



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 40 of 1974

An Act to amend the Sewerage Act, 1929-1972.

[Assented to 11th April, 1974]

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

Short titles.

1. (1) This Act may be cited as the "Sewerage Act Amendment Act, 1974".

(2) The Sewerage Act, 1929-1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Sewerage Act, 1929-1974".

Commence-
ment.

2. This Act shall be deemed to have come into operation on the first day of July, 1973.

Repeal of
s. 5 of
principal Act
and enactment
of section in
its place—

3. Section 5 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Acquisition
of land.

5. The Minister may, subject to and in accordance with the Land Acquisition Act, 1969-1972, acquire land for the purposes of this Act and the construction, maintenance and extension of the undertaking.

Amendment of
principal Act,
s. 5a—
Validation,
etc.

4. Section 5a of the principal Act is amended by inserting after subsection (2) the following subsection:—

(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.

5. Section 13 of the principal Act is amended—

Amendment of
principal Act,
s. 13—
Regulations.

- (a) by striking out from subsection (1) the passage “The Minister may” and inserting in lieu thereof the passage “The Governor may”;
- (b) by striking out from subsection (2) the passage “The Minister may” and inserting in lieu thereof the passage “The Governor may”;
- and
- (c) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) Any regulation in force under this section immediately before the enactment of this subsection shall, subject to amendment or revocation, continue in force.

6. Section 18 of the principal Act is amended—

Amendment of
principal Act,
s. 18—
Drainage areas.

- (a) by striking out from subsection (1) the passage “and the said land shall thereupon” and inserting in lieu thereof the passage “and the land shall”;
- and
- (b) by inserting after subsection (2) the following subsection:—

(3) A proclamation under this section shall take effect from a date (either before or after the date of the proclamation) specified in the proclamation.

7. Section 23 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 23—
Power to
construct
accommodation
works.

(2) If any dispute arises with respect to the construction of any such accommodation works, the Minister 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.

8. Section 25 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 25—
Power to
break up
streets.

(2) The Minister shall pay compensation for any damage that may be done in the execution of his powers under subsection (1) of this section and, in the event of a dispute arising between the Minister and a claimant for compensation under this section, the Minister 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.

Amendment of principal Act, s. 29—
Compensation for delay in reinstating streets.

9. Section 29 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(2) Where the amount of compensation payable under subsection (1) of this section is in dispute, the Minister 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.

Amendment of principal Act, s. 30—
Reinstatement of street.

10. Section 30 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(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 Minister 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.

Amendment of principal Act, s. 31a—
Powers of entry, survey, etc.

11. Section 31a of the principal Act is amended—

(a) by striking out from subsection (3) the passage “and the Compulsory Acquisition of Land Act, 1925, shall apply to such compensation”;

and

(b) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(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.

Amendment of principal Act, s. 33—
Drains to public sewers.

12. Section 33 of the principal Act is amended by striking out from subsection (3) the passage “or premises”.

Amendment of principal Act, s. 39—
Drains to be cleansed.

13. Section 39 of the principal Act is amended by striking out from subsection (3) the passage “or premises”.

Amendment of principal Act, s. 44—
Power to drain lands.

14. Section 44 of the principal Act is amended by striking out from subsection (3) the word “are” and inserting in lieu thereof the word “is”.

15. Section 45 of the principal Act is amended—

- (a) by striking out the passage “six feet” and inserting in lieu thereof the passage “1·8 metres”;

and

- (b) by striking out the passage “thirty feet” and inserting in lieu thereof the passage “9 metres”.

Amendment of principal Act, s. 45—
Ventilators may be attached to buildings.

16. Section 46 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “or premises” wherever it occurs;

- (b) by striking out from subsection (2) the passage “or premises”;

and

- (c) by striking out from subsection (4) the passage “or premises”.

Amendment of principal Act, s. 46—
Payment of cost of construction of drains.

17. Section 49 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “build any new house or rebuild any existing house” and inserting in lieu thereof the passage “build, rebuild or make extensions to any house, building or structure”;

- (b) by striking out from subsection (1) the passage “in connection with the house” and inserting in lieu thereof the passage “in connection with the house, building or structure”;

- (c) by striking out from subsection (2) the passage “or rebuild any such house” and inserting in lieu thereof the passage “, rebuild or make extensions to any such house, building or structure”;

and

- (d) by striking out from subsection (3) the passage “or constructing, or causing to be either wholly or partially built, rebuilt or constructed, any such house” and inserting in lieu thereof the passage “, extending or constructing or causing to be either wholly or partially built, rebuilt, extended or constructed, any house, building, structure”.

Amendment of principal Act, s. 49—
Notice of building, etc., to be given to Minister.

18. Section 51 of the principal Act is amended by striking out the passage “or premises”.

Amendment of principal Act, s. 51—
Power of Minister to authorize inspection.

19. Section 52 of the principal Act is amended—

- (a) by striking out the word “knowingly” from subsection (1);

and

Amendment of principal Act, s. 52—
Penalties for encroaching upon sewers.

(b) by inserting after subsection (3) the following subsection:—

(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 Minister, 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.

Amendment of
principal Act,
s. 66—
Government
land and
premises.

20. Section 66 of the principal Act is amended by striking out from subsection (1) the passage “which are” first occurring and inserting in lieu thereof the passage “which is”.

Amendment of
principal Act,
s. 73—
Determination
of rates.

21. Section 73 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Subject to subsection (6) of this section, the Minister may, 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.;

and

(b) by inserting after subsection (4) the following subsections:—

(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;

(b) according to whether the land is vacant land or not;

or

(c) according to any other factor.

(6) The annual sewerage rates in respect of land within a country drainage area shall not exceed twelve and one-half cents for each dollar of the annual value of that land.

Repeal of
s. 74a of
principal Act.

22. Section 74a of the principal Act is repealed.

Amendment of
principal Act,
s. 78—
Initiation of
liability to
rates.

23. Section 78 of the principal Act is amended by striking out from subsection (4) the word “become” and inserting in lieu thereof the word “becomes”.

Amendment of
principal Act,
s. 82—
Collector may
collect rent.

24. Section 82 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “the land assessed” and inserting in lieu thereof the passage “any land”;

and

- (b) by striking out from subsection (3) the passage “a poundage of one shilling” and inserting in lieu thereof the passage “interest at the rate of five per cent per annum”.

25. Section 83 of the principal Act is amended by striking out from subsection (1) the word “assessed”.

Amendment of principal Act, s. 83—
Reimbursement of rates.

26. Section 98 of the principal Act is repealed.

Repeal of s. 98 of principal Act.

27. Section 104 of the principal Act is amended—

- (a) by striking out the passage “six months” and inserting in lieu thereof the passage “two years”;

Amendment of principal Act, s. 104—
Proceedings under this Act.

and

- (b) by striking out from subsection (1) the passage “and notice in writing of any such action and the cause thereof shall be given to the defendant one month at least before the commencement of the action”.

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

M. L. OLIPHANT, Governor