



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 18 of 1984

An Act to amend the Waterworks Act, 1932.

[Assented to 3 May 1984]

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

- Short title. 1. (1) This Act may be cited as the "Waterworks Act Amendment Act, 1984".
- (2) The Waterworks Act, 1932, is in this Act referred to as "the principal Act".
- Commencement. 2. (1) This Act shall come into operation on a day to be fixed by proclamation.
- (2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.
- Amendment of s. 4—
Interpretation. 3. Section 4 of the principal Act is amended—
- (a) by striking out from the definition of "fittings" the passage "and other apparatus used or intended for the supply of water under this Act by the Minister to a consumer, and for that purpose placed in or upon the land of the consumer" and substituting the passage "tanks, vessels and other apparatus connected to the waterworks";
- (b) by striking out the definition of "Minister";
- and
- (c) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:
- (2) For the purposes of this Act, a reference to connection to or disconnection from the waterworks includes a reference to connection to or disconnection from a pipe or fitting through which water is supplied from the waterworks.

4. Section 10 of the principal Act is amended—

Amendment of
s. 10—
Regulations.

(a) by striking out from subsection (1) the passage “The Governor may make regulations” and substituting the passage “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”;

(b) by striking out paragraphs IVA and V of subsection (1) and substituting the following paragraph:

V. for fixing or empowering the Minister to fix charges or fees (including minimum charges or fees)—

(a) for the supply of water by the Minister;

(b) for the provision of works or services by the Minister;

(c) for inspections made by the Minister pursuant to this Act or at the request of an owner or occupier of land;

and

(d) otherwise in relation to the administration of this Act;

(c) by striking out paragraph VIII of subsection (1) and substituting the following paragraph:

VIII. for regulating the—

(a) specifications, construction, number and position of pipes, fittings, appliances, and apparatus connected to the waterworks;

(b) installation and inspection of pipes, fittings, appliances and apparatus connected to the waterworks;

(d) by striking out paragraphs XVI and XVII of subsection (1) and substituting the following paragraph:

XVI. for regulating or preventing the sale or use of pipes, fittings, appliances or apparatus that are capable of being connected to the waterworks;

(e) by inserting in paragraph XX of subsection (1) after the passage “quality of water” the passage “supplied by the Minister or that is”;

and

(f) by striking out subsection (2) and substituting the following subsections:

(2) A regulation made under subsection (1) may—

(a) empower the Minister to authorize the sale or use of pipes, fittings, appliances or apparatus, subject to such conditions (if any) as he thinks fit

and to revoke or vary an authorization previously given by him;

and

(b) prescribe specifications, standards and procedures by reference to specifications, standards or procedures prescribed, from time to time, by the Minister or published, from time to time, by a body or person named in the regulation.

(2a) Specifications, standards or procedures prescribed by the Minister by reference to specifications, standards or procedures published, from time to time, by a person or body named by the Minister shall be deemed to have been validly prescribed by him for the purpose of the operation of a regulation pursuant to subsection (2) (b).

(2b) The regulations may impose a penalty not exceeding two thousand dollars for contravention of, or failure to comply with, a regulation.

(2c) 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.

Amendment of
s. 18—
Delay in
reinstating streets.

5. Section 18 of the principal Act is amended by striking out the passage “fifty dollars” firstly occurring and substituting the passage “five hundred dollars”.

Amendment of
s. 35—
Supply of water.

6. Section 35 of the principal Act is amended—

(a) by striking out from paragraphs (a) and (b) of subsection (1) where twice occurring the passage “the prescribed fee” and substituting, in each case, the passage “the fee fixed by or under this Act”;

and

(b) by inserting after subsection (1) the following subsections:

(1a) The Minister

(a) may, upon payment of the fee fixed by or under this Act, provide and lay down additional services to land where he has been requested to do so by the owner or occupier of the land;

or

(b) may, without being requested to do so by the owner or occupier of land, provide and lay down additional services to the land so that the number of services to that land will comply with the prescribed ratio.

(1b) The Minister’s costs in providing and laying down a service pursuant to subsection (1a) (b) shall be paid by the owner or occupier of the land concerned.

(1c) The Minister may, by notice in the *Gazette*, fix an annual charge payable by the owner or occupier of land in respect of additional services provided to land and may, by subsequent notice in the *Gazette*, vary or revoke a notice published under this subsection.

7. Section 38 of the principal Act is amended by striking out the passage "fifty dollars, and a further penalty of ten dollars" and substituting the passage "five hundred dollars and a further penalty of fifty dollars".

Amendment of s. 38—
Prohibition against laying gaspipes and tramrails.

8. Section 39 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "and apparatus" and substituting the passage ", fittings and apparatus";

Amendment of s. 39—
Power of Minister to let meters, etc.

(b) by striking out from subsection (2) the passage "and apparatus" and substituting the passage "fittings and apparatus";

and

(c) by striking out from subsection (2) the passage "or apparatus" and substituting the passage "fittings or apparatus".

9. Section 42 of the principal Act is amended—

(a) by striking out the passage "on any land" and substituting the passage "connected to the waterworks for the purpose of measuring water supplied to land";

Amendment of s. 42—
Procedure on failure of meter.

(b) by striking out the passage "consumed on" and substituting the passage "supplied to";

and

(c) by striking out the word "consumed" secondly and thirdly occurring and substituting, in each case, the word "supplied".

10. Section 43 of the principal Act is repealed and the following section is substituted:

Repeal of s. 43 and substitution of new section.

43. (1) Where the Minister is unable to determine the quantity of water that he has supplied to any land because—

Interfering with or by-passing meter.

(a) the meter installed for measuring that water has been removed;

(b) the water, or part of the water, has been supplied by means of a pipe that by-passes the meter;

or

(c) the meter has been altered, interfered with or damaged,

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

Penalty: Two thousand dollars.

(2) It shall be a defence to a prosecution for an offence under subsection (1) for the defendant to prove—

- (a) that the person who removed, altered, interfered with or damaged the meter or who installed a pipe by-passing the meter did so with the authority of the Minister;
- (b) in the case of a defendant who is the owner or occupier of the land concerned—

(i) that he did not know and had no reason to suspect that the commission of an offence under subsection (1) had occurred or was likely;

or

(ii) that immediately after he first became aware or suspected that an offence under subsection (1) had occurred or was likely he informed the Minister in writing of that fact.

(3) A person convicted of an offence under subsection (1) is liable to pay to the Minister his costs arising from the offence in replacing the meter, removing a pipe by-passing the meter or repairing or reinstating the meter to its original condition.

Amendment of
s. 45—
Alteration, etc., to
pipes, fittings, etc.

11. Section 45 of the principal Act is amended by striking out from subsection (2) the passage “fifty dollars” and substituting the passage “one thousand dollars”.

Amendment of
s. 46—
Use of fittings.

12. Section 46 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “, or fitting, other than such as are by any by-law prescribed or permitted by the Minister to be so used, placed, affixed, or attached; nor shall any such watercloset, soilpan, receptacle, or fitting be arranged in a mode different from that prescribed” and substituting the passage “fitting, appliance or apparatus other than in accordance with this Act or as permitted by the Minister”;

and

(b) by striking out from subsection (2) the passage “fifty dollars” and substituting the passage “one thousand dollars”.

Amendment of
s. 47—
Powers of entry
and inspection.

13. Section 47 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “and fittings” and substituting the passage “fittings, appliances and apparatus”;

(b) by striking out from subsection (1) the passage “the by-laws made by him under this Act” and substituting the passage “this Act”;

(c) by striking out from subsection (2) the passage “or fitting” and substituting the passage “fitting, appliance or apparatus”;

and

(d) by striking out from subsection (2) the passage “such by-laws” and substituting the passage “this Act”.

Amendment of
s. 49—
Unauthorized
fittings.

14. Section 49 of the principal Act is amended by striking out the passage “one hundred dollars” and substituting the passage “one thousand dollars”.

15. Section 50 of the principal Act is amended by striking out the passage "one hundred dollars" and substituting the passage "one thousand dollars".
- Amendment of s. 50—
Penalty for breaking fittings.
16. Section 52 of the principal Act is amended by striking out the passage "two hundred dollars" and substituting the passage "two thousand dollars".
- Amendment of s. 52—
Penalty for contravention of Act.
17. Section 53 of the principal Act is amended—
- (a) by striking out the passage "or other apparatus" and substituting the passage "tank, vessel or other apparatus, or appliance";
- and
- (b) by striking out the passage "fifty dollars" and substituting the passage "one thousand dollars".
- Amendment of s. 53—
Penalty for wasting water, etc.
18. Section 54 of the principal Act is amended by striking out the passage "or of any by-laws made thereunder,".
- Amendment of s. 54—
Power of Minister to cut off water.
19. Section 55 of the principal Act is amended by striking out the passage "fifty dollars" and substituting the passage "one thousand dollars".
- Amendment of s. 55—
Unlawfully taking water.
20. Section 56 of the principal Act is amended by striking out the passage "Two hundred dollars" and substituting the passage "Two thousand dollars".
- Amendment of s. 56—
Pollution of streams, etc.
21. Section 57 of the principal Act is amended by striking out the passage "two hundred dollars and a further penalty of twenty dollars for each day on which the offence is continued" and substituting the passage "two thousand dollars".
- Amendment of s. 57—
Allowing contaminated water to flow into streams.
22. Section 58 of the principal Act is amended by striking out from subsection (3) the passage "fifty dollars and a further penalty of twenty dollars" and substituting the passage "five hundred dollars and a further penalty of fifty dollars".
- Amendment of s. 58—
Reduction and prevention of the pollution of water.
23. Section 59 of the principal Act is amended by striking out the passage "one hundred dollars" and substituting the passage "two thousand dollars".
- Amendment of s. 59—
Waste material from gasworks.
24. Section 60 of the principal Act is amended by striking out the passage "one hundred dollars and a further penalty not exceeding fifty dollars for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence" and substituting the passage "two thousand dollars".
- Amendment of s. 60—
Pollution caused by gasmaker.
25. Section 62 of the principal Act is amended by striking out the passage "one hundred dollars" and substituting the passage "five hundred dollars".
- Amendment of s. 62—
Injury to or obstruction of works.

Amendment of
s. 63—
Penalty for
illegally diverting
water.

26. Section 63 of the principal Act is amended by striking out from subsection (1) the passage “shall be liable to a penalty not exceeding two hundred dollars for every day during which the said supply of water is diverted, or diminished, or injured by reason of any act done by, or by the authority of such person” and substituting the passage “shall be guilty of an offence.

Penalty: One thousand dollars.”.

Amendment of
s. 65—
Penalty for
trespassing.

27. Section 65 of the principal Act is amended by striking out the passage “fifty dollars” and substituting the passage “five hundred dollars”.

Amendment of
s. 87—
Recovery of
moneys by
Minister.

28. Section 87 of the principal Act is amended by striking out from subsection (1) the passage “any by-law or” and substituting the word “a”.

Amendment of
s. 88—
Exemption from
rates.

29. Section 88 of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsections:

(1) Subject to this section, land that has been acquired or is used—

(a) exclusively for charitable purposes;

(b) exclusively for public worship;

or

(c) for the purposes of a State school,

shall be exempt from water rates.

(2) Where land is acquired for a purpose referred to in subsection (1) but, before being used for that purpose, is used for a purpose not referred to in that subsection, the land shall cease to be exempt from water rates under that subsection and the water rates that have not been paid (if any) by virtue of that exemption shall, subject to subsection (2a), become payable.

(2a) Rates payable under subsection (2) shall be reduced by the amount of the charges (if any) paid under subsection (4) in respect of the same period.

Amendment of
s. 93—
Recovery of
amounts due to
Minister.

30. Section 93 of the principal Act is amended by striking out from subsection (1) the passage “, or under any by-law made under this Act,”.

Amendment of
s. 95—
Recovery of rates.

31. Section 95 of the principal Act is amended by striking out from paragraph (b) of subsection (1) the passage “provided by by-law” and substituting the passage “prescribed by this Act”.

Amendment of
s. 98—
Power to sell
lands.

32. Section 98 of the principal Act is amended by striking out from subsection (1) the passage “form prescribed by by-law under this Act” and substituting the passage “prescribed form”.

33. Section 113 of the principal Act is amended—

(a) by striking out the passage “, or by any by-law made thereunder,”;
and

(b) by striking out the passage “actually committing any breach of such Act or by-law,” and substituting the passage “actually in breach of this Act”.

Amendment of
s. 113—
Persons liable to
penalties.

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

D. B. DUNSTAN, Governor