



ANNO DECIMO QUARTO

GEORGII V REGIS.

A.D. 1923.

No. 1556.

An Act to amend the Adelaide Sewers Acts, 1878 to 1919, and for other purposes.

[Assented to, October 11th, 1923.]

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

1. (1) This Act may be cited as the "Adelaide Sewers Act Further Amendment Act, 1923." Short title.

(2) The Adelaide Sewers Acts, 1878 to 1919, and this Act may be cited together as the "Adelaide Sewers Acts, 1878 to 1923."

(3) The Adelaide Sewers Act, 1878, is hereinafter referred to as "the principal Act." No. 106 of 1878.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. The Adelaide Sewers Amendment Act, 1903, is hereby repealed. Repeal of Act No. 822 of 1903.

4. Sections 24, 75, and 99 of the principal Act are hereby repealed. Repeal of ss. 24, 75, and 99 of principal Act.

Amendments.

5. Section 61 of the principal Act is repealed, and the following provision is enacted and substituted therefor:— Provision substituted for s. 61 of principal Act.

61. The annual value of all vacant lands shall be estimated at five per centum per annum on the market value thereof, and the annual value of all other lands shall be estimated at Annual value of lands, how estimated. Cf. 1182, 1914, s. 150.
four-fifths

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four-fifths of the gross annual rental at which the whole would let for a term of seven years, or at five per centum on the capital value of the fee simple.

Provision substituted for s. 65 of principal Act.

Power to inspect assessment-books, Cf. 1473, 1921, s. 7.

6. Section 65 of the principal Act is repealed, and the following provision is enacted and substituted therefor:—

65. The Commissioner, or any person having an order for that purpose under the Commissioner's hand, shall be entitled as of right, at all reasonable times, free of charge—

(a) to have access to and inspect all rate-books and assessment-books relating to any land or premises within the drainage area, and all other books and documents relating to any assessment thereof; and all deeds, instruments of title, books, returns, accounts, and documents in the Lands Titles Registration Office or the General Registry Office for the registration of deeds, or in the office of the Registrar of Probates, or of the Commissioner of Taxes, or any other public office, relating to any such land or premises; and

(b) to make and take copies thereof, or extracts therefrom.

Provision substituted for s. 70 of principal Act.

Scale of sewerage-rate.

7. Section 70 of the principal Act is repealed, and the following provision is enacted and substituted therefor:—

70. The Commissioner may make and levy on the whole or any portion of the lands and premises comprised in the said assessment such sewerage-rates as he may think expedient, and the sewerage-rates made and levied in respect of any portion of such lands and premises may be different from or greater than the sewerage-rates made and levied in respect of the remainder of or any other portion of such lands or premises. Such sewerage-rates shall be payable at the times and in the manner hereinafter provided.

Amendment of s. 72 of principal Act.

No. 1366 of 1919.

8. (1) Section 72 of the principal Act is further amended—

(a) by striking out the first proviso thereto;

(b) by striking out the word "further" in the first line of the proviso added thereto by section 5 of the Adelaide Sewers Act Further Amendment Act, 1919;

(c) by striking out the words "thirty-first day of December" in the seventh and eighth lines of the proviso added thereto by section 5 of the Adelaide Sewers Act Further Amendment Act, 1919, and substituting therefor the words "thirtieth day of June"; and

(d) by striking out the word "January" in the penultimate line of the proviso added thereto by section 5 of the Adelaide Sewers Act Further Amendment Act, 1919, and substituting therefor the word "July".

(2) The

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(2) The provisions of paragraphs (c) and (d) of subsection (1) hereof shall come into force on the first day of July, nineteen hundred and twenty-four.

Additional Provisions.

9. (1) Notwithstanding anything contained in the principal Act, every assessment shall be made and all sewerage-rates and other charges and fees shall be made, levied, and payable, and all annual accounts shall be prepared and published, in respect of the period of twelve months ending on the thirtieth day of June in every year, and not in respect of the period of twelve months ending on the thirty-first day of December in every year as heretofore—

Assessments to be made, rates collected, and annual accounts prepared in respect of financial year instead of calendar year.
Cf. 1473, 1921, s. 18.

(a) Section 14 of the principal Act is amended by substituting for the words “thirty-first day of December” therein the words “thirtieth day of June”:

(b) Section 60 of the principal Act is amended by substituting for the words “first day of February” therein the words “first day of August”.

(2) The provisions of subsection (1) hereof shall come into force on the first day of July, nineteen hundred and twenty-four.

(3) With respect to the period of six months ending on the thirtieth day of June, nineteen hundred and twenty-four—

(a) for the purpose of making an assessment for the purposes of the principal Act, the said period shall be deemed to be a year, and the Commissioner may make an assessment for such year or may, by notice published in the *Government Gazette* before the first day of February, nineteen hundred and twenty-four, direct that the assessment in force on the last day of the preceding year shall continue and be in force as the assessment for such year:

(b) sewerage-rates and other charges and fees for the said period shall be made, levied, and charged at half the scale or rate fixed under the principal Act in respect of a period of one year, and such rates, charges, and fees shall be payable in advance on the first day of January, nineteen hundred and twenty-four.

10. (1) Any person who, without the consent in writing of the Commissioner, 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 or premises 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 such sewer or drain upon, under, or about such land or premises, shall be guilty of an offence, and for every

Rain water must not be admitted to sewers without Commissioner's consent.

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every such offence shall be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding One Pound for each day on which the offence continues.

(2) For the purposes of this section a plan certified by the Hydraulic Engineer and purporting to be a true plan of the site of any drain communicating with any sewer and purporting to show such communication shall be *prima facie* evidence of the existence and site of such drain and of the communication of such drain with a sewer.

Commissioner may agree to drain any lands whether inside or outside the drainage area.
Cf. 1473, 1921, s. 16.

11. (1) The Commissioner may, by extension of a sewer or other work, lay down a sewer for the purpose of draining any land or premises, either within or outside the drainage area, in pursuance of an agreement by the owner of such land or premises to pay to the Commissioner interest at a rate to be specified in the agreement on such owner's proportion, as fixed by the Commissioner, of the cost of such extension or other work.

(2) The Commissioner may levy upon any land or premises which is drained pursuant to subsection (1) hereof an annual rate sufficient, in the opinion of the Commissioner, to produce the annual sum payable under the agreement entered into under the said subsection with respect to such land or premises.

(3) Where the Commissioner, either before or after the passing of this Act, has laid down any sewer in manner mentioned in subsection (1) hereof for the purpose of draining any land or premises abutting on any street, and by means of the same sewer any other land or premises abutting on such street are capable of being drained, but the owner of the last-mentioned land or premises has not entered into an agreement with the Commissioner under subsection (1) hereof, such owner shall nevertheless, if the Commissioner thinks proper, be deemed to have entered into such an agreement, and in that case his land or premises shall be ratable under subsection (2) hereof accordingly.

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

TOM BRIDGES, Governor.