the purposes of this Act.

### **21—Corporation may construct dams**

The Corporation may make and erect such dams and reservoirs as the Corporation thinks expedient across and in the bed of the River Torrens, or elsewhere, for the purpose of retaining water to flush and cleanse the sewers and drains for the time being vested in the Corporation, and may lay pipes therefrom for the purpose of conducting water to all or any of the said sewers and drains.

### **22—Position of dams**

Such dams and reservoirs may be erected at such points in the bed of the said river or at such other places as the Corporation thinks proper, and may be constructed of such materials and in such manner as the Corporation thinks expedient.

### **23—Power to construct 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 land adjoining or near any part of the undertaking, or otherwise necessary for the accommodation of any such land.
- (2) If any dispute arises with respect to the construction of any such accommodation works, the Corporation or any party to the dispute may apply to the Land and Valuation Court for the determination of the matters in dispute.
- (3) Upon the hearing of an application under subsection (2) of this section the Land and Valuation Court may make such orders as it considers just.

### **24—Power to make roads**

The Corporation may—

- (a) make and maintain, upon or over any land which has been taken or used for the purposes of this Act and the undertaking, such roads or other like means of communication as the Corporation deems necessary or proper for effectually executing the said purposes and making all proper approaches to the undertaking, whether the approaches are permanent or needed only for a temporary purpose:
- (b) repair, amend, and fence in the said roads or other means of communication:
- (c) cause all or any of them to be used exclusively for those purposes, or, at the Corporation's discretion, permit the public or any particular person to use all or any of them, upon such terms and subject to such conditions as the Corporation thinks proper to make or impose:
- (d) dedicate all or any such roads or other means of communication permanently to the use of the public; but the public or any particular person shall not acquire any right to use, or any privilege or easement in respect to all, or any of them, save as are expressly granted or dedicated by the Corporation in conformity with this section.

**25—Power to break up streets**

- (1) For the purpose of constructing, extending, and maintaining the undertaking, the Corporation, under such superintendence as is hereinafter specified, may open and break up any street and the soil and pavement thereof, and any sewers, drains, or tunnels within or under the street, and may lay down and place such sewers, drains, fittings, and other works and engines as the Corporation deems necessary, and repair, alter, or remove any of them, and for the aforesaid purposes may remove and use all earth and materials in and under such street, and do all other acts which the Corporation deems necessary or expedient for constructing and maintaining the undertaking, and the Corporation shall do as little damage as can be in the execution of the powers hereby granted.
- (2) The Corporation shall pay compensation for any damage that may be done in the execution of powers under subsection (1) of this section and, in the event of a dispute arising between the Corporation and a claimant for compensation under this section, the Corporation or the claimant may apply to the Land and Valuation Court for the determination of the matters in dispute.
- (3) The Land and Valuation Court, upon the hearing of an application under subsection (2) of this section, may make such orders as it considers just.

**26—Notice to be served before breaking up streets**

- (1) Before the Corporation opens or breaks up any street, sewer, drain, or tunnel the Corporation shall give to the persons under whose control or management the same is, or to their clerk, surveyor, or other officer, notice in writing of the intention to open or break up the same.
- (2) The notice must be given at least three clear days before beginning the work, except in the case of an emergency, in which case the notice must be given as soon as practicable after beginning the work or after the need for the work has arisen.

**27—Street not to be broken up except under superintendence**

No such street, sewer, drain, or tunnel shall, except in the case of such emergency as aforesaid, be opened or broken up except under the superintendence of the persons having the control or management thereof, or their officer, and according to such plan as within the three days next after the receipt of the notice is proposed by the said persons or their officer and approved by the Corporation, or, in case of any difference respecting such plan, according to such plan as is determined by the Surveyor-General or other competent officer to be appointed by the Governor. In case such a difference has arisen, the Corporation shall not commence any such work until some plan has been determined upon in that behalf by the Surveyor-General or other competent officer appointed by the Governor as aforesaid: Provided always, that if the persons having such control or management as aforesaid, or their officer, after having received such notice as is mentioned in the next preceding section—

- (a) fails to attend at the time fixed for the opening of any such street, sewer, drain, or tunnel; or
- (b) does not, within the three days next after receipt by them of the said notice, propose any plan for breaking up or opening the same; or
- (c) refuses or neglects to superintend the operation,

the Corporation may perform the work specified in the said notice without the superintendence of the said persons or their officer.

## **28—Streets broken up to be reinstated without delay**

When the Corporation opens or breaks up any street or any sewer, drain, or tunnel, the Corporation shall—

- (a) with all convenient speed complete the works for which the same has been broken up, and fill in the ground and reinstate and make good the road or pavement or the tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and
- (b) keep the road or pavement which has been so opened or broken up in good repair for three months after replacing and making good the same, and for such further time (if any) not being more than twelve months in the whole, as the soil so opened or broken up continues to subside; and
- (c) at all times, whilst any such road or pavement is so opened or broken up, cause the same to be fenced and guarded, and cause a light sufficient for the warning of passengers to be set up and kept thereagainst every night during which the road or pavement continues open or broken up.

## **29—Compensation for delay in reinstating streets**

(1) If the Corporation—

- (a) opens or breaks up any street, or any sewer, drain, or tunnel, without giving such notice as required by this Act; or
- (b) makes any unnecessary delay in completing any such work or filling in the ground or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby; or
- (c) neglects to cause the place where the road or pavement has been broken up to be fenced, guarded, and lighted,

the Corporation shall make to every interested person reasonable compensation for any damage actually sustained by that person through or in consequence of any such act, delay, or neglect.

- (2) Where the amount of compensation payable under subsection (1) of this section is in dispute, the Corporation or any party to the dispute may apply to the Land and Valuation Court for a determination of the matters in dispute.
- (3) The Land and Valuation Court, upon the hearing of an application under subsection (2) of this section may make such orders as it considers just.

## **30—In certain cases parties other than the Corporation may reinstate**

(1) If the Corporation, having, for the purposes of the undertaking, opened or broken up any street—

- (a) keeps the same open or broken up longer than is reasonably necessary, or makes any unnecessary delay in filling in the ground or in reinstating and making good the road or pavement of any such street, or in carrying away the rubbish occasioned thereby; or

- (b) neglects to cause the place where the road or pavement has been opened or broken up to be fenced, guarded, and lighted while it is so opened or broken up,

the persons having the control or management of the street in respect of which the delay, omission, or neglect has taken place may cause to be executed or done the work or act so delayed, omitted, or neglected to be executed or done; and all the reasonable expense of executing or doing the same shall be reimbursed to them by the Corporation.

- (2) Where a claim is made for the reimbursement of expenses under subsection (1) of this section and a dispute arises in relation to that claim, the Corporation or any party to the dispute may apply to the Land and Valuation Court for determination of the matters in dispute.
- (3) The Land and Valuation Court, upon the hearing of an application under subsection (2) of this section, may make such orders as it considers just.

### **31—Water and gas pipes to be altered when necessary**

- (1) If the Minister at any time deems it necessary for the purposes of the undertaking to raise, sink, or otherwise alter the situation of any water or gas pipes, mains, plugs, or other waterworks or gasworks laid in or under any street, he may, by notice in writing, require the person to whom the pipes, mains, plugs or works belong to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice.
- (2) The expenses attendant upon or connected with any such alterations shall be paid by the Corporation.
- (3) If any such notice is not complied with the Corporation may make the alterations required.
- (4) No such alteration shall be required or made which will permanently injure any such pipes, mains, plugs, or works, or prevent the water or gas from flowing as freely and conveniently as usual.

### **31A—Powers of entry, survey etc**

- (1) For the purpose of ascertaining whether it is expedient to construct any sewerage system the Minister or any person authorised by him may—
- (a) enter upon any land after giving not less than two days' notice to the owner or occupier of that land;
  - (b) survey and take levels of any land;
  - (c) probe, bore, or sink pits, on or in any land or otherwise examine the soil thereof;
  - (d) do anything necessary for ascertaining the suitability of the land for a sewerage system.
- (2) This section shall apply to land within or outside a drainage area.
- (3) The Minister shall compensate any person who suffers damage by reason of the exercise of the powers conferred by this section.

- (4) The Land and Valuation Court may, upon the application of any person who claims to be entitled to compensation under this section, order the Minister to pay to that person such compensation as it considers just.

### **32—Corporation to keep sewers cleansed**

- (1) The Corporation shall cause the sewers which are at any time vested in the Corporation, and all private drains and sewers, to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, flushed, and emptied.
- (2) For the purpose of such clearing, cleansing, flushing, and emptying, the Corporation may construct or place, either above or underground, such reservoirs, sluices, engines, manholes, lampholes, ventilators, entrances, and other works as the Corporation thinks necessary, and may arrange for the supply of such quantity of water, at such times and such places, and in such manner, as the Corporation thinks fit, and may cause all or any of such sewers to communicate with and be emptied into such places as the Corporation thinks proper, and may cause the sewage and refuse therefrom to be collected for sale, or for any purpose whatsoever, but not so as to create a nuisance.

### **33—Drains etc to be provided by owner or occupier**

- (1) In order—
  - (a) to provide for the removal of waste material from land in accordance with this Act; or
  - (b) to improve the drains, fittings, equipment or works by means of which waste material is removed from land,

the Corporation may, by notice in writing served on the owner or occupier of the land, require him, within the time stated in the notice, to carry out the work specified in the notice.

- (2) A notice referred to in subsection (1) may require the person on whom it is served to—
  - (a) install or construct in such locations as are specified in the notice;
  - (b) connect to the undertaking;
  - (c) alter or replace;
  - (d) maintain, repair or cleanse,

such drains, fittings, equipment or works as are specified in the notice in the manner specified in the notice.

- (3) The Corporation may revoke or vary a notice referred to in subsection (1) by a subsequent notice in writing served on the owner or occupier of the land.
- (4) A person who fails to comply with a notice served on him under this section is guilty of an offence and is liable to a penalty of one thousand dollars and to a further penalty of one hundred dollars for every day on which the failure continues.
- (5) Where a person fails to comply with a notice served on him under this section, the Corporation may take such action as is, in the opinion of the Corporation, necessary to fulfil the requirements of the notice but, in taking that action, the Corporation must not damage the land or the premises concerned to a greater extent than necessary.

- (6) A person on whom a notice has been served under this section shall be liable for the costs incurred by the Corporation in taking action under subsection (5) but where the Corporation has served a notice under this section on two or more persons the Corporation shall not recover a sum that exceeds the amount of those costs.

### **34—Responsibilities of owner and occupier when excavating street etc**

- (1) Where the owner or occupier of land does any work in a street adjoining that land in relation to a fitting or drain connected or that is intended to be connected to the undertaking he shall in relation to that work be subject to those provisions of this Act to which the Corporation would be subject if it were carrying out that work and, on failure to comply with any of those provisions, the owner or occupier concerned shall be liable to a penalty of five hundred dollars.
- (2) Where a person is in default under subsection (1), the Corporation may take such action as is, in the Corporation's opinion, necessary to remedy the default and the person in default shall be liable to the Corporation for the Corporation's costs in taking that action.

### **35—Construction etc of new drains etc not to be undertaken without authority**

- (1) No person shall—
- (a) install or construct any drain, fitting, equipment or works for connection to the undertaking; or
  - (b) connect any drain, fitting, equipment or works to the undertaking or disconnect it from the undertaking; or
  - (c) alter, remove or block any drain, fitting, equipment or works connected to the undertaking,

unless he has been required or authorised to do so by or under this Act or unless he has been authorised by the Corporation to do so under this section.

- (2) The Corporation may attach such conditions as the Corporation thinks fit to an authorisation granted under this section and may vary or revoke an authorisation at any time.
- (3) A person who contravenes subsection (1) or contravenes or fails to comply with a condition attached to an authorisation under subsection (2) shall be guilty of an offence.

Penalty: Five hundred dollars.

### **36—Waste material not to be discharged onto land or into pit etc**

- (1) After a drain connecting land to the undertaking has been installed or constructed, no person shall discharge, or permit the discharge of, any waste material that could be lawfully discharged into the undertaking by means of that drain—
- (a) on to that land or into a pit, well or tank dug or erected on that land; or
  - (b) from that land on to neighbouring land or into a pit, well or tank dug or erected on neighbouring land,

unless he has been authorised to do so by the Corporation.

- (2) The Corporation may attach such conditions as the Corporation thinks fit to an authorisation granted under this section and may vary or revoke an authorisation at any time.
- (3) A person who contravenes subsection (1) or contravenes or fails to comply with a condition attached to an authorisation under subsection (2) shall be guilty of an offence.

Penalty: Five hundred dollars.

- (4) Where a drain connecting land to the undertaking has been closed off or disconnected by the Corporation pursuant to this Act, subsection (1) shall apply to the waste material that could have been lawfully discharged by means of that drain if it had not been closed off or disconnected.

#### **42—Owners beyond drainage area**

Any owner or occupier of any land adjoining or near to but beyond the limits of a drainage area may cause any drain or sewer from that land to communicate with any sewer made by or vested in the Corporation, upon such terms and conditions as are agreed upon between the owner or occupier and the Corporation.

#### **43—Corporation may make agreements**

The Corporation may, by agreement with the owner of land in a drainage area—

- (a) execute drainage works on the land connecting the land to a sewer; or
- (b) lend money to the owner for the execution of such works.

#### **45—Ventilators may be attached to buildings**

The Corporation may cause any ventilating shaft, pipe, or tube for any sewer or drain to be attached to the exterior wall of any building within a drainage area: Provided that the mouth of every such shaft, pipe, or tube shall be at least 1.8 metres higher than any window or door situated within a distance of 9 metres therefrom.

#### **46—Certain work may be carried out by owner**

- (1) Where a person who has applied to the Corporation for the extension of a sewer or the connection of land to a sewer (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 Minister for the extension of a sewer to land that the applicant has divided, or proposes to divide, or for the connection of such land to a sewer; 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 Minister wishes to charge for that work,

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

- (3) Subsections (1) and (2) do not authorise the connection of the new work to the undertaking.
- (4) The work must be designed by, or to the satisfaction of, the Minister and be carried out under the supervision, and to the satisfaction, of the Minister.
- (5) The Minister will, at the request of the applicant, provide the applicant with plans and specifications of the proposed work.
- (6) The applicant must pay the reasonable costs of the Minister for—
  - (a) designing the work; and
  - (b) providing the necessary plans and specifications; and
  - (c) connecting the work to the undertaking; and
  - (d) supervising and inspecting the work,

but the applicant is not liable, subject to section 47, for any other charge or fee under this Act in respect of the work.

#### **47—Capital contribution where capacity of undertaking increased**

- (1) Where the Corporation has decided to increase the capacity of the undertaking to cater for future demand for sewerage services 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 Corporation made the decision,

the applicant is liable to make a contribution to the Corporation towards the cost of increasing the capacity of the undertaking.

- (2) The amount of the contribution is an amount equivalent to that part of the cost of increasing the capacity of the undertaking that should, in the Corporation's opinion, be attributed to the additional demand for sewerage services 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 Corporation under this section must be refunded by the Corporation.

- (4) In this section—

*cost* of increasing the capacity of the undertaking 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 *Strata Titles Act 1988*.

## **Part 5—Provisions for the protection of the drainage works**

### **49—Notice of building etc to be given to Corporation**

- (1) Any person intending to build, rebuild or make extensions to any house, building or structure within a drainage area shall, at least fourteen days before beginning to dig or lay out the foundations thereof, give to the Corporation written notice of such intention, together with full particulars of the levels or intended levels of the cellar or lowest floor, and of the situation or construction of the privies, cesspits, and drains to be built, constructed, or used in connection with the house, building or structure.
- (2) No person shall begin to build, rebuild or make extensions to any such house, building or structure, or build or construct any such privy, cesspit, or drain, until the particulars so required to be stated have been approved by the Corporation, which must signify its approval or otherwise within fourteen days after receiving the said notice.
- (3) Any person failing to deliver such notice as aforesaid, or either wholly or partially building, rebuilding, extending or constructing or causing to be either wholly or partially built, rebuilt, extended or constructed, any house, building, structure, privy, cesspit, or drain, without such approval as aforesaid, shall be liable to a penalty not exceeding five hundred dollars.

### **51—Power of inspection**

- (1) A person authorised by the Corporation may—
  - (a) inspect any land and any sewers, drains, fittings, equipment or works on that land;
  - (b) inspect solid, liquid and gaseous materials that are being or may be discharged from that land into sewers or drains forming part of or connected to the undertaking;
  - (c) take samples of material of the same kind as material that, in his opinion, has been, or is likely to be, discharged from that land into sewers or drains forming part of or connected to the undertaking,and for those purposes he may, at any reasonable time, enter upon that land.
- (2) A person authorised under this section may, if in his opinion it is necessary or desirable, excavate land for the purpose of an inspection or taking samples of material.

### **52—Penalties for encroachment**

- (1) Every person who erects, constructs, or places any building, wall, bridge, fence, obstruction, annoyance, or encroachment in, upon, over, or under any sewer or drain, and every person who obstructs, fills in, closes up, or diverts any sewer or drain, without the previous consent in writing of the Corporation shall be guilty of an offence.

Penalty: One thousand dollars.

- (2) The Corporation may, with the approval of the Minister, demolish and remove any such building, wall, bridge, fence, obstruction, annoyance or encroachment, and perform any works necessary for restoring or reinstating the sewer or drain so obstructed, filled in, closed up or diverted, and the person erecting the building, wall, bridge, or fence, or causing the obstruction, annoyance, or encroachment, or obstructing, filling in, closing up, or diverting the sewer or drain, as the case may be, shall also pay the expense of removing and abating the wall, bridge, fence, obstruction, annoyance, or encroachment, or of reopening, restoring, repairing, or reinstating any such sewer or drain obstructed, filled in, closed up, or diverted.
- (3) The Corporation may, with the approval of the Minister, by notice in writing served on a person who has committed an offence under subsection (1), require him to demolish and remove the building, wall, bridge, fence, obstruction, annoyance or encroachment concerned or reinstate the sewer or drain so obstructed, filled in, closed up or diverted.
- (3aa) A person who fails to comply with a notice served on him under subsection (3) is guilty of an offence and is liable to a penalty of one thousand dollars and to a further penalty of one hundred dollars for every day on which the offence continues.
- (3a) Where in any proceedings for an offence against this section, or for the recovery of expenses under this section, it is alleged that the defendant erected, constructed or placed any building, wall, bridge, fence, obstruction, annoyance or encroachment in, upon, over or under any sewer or drain without the consent in writing of the Corporation, it shall be a defence that the defendant did not know and could not by the exercise of reasonable diligence have ascertained the position of the sewer or drain.
- (4) Nothing herein contained shall extend to prevent or impede the maintenance, repair, or renewal of any buildings or works under which a sewer or drain is constructed, but so, nevertheless, that such maintenance, repair, or renewal shall not be carried out in such a manner as to injure or obstruct the sewer or drain.

### **53—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 sewer or sewerage work 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 extension to the undertaking proposed in the said street or of any resultant interference with the undertaking.

- (3) Should any work referred to in subsection (1) of this section involve any alteration to the undertaking 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 the requirements of 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 undertaking, 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 undertaking 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) involve any alteration to the undertaking and the Corporation is of the opinion that any part of the undertaking 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.

#### **54—Prohibition of discharge of certain material into sewer**

- (1) A person shall not discharge, or permit to be discharged, into a sewer or drain forming part of or connected to the undertaking any solid, liquid or gaseous material—
  - (a) that is likely to damage or to be detrimental to the undertaking; or
  - (b) that is a waste product of a prescribed business or activity; or
  - (c) that has been prescribed by regulation as a material that may not be discharged into the undertaking; or
  - (d) at a temperature or in a concentration that exceeds the temperature or concentration prescribed by regulation in relation to that material; or
  - (e) at a rate that exceeds the rate fixed by the Corporation in relation to that material; or
  - (f) in a form that is prohibited by regulation.
- (2) A person who contravenes a provision of subsection (1) is guilty of an offence.  
Penalty: Five thousand dollars.
- (3) The Corporation may, by notice published in the Gazette, fix the rate at which material specified in the notice may be discharged into the undertaking and may, by subsequent notice published in the Gazette, vary or revoke a notice published under this subsection.
- (4) The Corporation may—
  - (a) on the application of any person, authorise him to discharge waste material referred to in the authorisation into the undertaking;

- (b) by notice in the Gazette, authorise the discharge of waste material referred to in the notice into the undertaking by members of the public generally or by members of a group referred to in the notice.
- (5) The Corporation may attach such conditions to an authorisation as the Corporation thinks fit and may vary or revoke an authorisation at any time.
- (6) It shall be a defence to a prosecution for an offence against subsection (2) for the defendant to prove that the person who discharged the material concerned did so in accordance with an authorisation under subsection (4) and that the authorisation was in force and applied for the defendant's benefit at that time.

### **55—Rain water not to be admitted to sewer without Corporation's consent**

- (1) Any person who, without the consent in writing of the Corporation, causes, permits, or suffers any rain water, storm water, or surface water to flow into or obtain admission to any sewer, or any drain communicating with any sewer, and also the owner or occupier of any land at the time when rain water, storm water, or surface water is caused, permitted, or suffered to flow into or to obtain admission to any sewer or any drain communicating with any sewer upon, under, or about the said land, shall be liable to a penalty not exceeding two hundred dollars.

### **56—Work to be carried out by owner or occupier on Corporation's order**

- (1) In order—
  - (a) to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to the undertaking; or
  - (b) to prevent the discharge of rain water, stormwater or surface water into the undertaking or to prevent the discharge into the undertaking of waste material that has been prescribed as material that may not be discharged into the undertaking or that is, in the opinion of the Corporation, likely to damage or be detrimental to the undertaking; or
  - (c) to rectify any installation, construction, connection, alteration or other work done in relation to any drain, fitting, equipment or works in contravention of this Act,

the Corporation may, by notice in writing served on the owner or occupier of the land, require him, within the time stated in the notice, to carry out work specified in the notice.

- (2) A notice referred to in subsection (1) may require the person on whom it is served to—
  - (a) install or construct in such locations as are specified in the notice;
  - (b) connect to the undertaking;
  - (c) alter or replace;
  - (d) maintain, repair or cleanse;
  - (e) remove, block or disconnect,

such drains, fittings, equipment or works as are specified in the notice in the manner specified in the notice.

- (3) The Corporation may revoke or vary a notice referred to in subsection (1) by a subsequent notice in writing served on the owner or occupier of the land.
- (4) A person who fails to comply with a notice served on him under this section is guilty of an offence and is liable to a penalty of one thousand dollars and to a further penalty of one hundred dollars for every day on which the failure continues.
- (5) Where a person fails to comply with a notice served on him under this section, the Corporation may take such action as is, in the opinion of the Corporation, necessary to fulfil the requirements of the notice but, in taking that action, the Corporation must not damage the land or the premises concerned to a greater extent than necessary.
- (6) A person on whom a notice has been served under this section shall be liable for the costs incurred by the Corporation in taking action under subsection (5) but where the Corporation has served a notice under this section on two or more persons the Corporation shall not recover a sum that exceeds the amount of those costs.

### **57—Penalty for destroying sewers or fittings**

Every person who, not being authorised thereto by the Corporation, wilfully or carelessly breaks, injures, or opens or wilfully permits to be broken, injured, or opened any sewer, drain, or fitting, or any work, engine, or other part of the undertaking, shall be guilty of an offence and liable to a penalty of one thousand dollars and shall pay to the Corporation the costs of repairing the sewer, drain, fitting, work, engine, or part of the undertaking.

### **58—Penalty for interference with works**

Every person who wilfully pulls up or removes any pole or stake driven into the ground for the purpose of setting out the line of any works connected with the undertaking, or defaces or destroys any works made for the same purpose, shall be liable to a penalty not exceeding five hundred dollars.

### **59—Penalty for obstruction of officers etc**

Every person who at any time obstructs, hinders, or molests the Corporation or an employee or other person acting on behalf of the Corporation in the performance of official duties shall for a first offence be liable to a penalty not exceeding one hundred and fifty dollars, for a second offence to a penalty not exceeding five hundred dollars and for a subsequent offence to a penalty not exceeding two thousand five hundred dollars.

### **60—Obstruction of works by occupiers**

- (1) If the occupier of any land refuses or neglects to allow the owner thereof to carry into effect with respect to that land any of the provisions of this Act, or any order of the Corporation made in pursuance thereof, he shall be guilty of an offence.  
Penalty: Five hundred dollars.
- (2) If the occupier of any land, when requested by or on behalf of the Corporation to state the name and description of the owner of the land occupied by him, refuses or wilfully omits to disclose or wilfully misstates the same, any justice may summon the said occupier to appear before him or some other justice at a time and place to be appointed in the summons.

- (3) If the said occupier neglects or refuses to attend at the time and place so appointed, or does not show good cause for the said neglect or refusal, or if the said wilful omission or misstatement is proved, the justice before whom the occupier is so summoned may impose upon the occupier a penalty not exceeding fifty dollars.

## **61—Power to disconnect drains**

- (1) Where—
- (a) material has been discharged from land into the undertaking in contravention of this Act and it is likely, in the opinion of the Minister, that a similar contravention will occur in the future; or
  - (b) a person authorised by or under this Act to enter land has, in contravention of this Act, been—
    - (i) prevented from entering that land or from performing his duties in accordance with the authorisation; or
    - (ii) hindered or obstructed in the performance of those duties,
- the Minister, after giving to the owner or occupier of the land concerned not less than seven days notice in writing of his intention, may close off or disconnect from the undertaking any one or more of the drains on that land that are connected to the undertaking.
- (2) The exercise by the Minister of his powers under this section shall be in addition to any other penalty that may be imposed under this Act.
- (3) Before reopening or reconnecting a drain closed off or disconnected under this section, the Corporation may require the owner or occupier of the land concerned to pay the prescribed fee.
- (4) Sewerage rates shall continue to be payable in respect of land notwithstanding that a drain situated on the land has been closed off or disconnected under this section.

## **Part 6—Rates**

### **65—Exemption from sewerage 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) by a municipal corporation exclusively for the purposes of the corporation,
- shall be exempt from sewerage rates.
- (1a) 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 sewerage rates under that subsection and the rates that have not been paid (if any) by virtue of that exemption shall, subject to subsection (1b), become payable.
- (1b) Rates payable under subsection (1a) shall be reduced by the amount of the charges (if any) paid under subsection (2) in respect of the same period.

- (1c) The Minister may, after consultation with the Corporation, remit the whole, or part, of the rates that become payable under subsection (1a).
- (2) Notwithstanding that land is exempt from sewerage 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) providing drainage or sewerage services to the land; or
  - (b) providing other related services.
- (3) The charges imposed on the owner or occupier of land under subsection (2) 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 sewerage rates.
- (4) In the exercise of powers under subsection (2) the Minister may, after consultation with the Corporation, impose—
  - (a) a charge determined according to the number of water closets on the land that drain into a sewer provided by the Corporation; 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.
- (5) The Minister may publish the charges payable under this section in the Gazette.
- (6) A charge payable under this section in respect of land that is exempt from sewerage rates may be recovered in the same manner as sewerage rates.

#### **66—Government lands to be assessed**

- (1) All land situated within the drainage area which is used by the Government of the State, or by the officers or servants of the said Government, exclusively for the purposes of the said Government, and all premises consisting of schoolhouses situated within the drainage area which are used pursuant to the *Education Act 1972*, as amended, or pursuant to any corresponding previous enactment, as Government schools or public schools shall be subject to sewerage rates.
- (2) The Treasurer shall pay sewerage rates upon the land referred to in subsection (1) of this section to the Corporation out of the general revenue of the State.

#### **73—Determination of rates**

- (1) The Minister may, after consultation with the Corporation, by notice published in the Gazette, fix the scale or scales upon which sewerage rates to be levied in respect of land subject thereto within any drainage area or drainage areas shall be calculated.
- (1a) A notice under subsection (1) will have effect in relation to a financial year specified in the notice.
- (2) Sewerage rates shall be calculated, in accordance with the scale fixed under subsection (1) of this section, on the basis of determinations of the capital value of land subject thereto, in force under the *Valuation of Land Act 1971*, at the first day of the financial year to which the notice under subsection (1) relates.

- (3) A determination of capital value shall be deemed to be in force at the time referred to in subsection (2) of this section if it is in force as at that time under the *Valuation of Land Act 1971*, whether the determination is actually made before or after that time.
- (4) Where a determination of capital value, in force at the time referred to in subsection (2) of this section, is subsequently corrected or amended pursuant to the provisions of the *Valuation of Land Act 1971* (whether in pursuance of an objection, review or appeal under that Act, or otherwise) the determination of value, as corrected or amended, shall be deemed to have been in force at the time referred to in subsection (2) of this section.
- (5) The sewerage rates to be levied under this Act may be differential and may vary—
  - (a) according to the drainage area or portion thereof in which the land subject to the rates is situated; or
  - (b) according to whether the land is vacant land or not; or
  - (c) according to any other factor.

#### **74—Recovery not to be delayed**

The sewerage rates calculated under section 73 of this Act may be recovered by the Corporation in accordance with this Act, and the Corporation's right so to recover them shall not be suspended or delayed by an objection, review or appeal in relation to a valuation under the *Valuation of Land Act 1971*, and the Corporation may recover sewerage rates on the assumption that the valuation is correct, but if any alteration to a valuation affecting the amount of sewerage 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.

#### **75—Power of Minister to fix minimum sewerage rates**

- (1) The Minister may, after consultation with the Corporation, by notice in the Gazette, fix a minimum sewerage rate in respect of any land.
- (2) The minimum rate may vary according to whether the land to which it relates is vacant land or not, and according to the situation of the land or any other factor.
- (3) A notice under subsection (1) will have effect in relation to a financial year specified in the notice.
- (4) Where land ceases to be vacant land to which a minimum rate applies, the minimum rate for vacant land shall cease to apply in relation to that land as from the payment day next ensuing after it ceases to be vacant land.

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

Notices under sections 73(1) and 75(1) must be published in the Gazette on or before 31 July in the financial year in relation to which they have effect.

### **77—Power to reduce scale of sewerage rates**

- (1) If the Minister at any time is of opinion that the sewerage rates amount to more than sufficient for the purposes of this Act the Minister may, after consultation with the Corporation, by notice published in the Government Gazette, reduce throughout the whole or any part of any drainage area the scale of sewerage rates on every or any description of property.
- (2) Every such reduction shall take effect on the first day of January or the first day of July, as the case may be, in any year, whichever of those days happens first after the publication of the notice, unless the reduction is thereby directed to take effect sooner.

### **78—Liability for rates**

- (1) Whenever a sewer has been laid down by the Corporation in a drainage area, the Corporation must cause notice of that fact to be published in the Gazette.
- (2) As from the payment day next ensuing after the expiration of seven days from the day on which that notice is published, sewerage rates are, subject to section 78AAA, payable according to the appropriate scale for the time being in force in respect of all land within the drainage area that could in the opinion of the Corporation, by means of drains, be drained by the sewer.
- (3) A notice of the kind contemplated by this section published under this Act, as in force before the commencement of the *Sewerage 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 the notice was published.
- (4) Where sewerage rates have become payable in respect of any land within a drainage area the rates shall not cease to be so payable by reason of any alteration of drainage areas in consequence of which the land becomes situated within a different drainage area.
- (5) 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.
- (6) Where a notice has been published under this section before the declaration of the area in which the sewer has been laid down as a drainage area, the notice shall be deemed to have been published immediately after that declaration.

### **78AAA—Liability for rates where land divided by community or strata 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—sewerage rates will be assessed against the primary lots that are not divided by a secondary plan and against a development lot or lots (if any);
  - (b) in the case of the division of land by a secondary plan—sewerage rates will be assessed against the secondary lots that are not divided by a tertiary plan and against the development lot or lots (if any);

- (c) in the case of the division of land by a tertiary plan—sewerage rates will be assessed against 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*—
  - (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, sewerage rates 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, sewerage rates 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, sewerage rates 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 land is divided by a primary, secondary or tertiary plan of community division under the *Community Titles Act 1996* and 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, sewerage rates will be levied against the common property or that part of it and the relevant community corporation is liable for those rates as though it were the owner of the common property.
- (4) Where land is divided by a strata plan under the *Strata Titles Act 1988*—
  - (a) sewerage rates will be assessed against the units and not against the common property; but
  - (b) the equitable interest in the common property that attaches to each unit will be regarded, for the purposes of valuation, as part of the unit.

### **78A—Sewerage charges before rates are payable**

- (1) The Minister may, after consultation with the Corporation, require the owner or occupier of land to pay charges for—
  - (a) the provision of drainage or sewerage services to the land; or
  - (b) the provision of other related services,

by means of a sewer that the Minister or the Corporation has laid down in a drainage area if, at the time that those services are provided, the owner or occupier of the land is not liable to pay for them by way of sewerage rates or pursuant to an agreement made, or deemed to have been made, with the Minister or the Corporation.

- (2) In the exercise of powers under subsection (1), the Minister may, after consultation with the Corporation, impose—
  - (a) a charge determined according to the number of water closets on the land that drain into the sewer; or
  - (b) a fixed charge or a fixed minimum charge; or
  - (c) a charge determined on any other basis that the Minister thinks fit; or
  - (d) a combination of two or more of the foregoing charges.
- (3) The Minister may publish the charges payable under this section in the Gazette.
- (4) A charge payable under this section may be recovered in the same manner as sewerage rates.

#### **79—Power to make rates payable quarterly**

- (1) All sewerage rates in respect of land within a drainage area or areas shall be payable in advance by equal payments on the first days of July, October, January and April in each year: Provided that the Governor may by proclamation vary the days on which such sewerage rates shall be payable and in that event such rates shall be so paid accordingly.
- (1a) If a sewerage rate or the scale on which a sewerage rate is to be calculated has not been fixed on or before the first day of the financial year to which it relates the payment in respect of the first quarter will become payable on the day on which the rate or the relevant scale is fixed under this Act.
- (2) Nothing in this section shall be construed to prevent any owner or occupier of land from paying sewerage rates in full in advance upon receipt of a notice for any quarterly amount that is due and payable.

#### **80—Notice of amount payable**

- (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 any by-law or regulation or agreement made under this Act (which notice may also contain particulars of an amount payable to the Corporation under the *Waterworks Act 1932*), shall be given to that person as soon as conveniently may be after the amount becomes payable.
- (2) The 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 to any 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:

Provided that in any proceedings for the recovery of the said amount the onus of proving that notice was not given as provided by this section shall be on the defendant.

- (3) 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 payment, whether or not the amount is due in respect of rates—
  - (a) avail itself for the purpose of recovering the said amount of any or all of the methods or remedies provided by this Act for the recovery of sewerage rates in arrear; and
  - (b) cut off or reduce the supply of water provided by the Corporation to the land in respect of which, or of any fitting upon or in which, the said amount is payable, until the said amount, together with all expenses incurred by the Corporation in cutting off or reducing the said supply and the estimated cost of restoring the said supply, have been paid:

Provided that 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.

- (4) The Corporation must obtain the approval of the Minister before cutting off a supply of water under subsection (3)(b).

### **81—When several premises drained by one drain each owner or occupier to pay**

When land in the separate occupation of several persons is drained by one common drain or sewer, the several owners or occupiers of the land shall be liable to payment of the same sewerage rate as they would have been liable to if each such piece of land had been drained by a separate drain.

### **82—Corporation may collect rents when sewerage rates in arrear**

- (1) When sewerage rates for the payment whereof the owner of any land is liable are in arrear, the Corporation shall give notice in writing to the occupier of the land in respect of which the arrears are due to pay to the Corporation all rents payable in respect of the said land after the service of the said notice until satisfaction is made thereof of such arrears.
- (2) Every such occupier shall pay to the Corporation all rent accruing due after the service of the said notice.
- (3) Until full satisfaction of the said arrears by the receipt of rent as aforesaid, together with all costs (including interest at the rate of five per cent per annum on the total sum), the Corporation may 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 the said rent, be a complete discharge from such rent to the amount paid, and may be pleaded in bar to every action in which the said rent, or damages in lieu thereof, are sued for.

### **83—Reimbursement of rates payable by owner paid by tenant, and rates payable by tenant paid by owner**

- (1) When any owner of any land is by virtue of this Act, or by contract or otherwise, liable to payment of any sewerage rates to be collected in respect thereof, and the sewerage rates are required from and paid by any lessee or occupier, then the said lessee or occupier may set off the amount so paid against any rent due from him to the said owner, and the Corporation's receipt for the said sewerage rates shall be a discharge of rent and evidence of payment to the amount specified therein.
- (2) If the sewerage rate so paid or satisfied exceeds the rent due, the lessee or occupier may either set off the amount against accruing rent, or recover the same by action as for money paid.
- (3) If any such owner has paid any sewerage rate properly payable by the occupier or lessee, the owner may recover the amount so paid from the said occupier or lessee, or may distrain for and recover the same in the same manner as if the same were rent in arrear.

### **84—Rates paid by tenant**

Any occupier or lessee of any land within a drainage area who pays sewerage rates for a period prior to or extending beyond his term may recover from the owner of the land the amount so paid by action in any court of competent jurisdiction, or may deduct the same from any unpaid rent.

### **85—Recovery of water rates and sewerage rates together where both included in one notice**

In any case where water rates and sewerage rates, particulars of which are comprised in the same document pursuant to section 80, remain unpaid after the date whereon the same are respectively payable, the said sewerage rates shall, for the purpose of enabling payment to be enforced, be deemed to be payable to the Corporation pursuant to the *Waterworks Act 1932*; and for that purpose the Corporation may exercise all or any of the powers, rights, and authorities and methods and remedies of the Corporation for the purpose of enforcing payment of water rates in arrear.

## **Part 6A—Power to lease drainage works**

### **85A—Power to lease**

- (1) The Corporation may lease to any municipal corporation or district council or to any persons any drainage works comprised in the undertaking, 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 drainage works so leased.

### **85B—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.

### **85C—Powers of lessees**

- (1) During the term of any such lease, the lessee shall have and may exercise, with respect to the drainage 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 lease had not been made.

### **85D—Rating powers of lessees**

Whenever any drainage works 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 6 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 7—Legal procedure**

### **92—Power to distrain for sewerage rates in arrear**

- (1) If any sewerage rates remain unpaid for the space of twenty-one days after the date whereon the same are payable, the Corporation may—
  - (a) recover the said rates 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, together with fees and expenses not exceeding the fees and expenses which a bailiff is entitled to charge in the case of an execution under the *Local Courts Act 1926*, 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 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 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 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 and the same may be recovered from him.
- (4) A warrant shall not be issued for the recovery of any sewerage rates under this section unless—
  - (a) the notice provided for in section 80 of this Act has been given in the manner provided for by subdivision (a) of subsection (2) thereof, or in the manner provided for by subdivision (c) of the said subsection; or
  - (b) at least fourteen days' notice of the amount of the sewerage rates claimed from the person whose goods and chattels are to be distrained upon by virtue of the warrant has been served personally upon that person.
- (5) 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*.

### **93—Amounts due to Corporation a charge on land**

- (1) Subject to subsection (4), the amount of all sewerage rates and of any other costs, charges, or expenses due to the Corporation under this Act and any amount payable to the Corporation 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 fitting upon or in which, the amount is payable.
- (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 paid by and shall be recoverable from the owner or occupier for the time being of the land with respect to which, or to any fitting upon or in which, the amount is payable.
- (4) Where sewerage rates are levied against the common property, or part of the common property, of a community scheme under the *Community Titles Act 1996*, the rates are not a charge on the common property but are, instead, a first charge on each of the community lots of the community scheme.

### **94—Lands may be sold when rates etc in arrear**

- (1) Where sewerage rates or any other sum that is, by virtue of section 93, a first charge upon land, is in arrear for the space of two years, the Corporation may, with the approval of the Minister, cause to be published three times in the Government Gazette a notice specifying the land and the amount of sewerage rates or other sum as aforesaid due in respect thereof and stating that, if the rates or sum is not paid within one year from the first publication of the notice, the Corporation will let the same from year to year as provided by this Act, or will apply to the Supreme Court for a sale thereof.

- (2) If after one year from the first publication of the notice, all or any part of the sewerage rates or other sum as aforesaid due at the time of the first publication thereof is still unpaid, the Corporation may, with the approval of the Minister—
  - (a) let the land from year to year, and may receive the rents and apply the same towards the payment of the sewerage rates or other sum as aforesaid and other costs and expenses, and hold any surplus for the owners of the land; or
  - (b) by application to the Supreme Court, or a judge thereof, apply for a sale of the land described in the notice, or of so much 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 the notice, and that all acts required by this section to be done by the Corporation have been done, may 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, together with interest at five per centum per annum on such arrears as were then due from the time of the first publication of the notice, 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 of the sale be paid into court; and
  - (c) that payment of the said sewerage rates, other sum as aforesaid, interest, costs, and expenses be made in preference to any mortgage or other security; and
  - (d) that the conveyance or transfer, as the case may be, shall be executed by the Master or some other officer of the court to the purchaser, his executors, administrators, and assigns, in a form to be approved by the court or a judge.
- (4) The said conveyance or transfer shall vest the legal estate in the sold land in the purchaser, his executors, administrators, and assigns, free from all encumbrances.
- (5) 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.
- (6) The balance arising from the proceeds of any such sale shall remain and be subject to any future or other order of the court, for the benefit of the party or parties interested therein.

### **95—Persons causing offences liable**

Every person who causes the commission of any offence against this Act, or by whose order or direction any such offence is committed, shall be deemed to be guilty of that offence, and shall be liable to the same penalty as if that person had actually committed the offence.

## **96—Power to Corporation to apportion payments**

Where, under the authority of this Act, two or more persons are or may be directed by the Corporation to do or join in doing any act, or to pay or join in paying any sum of money, costs, or expenses, or where the Corporation is authorised or thinks proper to permit two or more persons to join together in doing any act or paying any sum of money, costs, or expenses, the Corporation may apportion the matter to be done, or the sum of money, costs, or expenses to be paid, between those persons in such manner as the Corporation considers just and reasonable.

## **97—Recovery of moneys due to Corporation**

- (1) If any person refuses or neglects to pay to the Corporation any sewerage rate or other sum of money due by that person to the Corporation under this Act, the Corporation may sue for and recover the same in any court of competent jurisdiction, as a debt due to the Corporation.
- (2) The Corporation's remedy under this section shall be in addition to the other remedies for the recovery thereof.

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

The production of the Government Gazette, or of any printed document purporting to be a copy thereof, published by authority or printed by the Government Printer for the said State, and containing any regulations purporting to be regulations made under the authority of this Act, and any notice purporting to be published by the Minister or the Corporation in pursuance of this Act, shall, in all legal proceedings, be deemed and taken to be *prima facie* evidence of the publication, and of all such facts and circumstances as were or are necessary to authorise the publication and making of the said regulations and the publication and giving of the said notice.

## **100AA—Certified plan to be evidence of drain**

A plan purporting to be certified by the Corporation and to accurately delineate the position of a drain connected to the undertaking shall be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the position of the drain and of its connection to the undertaking.

## **100A—Certificate of Corporation**

- (1) In any proceedings for the recovery of sewerage rates payable under this Act, a certificate of the Corporation, to the effect that on and from a day specified in the certificate the land specified in the certificate could in the opinion of the Corporation, by means of drains, be drained by a sewer specified in the certificate, shall be conclusive evidence of the matter 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 that subsection shall, in the absence of proof to the contrary, be deemed to be such certificate.

## **101—Service of notices**

- (1) All notices required by this Act to be given to the owner or occupier of any land or any other person—
  - (a) may be served personally upon the said owner, occupier, or person; or

- (b) may be left with some inmate of his place of abode; or
  - (c) may, if there is no occupier, be affixed to some conspicuous part of the land.
- (2) It shall not be necessary in any notice to any owner or occupier of any land to name the owner or occupier.
- (3) Notwithstanding anything contained in this section, where there is no occupier, and the owner of the land and his place of abode or that of his agent is known to the Corporation, the said notice shall be—
  - (a) served on the owner personally, or left with some inmate of his place of abode; or
  - (b) transmitted to the said owner through the post office addressed to him at his place of abode, or last known place of abode, in South Australia; or
  - (c) served on his agent in manner aforesaid.

### **103—Corporation may remit fines**

The Corporation may remit the whole or any part of any fine, penalty, or forfeiture inflicted under the provisions of this Act.

### **104—Proceedings against persons acting under this Act**

- (1) All actions and prosecutions to be commenced against any person for anything done, or for anything omitted which ought to have been done, in pursuance of this Act shall be commenced within two years after the fact was committed or omitted, as the case may be, and not otherwise.
- (2) In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial thereupon.
- (3) No plaintiff shall recover in any such action if tender of sufficient amends has, as hereinafter mentioned, been made before such action brought, or if a sufficient sum of money has been paid into court after such action brought by or on behalf of the defendant, together with the costs incurred up to that time.
- (4) If a verdict is given for the defendant, or the plaintiff becomes nonsuited, or discontinues any such action on issue joined, or if otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client and have the like remedy for the same as any defendant has by law in other cases.
- (5) Notwithstanding that a verdict is given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant unless the court certifies in writing at the conclusion of the trial its approbation of the action, and of the verdict obtained thereupon.

### **105—Tender of amends**

- (1) 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 if, before action brought in respect thereof, that person makes tender to the person injured, or to his solicitor or agent, of such amends as in the opinion of the court at the trial were sufficient the person injured shall not recover in any such action.

- (2) If no such tender has been made, the defendant may, with the permission of the court wherein the action is pending, at any time before issue joined, pay into court such sum of money as he thinks fit, and thereupon the proceedings shall be had as in other cases where defendants are allowed to pay money into court.

### **106—Summary proceedings**

All proceedings for offences against this Act shall be disposed of summarily.

## **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—Agreements not affected**

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

## 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.

### Legislation repealed by principal Act

The *Sewerage Act 1929* repealed the following:

*Adelaide Sewers Act (No. 106 of 1878)*

*Adelaide Sewers Act Amendment Act (No. 303 of 1884)*

*An Act to amend the Adelaide Sewers Act Amendment Act (No. 369 of 1886)*

*An Act to amend the Adelaide Sewers Act (No. 662 of 1896)*

*Adelaide Sewers Act Amendment Act 1902*

*Adelaide Sewers Acts Further Amendment Act 1917*

*Adelaide Sewers Act Further Amendment Act 1919*

*Adelaide Sewers Act Further Amendment Act 1923*

*Adelaide Sewers Act Further Amendment Act 1924*

*Adelaide Sewers Act Further Amendment Act 1926*

*Adelaide Sewers Act Further Amendment Act 1927*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1929	1910	<i>Sewerage Act 1929</i>	30.10.1929	30.10.1929
1936	2293	<i>Statute Law Revision Act 1936</i>	8.10.1936	8.10.1936
1946	48	<i>Sewerage Act Amendment Act 1946</i>	19.12.1946	19.12.1946
1953	27	<i>Sewerage Act Amendment Act 1953</i>	3.12.1953	3.12.1953
1955	24	<i>Sewerage Act Amendment Act 1955</i>	24.11.1955	24.11.1955
1960	65	<i>Sewerage Act Amendment Act 1960</i>	24.11.1960	24.11.1960
1962	51	<i>Sewerage 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
1967	47	<i>Sewerage Act Amendment Act 1967</i>	19.10.1967	19.10.1967
1969	61	<i>Sewerage Act Amendment Act 1969</i>	4.12.1969	21.5.1970 ( <i>Gazette 21.5.1970 p1841</i> )
1970	53	<i>Sewerage Act Amendment Act 1970</i>	10.12.1970	10.12.1970

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	40	<i>Sewerage Act Amendment Act 1974</i>	11.4.1974	1.7.1973: s 2
1975	24	<i>Statute Law Revision Act 1975</i>	27.3.1975	27.3.1975
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
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	16	<i>Sewerage Act Amendment Act 1984</i>	3.5.1984	17.5.1984 ( <i>Gazette 17.5.1984 p1159</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	38	<i>Sewerage Act Amendment Act 1987</i>	23.4.1987	1.7.1987 ( <i>Gazette 14.5.1987 p1248</i> )
1988	23	<i>Sewerage Act Amendment Act 1988</i>	21.4.1988	1.8.1988 ( <i>Gazette 21.7.1988 p420</i> )
1991	51	<i>Statutes Amendment (Waterworks and Sewerage) Act 1991</i>	22.11.1991	s 4(b) & (g)—1.7.1991; ss 4(a), (c)—(f)—22.11.1991: s 2
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</i>	8.12.1994	Sch 2—1.7.1995 ( <i>Gazette 15.6.1995 p2841</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 36—39—4.11.1996 ( <i>Gazette 31.10.1996 p1460</i> )
1996	61	<i>Statutes Amendment (Waterworks and Sewerage) Act 1996</i>	8.8.1996	22.8.1996 ( <i>Gazette 22.8.1996 p684</i> )
2006	17	<b><i>Statutes Amendment (New Rules of Civil Procedure) Act 2006</i></b>	6.7.2006	<b>Pt 69 (ss 220 &amp; 221)—4.9.2006 (<i>Gazette 17.8.2006 p2831</i>)</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 10 of The Public General Acts of South Australia 1837-1975 at page 107.

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>	1.7.1995

s 4		
s 4(1)	s 4 redesignated as s 4(1) by 16/1984 s 3(d)	17.5.1984
Corporation	inserted by 82/1994 Sch 2	1.7.1995
equipment	inserted by 16/1984 s 3(a)	17.5.1984
fittings	amended by 16/1984 s 3(b)	17.5.1984
Minister	<i>deleted by 16/1984 s 3(c)</i>	<i>17.5.1984</i>
undertaking	substituted by 82/1994 Sch 2	1.7.1995
s 4(2)	inserted by 16/1984 s 3(d)	17.5.1984
s 5	substituted by 82/1994 Sch 2	1.7.1995
Pt 2	deleted by 82/1994 Sch 2	1.7.1995
	inserted by 61/1996 s 15	22.8.1996
Pt 3	heading substituted by 82/1994 Sch 2	1.7.1995
s 12	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
s 13		
s 13(1)	VI deleted by 10/1981 s 4(a)	1.7.1980
	amended by 16/1984 s 4(a)—(c)	17.5.1984
	amended by 38/1987 s 3(a)	1.7.1987
	amended by 82/1994 Sch 2	1.7.1995
	amended by 61/1996 s 16(a)—(f)	22.8.1996
s 13(2)	substituted by 16/1984 s 4(d)	17.5.1984
	substituted by 61/1996 s 16(g)	22.8.1996
s 13(2a)	inserted by 38/1987 s 3(b)	1.7.1987
	amended by 82/1994 Sch 2	1.7.1995
s 13(3)	substituted by 16/1984 s 4(d)	17.5.1984
	substituted by 61/1996 s 16(h)	22.8.1996
s 13(3a)	inserted by 61/1996 s 16(h)	22.8.1996
s 13(4) and (5)	inserted by 16/1984 s 4(d)	17.5.1984
s 14	amended by 82/1994 Sch 2	1.7.1995
s 15	amended by 82/1994 Sch 2	1.7.1995
ss 16—17A	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
Pt 3A	inserted by 23/1988 s 3	1.8.1988
s 17B	<i>deleted by 25/1995 Sch 2 cl 1(c)</i>	<i>1.7.1995</i>
Pt 4		
s 18	substituted by 61/1996 s 17	22.8.1996
s 19	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
s 20		
s 20(1)	amended by 82/1994 Sch 2	1.7.1995
s 20(2)	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
s 21	amended by 82/1994 Sch 2	1.7.1995
s 22	amended by 82/1994 Sch 2	1.7.1995
s 23		
s 23(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 24	amended by 82/1994 Sch 2	1.7.1995

s 25		
s 25(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 26		
s 26(1)	amended by 82/1994 Sch 2	1.7.1995
s 26(2)	substituted by 82/1994 Sch 2	1.7.1995
s 27	amended by 82/1994 Sch 2	1.7.1995
s 28	amended by 82/1994 Sch 2	1.7.1995
s 29		
s 29(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 30		
s 30(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 31		
s 31(2) and (3)	amended by 82/1994 Sch 2	1.7.1995
s 32		
s 32(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 33	substituted by 16/1984 s 5	17.5.1984
s 33(1), (3), (5) and (6)	amended by 82/1994 Sch 2	1.7.1995
s 34		
s 34(1) and (2)	substituted by 16/1984 s 5	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 35	substituted by 16/1984 s 5	17.5.1984
s 35(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 36	substituted by 16/1984 s 5	17.5.1984
s 36(1), (2) and (4)	amended by 82/1994 Sch 2	1.7.1995
ss 37—41	<i>deleted by 16/1984 s 5</i>	<i>17.5.1984</i>
s 42	amended by 82/1994 Sch 2	1.7.1995
s 43	substituted by 38/1987 s 4	1.7.1987
	amended by 82/1994 Sch 2	1.7.1995
s 44	<i>deleted by 38/1987 s 4</i>	<i>1.7.1987</i>
s 45	amended by 82/1994 Sch 2	1.7.1995
s 46	substituted by 38/1987 s 5	1.7.1987
s 46(1)	amended by 82/1994 Sch 2	1.7.1995
s 46(6)	amended by 33/1994 s 6	1.7.1987
s 47	<i>deleted by 38/1987 s 5</i>	<i>1.7.1987</i>
	<i>inserted by 33/1994 s 7</i>	<i>1.7.1987</i>
s 47(1)—(3)	amended by 82/1994 Sch 2	1.7.1995
s 47(4)		
<i>division</i>	amended by 38/1996 s 36	4.11.1996
s 48	<i>deleted by 38/1987 s 5</i>	<i>1.7.1987</i>
Pt 5		
s 49		
s 49(1) and (2)	amended by 82/1994 Sch 2	1.7.1995

s 49(3)	amended by 16/1984 s 6	17.5.1984
s 50	<i>deleted by 82/1994 Sch 2</i>	1.7.1995
s 51	substituted by 16/1984 s 7	17.5.1984
s 51(1)	amended by 82/1994 Sch 2	1.7.1995
s 52		
s 52(1)	amended by 16/1984 s 8(a)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 52(2)	amended by 82/1994 Sch 2	1.7.1995
s 52(3)	substituted by 16/1984 s 8(b)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 52(3aa)	inserted by 16/1984 s 8(b)	17.5.1984
s 52(3a)	amended by 82/1994 Sch 2	1.7.1995
s 53		
s 53(1)—(3), (5) and (6)	amended by 82/1994 Sch 2	1.7.1995
s 54	substituted by 16/1984 s 9	17.5.1984
s 54(1), (3)—(5)	amended by 82/1994 Sch 2	1.7.1995
s 55		
s 55(1)	amended by 16/1984 s 10(a)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 55(2)	<i>deleted by 16/1984 s 10(b)</i>	17.5.1984
s 56	substituted by 16/1984 s 11	17.5.1984
s 56(1), (3), (5) and (6)	amended by 82/1994 Sch 2	1.7.1995
s 57	amended by 16/1984 s 12	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 58	amended by 16/1984 s 13	17.5.1984
s 59	amended by 16/1984 s 14	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 60		
s 60(1)	amended by 16/1984 s 15(a)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 60(2)	amended by 82/1994 Sch 2	1.7.1995
s 60(3)	amended by 16/1984 s 15(b)	17.5.1984
s 61	inserted by 16/1984 s 16	17.5.1984
s 61(3)	amended by 82/1994 Sch 2	1.7.1995
Pt 6		
s 65		
s 65(1)	s 65 redesignated as s 65(1) by 10/1981 s 4(b)	1.7.1980
	substituted by 16/1984 s 17	17.5.1984
s 65(1a) and (1b)	inserted by 16/1984 s 17	17.5.1984
s 65(1c)	inserted by 16/1984 s 17	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995

s 65(2)	inserted by 10/1981 s 4(b)	1.7.1980
	amended by 82/1994 Sch 2	1.7.1995
s 65(3)	inserted by 10/1981 s 4(b)	1.7.1980
s 65(4)	inserted by 10/1981 s 4(b)	1.7.1980
	amended by 82/1994 Sch 2	1.7.1995
s 65(5) and (6)	inserted by 10/1981 s 4(b)	1.7.1980
s 66		
s 66(2)	amended by 82/1994 Sch 2	1.7.1995
s 68	<i>deleted by 10/1981 s 4(c)</i>	1.7.1980
s 73		
s 73(1)	amended by 16/1984 s 18(a)	17.5.1984
	amended by 82/1994 Sch 2	1.7.1995
s 73(1a)	inserted by 51/1991 s 4(a)	22.11.1991
s 73(2)	amended by 29/1981 s 21	30.6.1981
	amended by 51/1991 s 4(b)	1.7.1991
s 73(3)	amended by 29/1981 s 21	30.6.1981
s 73(4)	amended by 29/1981 s 21	30.6.1981
	amended by 88/1984 s 8(3) (Sch Pt 3)	11.7.1985
s 73(6)	<i>deleted by 16/1984 s 18(b)</i>	17.5.1984
s 74	amended by 88/1984 s 8(3) (Sch Pt 3)	11.7.1985
	amended by 82/1994 Sch 2	1.7.1995
s 75		
s 75(1)	substituted by 51/1991 s 4(c)	22.11.1991
	amended by 82/1994 Sch 2	1.7.1995
s 75(3)	substituted by 51/1991 s 4(d)	22.11.1991
s 76	inserted by 51/1991 s 4(e)	22.11.1991
s 77		
s 77(1)	amended by 82/1994 Sch 2	1.7.1995
s 77A	<i>amended by 55/1977 s 7</i>	1.7.1978
	<i>deleted by 78/1986 Sch 5</i>	1.4.1987
s 78		
s 78(1)	amended by 82/1994 Sch 2	1.7.1995
s 78(2)	amended by 82/1994 Sch 2	1.7.1995
	amended by 38/1996 s 37	4.11.1996
s 78AAA	inserted by 38/1996 s 38	4.11.1996
s 78A	inserted by 16/1984 s 19	17.5.1984
s 78A(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 79		
s 79(1a)	inserted by 51/1991 s 4(f)	22.11.1991
s 80		
s 80(1)	amended by 82/1994 Sch 2	1.7.1995
s 80(3)	amended by 82/1994 Sch 2	1.7.1995
	amended by 61/1996 s 18(a)—(c)	22.8.1996

s 80(4)	inserted by 61/1996 s 18(d)	22.8.1996
s 82		
s 82(1)—(4)	amended by 82/1994 Sch 2	1.7.1995
s 83		
s 83(1)	amended by 82/1994 Sch 2	1.7.1995
s 85	amended by 82/1994 Sch 2	1.7.1995
Pt 6A		
s 85A		
s 85A(1)	amended by 82/1994 Sch 2	1.7.1995
s 85B	amended by 82/1994 Sch 2	1.7.1995
s 85C		
s 85C(1)	amended by 82/1994 Sch 2	1.7.1995
s 85C(2)	amended by 59/1994 Sch 2	1.1.1995
s 85D	amended by 82/1994 Sch 2	1.7.1995
Pt 7		
s 92		
s 92(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 93		
s 93(1)	amended by 38/1987 s 6 amended by 82/1994 Sch 2 amended by 38/1996 s 39(a)	1.7.1987 1.7.1995 4.11.1996
s 93(4)	inserted by 38/1996 s 39(b)	4.11.1996
s 94		
s 94(1)	amended by 38/1987 s 7 amended by 82/1994 Sch 2	1.7.1987 1.7.1995
s 94(2)	amended by 82/1994 Sch 2 <b>amended by 17/2006 s 220</b>	1.7.1995 <b>4.9.2006</b>
s 94(3)	amended by 82/1994 Sch 2	1.7.1995
s 96	amended by 82/1994 Sch 2	1.7.1995
s 97		
s 97(1) and (2)	amended by 82/1994 Sch 2	1.7.1995
s 99	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
s 100	amended by 82/1994 Sch 2	1.7.1995
s 100AA	inserted by 16/1984 s 20 amended by 82/1994 Sch 2	17.5.1984 1.7.1995
s 100A		
s 100A(1)	amended by 82/1994 Sch 2	1.7.1995
s 101		
s 101(3)	amended by 82/1994 Sch 2	1.7.1995
s 102	<i>deleted by 16/1984 s 21</i>	<i>17.5.1984</i>
s 103	amended by 82/1994 Sch 2	1.7.1995
<b>s 105</b>		
<b>s 105(2)</b>	<b>amended by 17/2006 s 221</b>	<b>4.9.2006</b>

<i>Sch 1</i>	<i>Sch redesignated as Sch 1 in pursuance of the Acts Republication Act 1967</i>	<i>1.7.1991</i>
	<i>deleted by 82/1994 Sch 2</i>	<i>2.6.1994</i>
<i>Sch 2</i>	<i>inserted by 51/1991 s 4(g)</i>	<i>1.7.1991</i>
	<i>deleted by 82/1994 Sch 2</i>	<i>1.7.1995</i>
Sch	inserted by 82/1994 Sch 2	1.7.1995

## **Historical versions**

Reprint No 1—15.1.1992

Reprint No 2—2.6.1994

Reprint No 3—1.1.1995

Reprint No 4—1.7.1995

Reprint No 5—22.8.1996

Reprint No 6—4.11.1996