



ANNO VICESIMO

GEORGII V REGIS.

A.D. 1929.

No. 1910.

An Act to consolidate certain Acts providing for the Sewerage and Cleansing of the Metropolitan Area and other places.

[Assented to, October 30th, 1929.]

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Sewerage Act, 1929".
2. The provisions of this Act are arranged as follows :—
 - PART I.—Preliminary.
 - PART II.—Finance.
 - PART III.—Incorporation and Powers of the Commissioner.
 - PART IV.—Construction, Maintenance, and Extension of the Undertaking.
 - PART V.—Provisions for the Protection of the Drainage Works.
 - PART VI.—Assessment and Rating and Recovery of Rates.
 - PART VII.—Legal Proceedings.

PART I.

Short title.

Arrangement of Act.

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 This Act is a consolidation of the Acts mentioned in the Schedule hereto, and the said Acts are hereby repealed.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

PART 1.

Sewerage Act.—1929.

Interpretation.
106, 1878, s. 2.
1745, 1926, s. 3.

4. In this Act, except when inconsistent with the context—

“Commissioner” means the Commissioner of Sewers :

“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“Drainage Area” means all land to which, immediately before the passing of this Act, the Acts hereby repealed applied, and includes all other land declared by proclamation made under this Act to form the whole or part of a Drainage Area :

“Fittings” includes cocks, valves, cisterns, water pipes, traps, syphons, manholes, lampholes, ventilators, entrances, and other apparatus connected with, and requisite to secure the safe and proper working of, any drain or sewer :

“Land” includes lands, tenements, and hereditaments of any tenure :

“Owner” includes the person for the time being receiving the rent of the lands or premises 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 or premises were let at a rent :

“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 therewith, authorised by this Act or any Act hereby repealed to be constructed and maintained, and includes all fittings laid down or fixed by the Commissioner, and all land held or used by him 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.

5. (1) The

Sewerage Act.—1929.

PART I.

5. (1) The Compulsory Acquisition of Land Act, 1925, is, so far as the same is applicable, and except where expressly varied by this Act, incorporated with this Act, and for the purposes of this Act the expression "promoters," whenever used in the Compulsory Acquisition of Land Act, 1925, means the Commissioner, and the words "Special Act" mean this Act.

Incorporation with other Acts.
106, 1878, s. 3.

(2) All the sections of the Railways Clauses Consolidation Act which are enacted "with respect to the temporary occupation of lands near the railway during the construction thereof," are, so far as they are applicable, and except where expressly varied by this Act, incorporated with and form part of this Act, and for the purposes of this Act the expressions "the company" and "the railway" wherever used in those sections respectively mean the Commissioner and the undertaking, and the words "Special Act" mean this Act.

(3) The Compulsory Acquisition of Land Act, 1925, and the said portions of the Railways Clauses Consolidation Act shall apply to the maintenance and extension of the undertaking as well as to the construction thereof.

PART II.

FINANCE.

PART II.

6. All interest becoming due in respect of sewers loans shall be paid out of the General Revenue of the State.

Interest on sewers loans.
1282, 1917, s. 4.

7. (1) All moneys derived from sewerage-rates shall be paid to the Treasurer for the public purposes of the State.

Application of sewerage-rates and payment of maintenance expenses.
Ibid., s. 5.

(2) The Treasurer shall apply such moneys as are provided by Parliament for that purpose in payment of all expenses of and connected with the working and maintenance of the undertaking.

8. The Treasurer may, under the authority of the Commissioner, pay out of the moneys at his disposal under this Act—

Payments to be made on account of Commissioner.
106 1878 s. 20.

- (a) any sum due by the Commissioner under any agreement lawfully made for, and in accomplishing, any of the purposes of this Act; and
- (b) any sum recovered against the Commissioner by any process of law; and
- (c) any sum which by any order, made or purporting to be made under this Act, the Commissioner is directed to pay for or by way of compensation, damages, costs, fines, penalties, forfeitures, or otherwise howsoever.

9. (1) In

PART II.

Sewerage Act.—1929.

Annual accounts to be published.
Ibid., s. 14.
1556, 1923, s. 9.

9. (1) In every year the Commissioner shall cause to be prepared for the financial year preceding, under the distinct heads of receipts and expenditure, an account in abstract of all moneys advanced to him, and of all sewerage-rates and other moneys levied or received by him, for the purposes of the undertaking, and also of all moneys expended by him for the said purposes, and of the manner in which the said moneys were expended.

(2) Every such account shall contain a statement of the balance of such account, and shall be duly audited and certified by the Auditor-General.

(3) A true copy of every such account in abstract shall be published in the *Government Gazette* on or before the thirtieth day of June in the year in which it is prepared.

PART III.

PART III.

INCORPORATION AND POWERS OF THE COMMISSIONER.

Commissioner of Sewers.
106, 1878, s. 15.

10. The Commissioner of Public Works for the time being shall be the Commissioner of Sewers.

Commissioner to be a body corporate.
Ibid., s. 16.

11. The Commissioner of Sewers in office on the passing of this Act shall continue to be, and his successors in office shall be, a body corporate under the title of "The Commissioner of Sewers," and shall, by that name, be capable of exercising all the functions of an incorporated body, and shall have, by that name, perpetual succession and a seal, and shall and may by that name sue or be sued, plead or be impleaded in all Courts and before all Justices and others, and shall have power to purchase, take, hold, or dispose of land and other property, for the purposes of the undertaking.

Governor may appoint officers.
Ibid., s. 17.

12. The Governor may appoint and employ for the purposes of this Act such engineers, managers, secretaries, clerks, collectors, messengers, and other officers as to him seems fit.

Commissioner may make regulations.
Ibid., s. 18.
1366, 1919, s. 9.
1845, 1927, s. 4 (part).

13. (1) The Commissioner may make all such regulations as appear to him expedient for any or all of the following purposes, namely:—

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

Sewerage Act.—1929.

PART III.

- 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 Commissioner is authorised to perform :
- IV. For prohibiting the use of any form of or any mode of management of any baths, water-closets, soil-pans, sinks, cesspits, wells, and other receptacles and fittings, the use of which may in his judgment tend to any fouling or contamination or to endanger the public health :
- 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 Commissioner and of the undertaking, and for its construction, completion, maintenance, and extension, and for carrying into effect the purposes of this Act generally :
- VI. Prescribing a scale of annual fees to be paid to the Commissioner for the drainage of, and the removal of sewerage matter from, lands and premises which are exempt from assessment and rating under this Act :
- VII. Fixing any fees or charges to be paid to the Commissioner by the owner or occupier of premises in payment of the cost of any drains or fittings made or constructed pursuant to section 33 in any street.

(2) The Commissioner may, by any such regulations, impose such reasonable penalties as he thinks fit, not exceeding Ten Pounds, for breach of any such regulation : and, in case of a continuing offence a further penalty, not exceeding One Pound, for every day after notice of the offence has been given by the Commissioner to the offender.

(3) No regulation made by the Commissioner pursuant to this section shall have any force or effect until approved by the Governor, and every such regulation made, or purporting to have been made, in pursuance of this section shall, when approved by the Governor and published in the *Government Gazette*, have the force of law.

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

Undertaking to vest
in Commissioner.
106, 1878, s. 19.

15. The exclusive control of all gutters, shoots, grates, and openings in the streets, within a Drainage Area, communicating directly

Street drains to be
under control of
Commissioner.
Ibid., s. 53.

PART III.

Sewerage Act.—1929.

directly or indirectly with the sewers vested in the Commissioner, 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 Commissioner.

Commissioner not to be personally liable. *Ibid.*, s. 21.

16. The Commissioner shall not be personally liable to pay or make good any sum of money which is at any time recoverable under this Act from him, or is due by him as Commissioner or recovered as damages for any act done, or omitted to be done, by him in the *bona fide* belief that he is acting in pursuance of this Act.

Commissioner may delegate his powers. *Ibid.*, s. 22.

17. (1) The Commissioner may authorise such persons as he thinks proper to do all and any of the acts, matters, and things which the Commissioner is hereby authorised or required to do.

(2) Every person so authorised shall have and enjoy all such and the like powers as are hereby conferred on the Commissioner enabling him to do such acts, matters, or things respectively, and all such acts, matters, and things, when done under the said authority, shall be as valid and effectual as if they had been done by the Commissioner.

(3) Every person so authorised shall have and enjoy, in respect of every such act, matter, or thing so done by him, all such immunities from personal liability as the Commissioner would have and enjoy if he had done the act, matter, or thing.

PART IV.

PART IV.

CONSTRUCTION, MAINTENANCE, AND EXTENSION OF THE UNDERTAKING.

Drainage Area. *Ibid.*, s. 23.
662, 1896, s. 2.
1745, 1926, s. 4.

18. (1) The Governor may from time to time by proclamation declare that any land defined in the proclamation shall constitute a Drainage Area and the said land shall thereupon, for all the purposes of this Act, be deemed to be a Drainage Area to which this Act applies.

(2) The Governor may by proclamation add to or otherwise alter the boundaries of any such Drainage Area and may also, in like manner, revoke any proclamation made under this section, as to the whole or any part of any such Drainage Area, in which case the Drainage Area shall be abolished or altered according to the tenor of the proclamation.

Commissioner may purchase or lease land. 106, 1878, s. 25.

19. The Commissioner may purchase or take on lease for such term as he thinks fit, with or without right of purchase—

(a) any land or premises which he thinks necessary for the purposes of this Act or for the formation or protection of any works which he is authorised to execute under this Act; and

(b) any

Sewerage Act.—1929.

PART IV.

- (b) any sewage farms, offices, buildings, yards, stations or places for deposit of refuse, material, or things, or any land for the formation or erection of any such sewage farms, offices, buildings, yards, stations, or places for deposit as aforesaid.

20. (1) The Commissioner may at any time, subject to the provisions herein contained—

Commissioner may
construct sewers.
Ibid., s. 26.

- (a) make and construct sewers, drains, and works with all necessary fittings, of such construction and in such manner as he 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 or premises 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 Commissioner for that purpose, or cause any such sewers to communicate with the sea as the Commissioner 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 or premises within the Drainage Area for the purpose of cleansing and draining any such land or premises by means of such drains and sewers ; and
- (h) do all such other acts, matters, and things as he 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.

(2) The Commissioner shall build and construct the said sewers, drains, fittings, and other works in a sufficient and effectual manner for accomplishing the purposes of this Act.

21. The Commissioner may make and erect such dams and reservoirs as he 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 Commissioner, and may lay pipes therefrom for the purpose of conducting water to all or any of the said sewers and drains.

Commissioner may
construct dams.
Ibid., s. 27.

22. Such

PART IV.

Sewerage Act.—1929.

Position of dams.
Ibid., s. 28.

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

Power to construct accommodation works.
Ibid., s. 29.

23. (1) The Commissioner 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 difference arises respecting the construction of any such accommodation works, or the kind, or size, or sufficiency thereof, the same shall be determined in the manner provided by the Compulsory Acquisition of Land Act, 1925, for the determination of questions of disputed compensation.

Power to make roads.
Ibid., s. 30.

24. The Commissioner 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 he 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 his discretion, permit the public or any particular person to use all or any of them, upon such terms and subject to such conditions as he 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 such as are expressly granted or dedicated by the Commissioner in conformity with this section.

Power to break up streets.
Ibid., s. 31

25. (1) For the purpose of constructing, extending, and maintaining the undertaking, the Commissioner, 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 he 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 he deems

Sewerage Act.—1929.

PART IV.

deems necessary or expedient for constructing and maintaining the undertaking, and he shall do as little damage as can be in the execution of the powers hereby granted.

(2) The Commissioner shall make compensation for any damage which may be done in the execution of the said powers in the manner provided by the Compulsory Acquisition of Land Act, 1925, for the settlement of disputed claims for compensation.

26. (1) Before the Commissioner opens or breaks up any street, sewer, drain, or tunnel he 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 his intention to open or break up the same.

Notice to be served before breaking up streets.

Ibid., s. 32.

(2) The notice shall be given not less than three clear days before beginning the opening or breaking up, except in such cases of emergency as in the opinion of the Commissioner justify him in omitting to give the notice, and in every such case he shall give the notice as soon as he conveniently can after the beginning of the opening or breaking up, or after the necessity for the same has arisen.

27. 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 Commissioner, 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 Commissioner 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—

Street not to be broken up except under superintendence.

Ibid., s. 33.

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

28. When the Commissioner opens or breaks up any street or any sewer, drain, or tunnel, he 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

Streets broken up to be reinstated without delay.

Ibid., s. 34.

PART IV.

Sewerage Act.—1929.

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.

Compensation for delay in reinstating streets.

Ibid., s. 35.

29. (1) If the Commissioner—

- (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,

he 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) The amount of the said compensation, if it has not been agreed upon between any such person and the Commissioner, shall be fixed in the manner provided by the Compulsory Acquisition of Land Act, 1925, for the determination of questions of disputed compensation.

In certain cases parties other than the Commissioner may reinstate.

Ibid., s. 36.

30. (1) If the Commissioner, 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,

Sewerage Act.—1929.

PART IV.

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 Commissioner.

(2) If any dispute arises between the said persons and the Commissioner touching the nature, legality, or amount of the expenses claimed by them in that behalf, every such dispute shall be determined in the manner provided by the Compulsory Acquisition of Land Act, 1925, for the determination of questions of disputed compensation.

31. (1) If the Commissioner 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.

Water and gas pipes to be altered when necessary.
Ibid., s. 38.

(2) The expenses attendant upon or connected with any such alterations shall be paid by the Commissioner.

(3) If any such notice is not complied with the Commissioner 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.

32. (1) The Commissioner shall cause the sewers which are at any time vested in him, 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.

Commissioner to keep sewers cleansed.
Ibid., s. 39.

(2) For the purpose of such clearing, cleansing, flushing, and emptying, the Commissioner may construct or place, either above or underground, such reservoirs, sluices, engines, manholes, lamp-holes, ventilators, entrances, and other works as he thinks necessary, and may contract with the Commissioner of Waterworks for the supply of such quantity of water, at such times and such places, and in such manner, as he thinks fit, and may cause all or any of such sewers to communicate with and be emptied into such places as he 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. (1) As soon as any sewer, or any part thereof, is completed so as to be ready for use in any street or other place within any Drainage Area, the Commissioner may demand that the owner or occupier of any land or premises shall—

Owners and occupiers to make drains to public sewers.
Ibid., s. 40.

(a) construct such drains and fittings from and in connection with the land or premises, to communicate with the said sewer, as the Commissioner may by notice prescribe ; or

1845, 1927, s. 4 (part).

(b) at

PART IV.

Sewerage Act.—1929.

(b) at his own expense alter or repair any drains and fittings already so constructed in such manner as the Commissioner from time to time thinks expedient.

(2) Any such demand may be made by giving a notice thereof in writing, signed by the Commissioner, to the said owner or occupier, or by leaving the same at the said land or premises.

(3) The said drains and fittings shall be made, constructed, and attached, or altered and repaired, according to such plans and directions as the Commissioner thinks proper for effectually carrying off all impurities from the said land or premises.

(4) The whole of the cost of the said drains and fittings both in any street and on the said lands and premises shall be paid by the owner or occupier thereof.

Owners and occupiers to make and repair drains to public sewers.
1366, 1919, s. 3.

34. In any case where any owner or occupier neglects or fails to alter or repair any drain or fitting when required so to do by a notice under section 33, within the time prescribed by the notice, and in every respect according to the plans and directions (if any) contained in or referred to in the notice, the Commissioner may enter upon the land or premises of the owner or occupier, and alter or repair (according to the nature of the case) the drain or fitting, and may do all such things as may be necessary for that purpose, and the costs thereof and incidental thereto shall be recoverable by the Commissioner from the said owner or occupier in manner mentioned in section 35 and subject as therein provided.

Commissioner to make drains in default of compliance with orders.
106, 1878, s. 41.

35. (1) The Commissioner may, by such notice as aforesaid, require the said drains and fittings to be made, constructed, and attached by any such owner or occupier within such time as the Commissioner may limit in that behalf; and if the same are not made within the prescribed time, or if the same are not made, constructed, and attached in every respect according to such plans and directions as aforesaid, the Commissioner may make, construct, and attach the same, and for that purpose may enter upon the land or premises of the said owner or occupier, and excavate the ground, and make, construct, and lay down the said drains and fittings in, along, or over the land and premises of any person.

(2) In any such case the Commissioner may recover from every such owner or occupier, in a summary manner, the full amount of the expense of making the drains and fittings: Provided that no such proceedings shall in any case be taken until default has been made in payment of the said expenses for twenty-one days after a signed demand by the Commissioner for payment of the said expenses has been given to such owner or occupier, or has been left at the land or premises in respect of which the drains and fittings have been made, constructed, or attached.

No cesspit to be constructed or used after drains completed.
Ibid., s. 42.

36. (1) After the construction of any such drains has been completed, no owner or occupier of any such land or premises shall, without the written permission of the Commissioner, make or dig any cesspits or wells for the purpose of receiving or holding any sewage matter.

(2) Any

Sewerage Act.—1929.

PART IV.

(2) Any person who so makes use of any cesspit or well without the said permission shall be liable to a penalty not exceeding Five Pounds.

37. (1) In every case where any owner or occupier makes, attaches, alters, or repairs any drain or fittings, all the provisions of this Act relating to the ground soils, pitchings, and pavements to be opened or broken up and reinstated, and making good and guarding the same, and repairing other damage, shall be complied with and observed by and apply to every such owner or occupier or other person, and their agents, servants, and workmen, in such and the like manner as is mentioned in this Act with respect to any sewer or fittings to be made or repaired by the Commissioner.

Method of construction of drains.

Ibid., s. 43.

(2) Upon default herein in any particular the said several matters may be forthwith done and performed by the Commissioner, and the said owner or occupier or other person shall be liable to pay the expenses so incurred by the Commissioner and which may be occasioned by such default, together with a penalty not exceeding Five Pounds.

38. (1) No person shall, without having previously given one weeks written notice to the Commissioner, construct or alter any drain or fitting communicating with any sewer, and no person shall under any circumstances construct, attach, or alter any such drain or fitting, except according to such plans as the Commissioner approves, and in such manner as he directs.

No private drain or sewer to be made without notice.

Ibid., s. 44.

(2) Any person contravening the provisions of this section shall be liable to a penalty not exceeding Fifty Pounds.

39. (1) All drains and fittings communicating with any sewer shall from time to time be repaired and cleansed under the inspection or direction of the Commissioner at the expense of the owner or occupier of the land or premises in respect of which the said drains have been constructed.

Drains to be cleansed.

Ibid., s. 45.

1366, 1919, s. 4.

(2) If any owner or occupier neglects to repair or cleanse any such drain according to the direction of the Commissioner he shall be liable to a penalty not exceeding Five Pounds.

(3) If any owner or occupier neglects to repair or cleanse any drain or fitting as required by this section, within the time prescribed by the Commissioner and according to his direction, the Commissioner may enter upon the land or premises of the said owner or occupier and repair or cleanse (as the case may require) the drain or fitting, and may do all such things as may be necessary for that purpose, and the costs thereof and incidental thereto shall be recoverable by the Commissioner from the said owner or occupier in manner mentioned in section 35 and subject as therein provided.

40. The Central Board of Health may, in its discretion, by notice in writing, require any person whose premises are connected with

Central Board of Health may require works constructed for deodorising sewage.

PART IV.

Sewerage Act.—1929.

303, 1883-4, s. 8.

with the sewers to construct such works and do such things as may be deemed necessary by the said Board for deodorising or rendering as innocuous as possible any sewage matter before it enters the sewers.

Commissioner may refuse to admit certain sewage matter into sewers. Ibid., s. 9.

41. The Commissioner may, at the request of the Central Board of Health, refuse to admit into any sewers or drains any solid or liquid sewage matter which would prejudicially affect the sewers or drains, or which would, from its temperature, nature, or otherwise, be injurious, and may, in order to prevent any such matter being admitted as aforesaid, cause any sewers or drains to be disconnected or closed.

Owners beyond Drainage Area. 106, 1878, s. 46.

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

Agreement with Commissioner. Ibid., s. 56.

43. The Commissioner may, by agreement with and at the expense of the owner or occupier of any land or premises within a Drainage Area, execute any drainage works on that land or premises which the owner or occupier may be desirous to have so executed thereon.

Commissioner may agree to drain any lands, whether inside or outside a Drainage Area. 1556, 1923, s. 11.

44. (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 a Drainage Area, in pursuance of an agreement by the owner of the said land or premises to pay to the Commissioner interest at a rate to be specified in the agreement on the owner's proportion, as fixed by the Commissioner, of the cost of the 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 the said land or premises.

(3) In any case where the Commissioner lays 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 that 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, the said 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.

45. The

Sewerage Act.—1929.

PART IV.

45. The Commissioner 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 six feet higher than any window or door situated within a distance of thirty feet therefrom.

Ventilators may be attached to buildings.

106, 1878, s. 47.

46. (1) The cost of providing, laying down, constructing, and fixing in readiness for use such drains and fittings as are necessary for draining any land or premises shall be payable to the Commissioner by the owner of the first estate of freehold in the said land or premises.

Payment of cost of construction of drains.

303, 1883-4, s. 2.

(2) The said owner may charge any tenant to that owner of the said land or premises at the time of the cost being incurred, interest during the remainder of the tenancy of the said tenant at the rate of Seven Pounds per centum per annum on the amount of the cost, from the time of the same being paid by the owner or of the owner becoming liable to pay interest thereon.

(3) The said interest shall be paid by the tenant to the owner at the times appointed for the payment of rent under the tenancy, and shall be a debt from the tenant to the owner, and shall also be recoverable by distress in the same manner as the rent reserved.

(4) Every tenant or sub-tenant who is charged interest under this section may in like manner charge any sub-tenant to the said tenant or sub-tenant of the said land or premises at the time of the said cost being incurred, with interest during the remainder of the sub-tenancy, and the said interest shall be paid by the said sub-tenant at the times appointed for the payment of rent under the sub-tenancy, and shall be a debt from the sub-tenant, and shall also be recoverable by distress in the same manner as the rent reserved under the sub-tenancy.

(5) The provisions of this section shall not invalidate or affect any existing or future contract.

47. Where any owner is liable under this Act to bear the cost of the works referred to in section 46, that owner may make application in writing to the Commissioner asking that the works referred to in that section may be done under the direction of the Commissioner on a system of deferred payment, and thereupon the Commissioner may enter into an agreement with the applicant for the doing of the said works, under the direction of the Commissioner, at a price to be therein named, and for the payment of the said price by the applicant to the Commissioner by quarterly instalments extending over a period of not more than six years from the date of the completion of the works, with interest at a rate to be specified in the agreement, on the balance for the time being remaining unpaid.

Persons liable to make connections may apply to have work done on deferred payments.

Ibid., s. 4.

369, 1886, s. 2.

1845, 1927, s. 7.

48. Upon the execution of any such agreement by the applicant, the Commissioner shall cause the works aforesaid to be done, and forth-
with

Commissioner upon completion of work to give notice to applicant.

PART IV.

Sewerage Act.—1929.

303, 1903-4, s. 5.

with upon the completion thereof shall give notice in writing to the applicant of the said completion, and of the quarterly days on which the instalments of payment will respectively fall due.

PART V.

PART V.

PROVISIONS FOR THE PROTECTION OF THE DRAINAGE WORKS.

Notice of building or rebuilding to be given to Commissioner.
106, 1873, s. 49.

49. (1) Any person intending to build any new house or rebuild any existing house within a Drainage Area shall, at least fourteen days before beginning to dig or lay out the foundations thereof, give to the Commissioner 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.

(2) No person shall begin to build or rebuild any such house, or build or construct any such privy, cesspit, or drain, until the particulars so required to be stated have been approved by the Commissioner, who shall signify his 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, or constructing, or causing to be either wholly or partially built, rebuilt, or constructed, any such house, privy, cesspit, or drain, without such approval as aforesaid, shall be liable to a penalty not exceeding Fifty Pounds.

Power to pull down buildings.
Ibid., s. 50.

50. If any person builds, rebuilds, or constructs any house, privy, cesspit, or drain, in contravention of the last preceding section, the Commissioner may pull down or demolish the same, and the expenses of and incidental to the said demolition shall be recoverable from the said person in manner hereinafter provided.

Power to Commissioner to authorise inspection.
Ibid., s. 51.

51. The Commissioner, or his surveyor or inspector, or such other person or persons as he may appoint, may inspect any land or premises within a Drainage Area, and any drain, watercloset, privy, cesspit, water supply apparatus, or fitting, and may for that purpose at all reasonable times in the daytime—

(a) after twenty-four hours notice in writing has been given to the occupier of, or left upon, the land or premises, or the premises to which the drain, watercloset, privy, cesspool, water supply apparatus, or fitting is attached ;
or

(b) in

Sewerage Act.—1929.

PART V.

(b) in case of emergency, without notice,

enter, by himself or his surveyor or inspector or workmen, upon any such land or premises, and, for the purpose of any such inspection, may cause the ground to be opened in any place he thinks fit, doing as little damage as may be.

52. (1) Every person who knowingly 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 Commissioner shall, in addition to any other penalty to which he may be liable thereby, pay to the Commissioner a sum not exceeding Twenty Pounds.

Penalties on persons encroaching on sewers.

Ibid., s. 52.

(2) The Commissioner may 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) In case of a continuing offence in any of the cases aforesaid, the offender shall be liable to a further penalty not exceeding Five Pounds for every day after notice thereof has been given by the Commissioner to the offender, and the said penalties and expenses shall be recoverable either by action in any Court of competent jurisdiction or in a summary manner, at the option of the Commissioner.

(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. (1) Before beginning to lay the pavement or hard surface of any new street, or to re-lay the pavement or hard surface of any existing street, the person authorised or intending to do so shall give to the Commissioner fourteen days notice thereof in writing, accompanied by a plan showing by reference to some datum line, established by the Commissioner, the proposed level and surface inclination of the street, and the nature of the pavement or hard surface proposed to be made or laid thereon.

Notice of making and relaying streets to be given to Commissioner.

Ibid., s. 54.

(2) The Commissioner, within seven days after receiving any such notice, may specify, by notice given to the said person, any and what alteration in the proposed level inclinations or material he thinks requisite, and the said person shall make those alterations accordingly.

PART V.

Sewerage Act.—1929.

Commissioner may refuse admission of rubbish into sewers. Ibid., s. 55.

54. (1) No person shall, without the written permission of the Commissioner—

- (a) sweep, rake, or place any dust, soil, rubbish, filth, or any other thing into any sewer, or over any grate communicating with any sewer; or
- (b) knowingly suffer any dust, soil, rubbish, filth, or other thing from the premises of the said person to obtain admission into any sewer.

(2) No storm waters or surface drainage of streets shall be admitted into any sewer except with the express approval and consent of the Commissioner.

(3) Every person who commits an offence against the provisions of this section shall be liable to a penalty not exceeding Five Pounds.

Rain water not to be admitted to sewers without Commissioner's consent. 1556, 1923, s. 10.

55. (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 sewer or any drain communicating with any sewer upon, under, or about the said land or premises, shall be liable to a penalty not exceeding Five Pounds, and a further penalty not exceeding One Pound for every 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 the drain and of the communication of the drain with a sewer.

Powers of Commissioner to remove fittings permitting entrance of rain water into sewers. 1634, 1924, s. 3.

56. (1) The Commissioner may give notice requiring the owner or occupier of any land or premises to remove any pipe, fitting, gutter, or other contrivance upon the said land or premises whereby any rain water, storm water, or surface water may flow into, obtain admission to, or be diverted into any drain communicating with any sewer.

(2) The said notice shall be in writing signed by the Commissioner and may be given by delivering the same to the owner or occupier or by leaving the same upon the said land or premises. Every notice shall specify the time within which the pipe, fitting, gutter, or other contrivance shall be removed.

(3) If any owner or occupier after service of notice as aforesaid fails within the time specified in the notice to remove any such pipe, fitting, gutter, or other contrivance specified in the notice, he shall be liable to a penalty not exceeding Five Pounds, and, in addition, the Commissioner may enter upon the said premises and remove the pipe, fitting, gutter, or other contrivance, and may, in the same proceedings

Sewerage Act.—1929.

PART V.

proceedings for an offence under this section or otherwise, summarily recover the costs of the removal from the owner or occupier of the said land or premises.

(4) 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 the drain and of the communication of the drain with a sewer.

57. Every person who, not being authorised thereto by the Commissioner, 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 pay to the Commissioner a sum not exceeding Five Pounds, in addition to the amount of the expense to which the Commissioner may be put in respect thereof in repairing the sewer, drain, fitting, work, engine, or part of the undertaking, and the amount of the said expense shall be ascertained, determined, and recovered in the same manner as the said sum.

Penalty for destroying sewers and fittings.
106, 1878, s. 57.

58. 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 Pounds.

Penalty for interference with works.
Ibid., s. 37.

59. Every person who at any time obstructs, hinders, or molests any surveyor, inspector, collector, or other officer, workman, or person whomsoever employed by virtue of this Act in the performance or execution of his duty shall for a first offence be liable to a penalty not exceeding Five Shillings, for a second offence to a penalty not exceeding One Pound, and for any subsequent offence to a penalty not exceeding Five Pounds.

Penalty for interrupting officers in execution of duty.
Ibid., s. 58.

60. (1) If the occupier of any land or premises refuses or neglects to allow the owner thereof to carry into effect with respect to that land or premises any of the provisions of this Act, or any order of the Commissioner made in pursuance thereof, he shall be liable to a penalty not exceeding Five Pounds for every day during the continuance of such refusal or neglect.

Penalty on occupiers obstructing execution of works by owner.
Ibid., s. 59.

(2) If the occupier of any premises, when requested by or on behalf of the Commissioner to state the name and description of the owner of the premises 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 Five Pounds.

PART

PART VI.

ASSESSMENT AND RATING AND RECOVERY OF RATES.

Commissioner to make annual assessment.

Ibid., s. 60 (misprinted as s. 80) (part).

1556, 1923, s. 9.

61. (1) As early as he conveniently can in every financial year the Commissioner shall make, for the purposes of this Act, such an assessment as is described in this Act: Provided that an assessment shall not be made of any land or premises in respect of which an assessment for water rates made under the Waterworks Act, 1882, is in force.

(2) As soon as he conveniently can after any such assessment has been made, the Commissioner shall publish notice of the making thereof in the *Government Gazette*.

(3) Immediately upon the said publication the assessment shall be deemed to have been in force from the commencement of the then current financial year, and shall, unless lawfully altered within that year, continue and be in force until the end thereof.

(4) If the assessment is lawfully altered within that financial year, then the assessment, as so altered, shall be deemed to have been in force from the commencement of that financial year, and shall continue to be in force until the end thereof.

(5) Notwithstanding anything contained in this section the assessment which is in force on the last day of any financial year shall continue and be in force during the whole of the next financial year, if the Commissioner so directs by a notice published in the *Government Gazette* before the first day of August in such next financial year.

Assessment and manner of recording the same.

106, 1878, s. 60 (misprinted as s. 80) (part).

62. (1) The assessment—

(a) shall be made according to the full, fair, and average estimated annual value of the lands and premises assessed, clear of all outgoings; and

(b) shall be written in a book wherein shall be specified in separate columns—

(i.) the names of the respective occupiers and owners, or agents of the owners, of the said lands and premises, so far as those names can be ascertained;

(ii.) the estimated annual value of the several lands and premises; and

(iii.) a succinct description of the said lands and premises.

(2) Any of the land assessed which is vacant land shall be distinguished as such in the said book.

Annual value of lands, how estimated.

1556, 1923, s. 5.

63. The annual value of all vacant lands shall be estimated at five per centum per annum on the market value thereof, and the

Sewerage Act.—1929.

PART VI.

the annual value of all other lands shall be estimated at 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.

64. The assessment for water rates made by the Commissioner of Waterworks under the Waterworks Act, 1882, which is for the time being in force, shall also be the assessment for sewerage-rates under this Act, and the particulars of water rates and the particulars of sewerage-rates required by that Act and this Act respectively to be delivered to owners or occupiers, and all other notices relating to the said rates, may be comprised in the same document.

Waterworks assessment to serve for sewers assessment, and notices of each may be delivered together.
303, 1883-4, s. 7.

65. In every assessment made by the Commissioner for the purposes of this Act, he shall assess all lands and premises situated within the Drainage Area, except—

What lands shall be assessed.
106, 1878, s. 62.
783, 1902, s. 9.

- (a) any land or premises which are occupied and used by any Municipal Corporation within the Drainage Area exclusively for municipal purposes, and are not underlet to, or occupied for other than municipal purposes by, any tenant of the Corporation: Provided that no land or building which any such Corporation may have a right to resume at will or upon three months notice shall be deemed to be liable for sewerage-rates after such resumption:
- (b) any land or premises used exclusively for charitable purposes:
- (c) any church, chapel, or building used exclusively for public worship.

66. (1) The Commissioner shall include in every such assessment all lands and premises situated within the Drainage Area which are 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, 1915, as public schools.

Government lands and premises to be assessed.
783, 1902, s. 9.

(2) The Commissioner may make and levy sewerage-rates on any such land or premises, and those rates shall be paid to the Commissioner by the Treasurer out of the General Revenue.

Ibid., s. 10.

67. For the purpose of making any such assessment, the Commissioner may appoint any person to assess the whole or any part of the said lands and premises, and may, if he thinks proper, adopt either wholly or in part any assessment then in force which has been made by, or by the authority of, any Municipal Corporation or District Council.

Appointment of assessors, and adoption of assessment.
106, 1878, s. 63.

68. Fees in accordance with the scale for the time being in force prescribed by the Commissioner by regulation made under this Act to be paid for the drainage of, and the removal of sewerage matter

Fees may be charged for drainage and sewerage of premises exempt from rating.
1366, 1919, s. 9 (2).

PART VI.

Sewerage Act.—1929.

matter from, lands and premises which are exempt from assessment and rating under this Act, shall be payable, on demand, to the Commissioner by the owners or occupiers of the said lands and premises: Provided that the total amount of fees payable by any owner or occupier by virtue of any such regulation shall not exceed the amount of the rates which would have been payable by him if the lands or premises owned or occupied by him had been assessed and rated under this Act.

Omissions in assessment may be corrected.
106, 1878, s. 64.

69. (1) Whenever any land or premises which in the opinion of the Commissioner ought to have been or ought to be assessed for the purposes of this Act are not so assessed, the Commissioner may cause the same to be so assessed.

(2) After the same have been so assessed the Commissioner shall, so soon as he conveniently can, alter and amend the assessment then in force, and the corresponding assessment-book, in such manner as seems to him proper in that behalf.

(3) If the land or premises were, at the commencement of the then current financial year, assessable under this Act, the owner or occupier thereof shall thereupon be liable to pay and be charged with the whole amount of the sewerage-rate for that year; but if they have become so assessable since the commencement of that financial year, the owner or occupier shall be liable to pay, and be charged with, only such proportionate part of that years sewerage-rate as to the Commissioner seems just.

Power to inspect assessment-books.
Ibid., s. 66.
1556, 1923, s. 6.

70. (1) 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 a 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.

(2) Any person who, having the custody of any rate-book, assessment-book, or other book or document referred to in subsection (1) hereof, wilfully neglects or refuses to permit the Commissioner, or any other person having an order for that purpose under the Commissioner's hand, to inspect the same free of charge, or to make and take, free of charge, copies of or extracts from the same, within two days after a demand in writing and such order as aforesaid has

Sewerage Act.—1929.

PART VI.

has been produced and shown to him, or a copy thereof left at his usual place of abode, shall be liable to a penalty not exceeding Twenty Pounds.

71. As soon in every year as any such assessment has been made, the assessment-book, or a true copy thereof, shall be deposited in the office of the Commissioner, and the same shall be open, free of charge, to inspection by all persons interested between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on every day except Saturdays, Sundays, and public holidays.

Deposit of assessment-book.
106, 1878, s. 67.

72. As soon as he conveniently can after any alteration has been made under this Act in any assessment or assessment-book, the Commissioner shall publish in the *Government Gazette* a notice to the effect that such alteration has been made.

Notice of alteration to be published.
Ibid., s. 68.

73. If at any time it appears to the Commissioner that the name of any person has been inserted in any assessment or assessment-book as the owner or occupier of any land or premises in respect of which some other person ought to have been assessed, or that any other matter purely of error needs rectification in the assessment or book, the Commissioner may—

Commissioner empowered to correct assessment.
Ibid., s. 69.

- (a) cause the assessment to be rectified as he thinks proper, and a description of the land or premises so omitted and the name of the owner or occupier to be inserted in the assessment and book, together with the annual value at which the land or premises are assessed :
- (b) substitute for the name of any person erroneously described therein as the owner or occupier of any land or premises assessed the name of the actual owner or occupier thereof :
- (c) correct any other error in the said assessment-book in such manner as he deems proper.

74. (1) The Commissioner may make and levy on the whole or any portion of the lands and premises comprised in any assessment such sewerage-rates as he may think expedient, and the sewerage-rates made and levied in respect of any portion of the said 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 the said lands or premises.

Scale of sewerage-rates.
1556, 1923, s. 7.

(2) The said sewerage-rates shall be payable at the times and in the manner hereinafter provided.

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

Power of Commissioner to fix minimum sewerage-rates.
1745, 1926, s. 5.

(2) The

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

Minimum rate payable when land ceases to be vacant land.

Ibid., s. 6

76. (1) If any land comprised within any assessment is vacant lands at the time of the making of the assessment and ceases to be vacant land before the making of the next assessment thereof the minimum sewerage-rate fixed in respect of the said land for lands other than vacant lands shall be payable in respect of the first-mentioned land at the time hereinafter mentioned.

(2) The said minimum sewerage-rate shall be payable from the first day of the month next following the day upon which the land first ceases to be vacant lands, and shall be the sewerage-rate payable in respect of the said land until the making of the next assessment thereof.

Power to reduce scale of sewerage-rates.

106, 1878, s. 71.

77. (1) If the Commissioner at any time is of opinion that the sewerage-rates amount to more than sufficient for the purposes of this Act he may, 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 assessed under this Act.

(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.

Sewerage-rates to be payable so soon as sewer laid down.

Ibid., s. 72.

1556, 1923, s. 8.

78. (1) Whenever a sewer has been laid down by the Commissioner in any street situated in a Drainage Area, he shall publish in the *Government Gazette* a notice that that sewer has been laid down there.

(2) After the expiration of seven days from the said publication being made the full amount of sewerage-rates shall be payable according to the scale which is then in force in respect of all land or premises which in the opinion of the Commissioner could, by means of drains, be drained by the sewer.

(3) The said sewerage-rates shall be payable for the period which elapses between the first day of the month next after the expiration of the said seven days and the thirtieth day of June or the thirty-first day of December, whichever next happens; and thereafter the rates shall be payable in full as aforesaid half-yearly in advance on every first day of January and first day of July, according to the scale which is in force at the time when the payments respectively fall due.

79. The

Sewerage Act.—1929.

PART VI.

79. The Governor may, by proclamation, declare that in the Drainage Area or Areas specified in the proclamation the sewerage-rates shall be payable yearly, in which case sewerage-rates in respect of land and premises within that Area or Areas shall be payable for the period between the first day of the month next after the expiration of seven days from the date of the publication of the proclamation in the *Government Gazette* and the thirtieth day of June next ensuing; and thereafter the said rates shall be payable in advance on the first day of July in every year.

Power to make rates payable annually.

1366, 1919, s. 5.

1556, 1923, s. 8.

80. (1) A notice containing particulars of any amount (other than a pecuniary penalty) payable to the Commissioner by any person under this Act, or under any by-law or regulation or agreement made under this Act, shall be given to that person as soon as conveniently may be after the amount becomes payable.

Service of notice of amount due to Commissioner and method of recovery thereof.

1366, 1919, s. 6.

(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 or premises 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 Commissioner, and the Commissioner may, in default of payment, whether or not the amount is due in respect of rates—

- (a) avail himself 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 the supply of water to the land or premises 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 Commissioner in cutting off 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 Commissioner.

PART VI.

Sewerage Act.—1929.

When several premises drained by one drain each owner or occupier to pay.
106, 1878, s. 74.

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

Collector may collect rents when sewerage rates in arrear.
Ibid., s. 76.

82. (1) When sewerage-rates for the payment whereof the owner of the land or premises assessed is liable are in arrear, the collector shall give notice in writing to the occupier of the land or premises in respect of which the arrears are due to pay to him all rents payable in respect of the said land or premises after the service of the said notice until satisfaction is made thereout of such arrears.

(2) Every such occupier shall pay to the collector 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 a poundage of One Shilling on the total sum), the Commissioner 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 Commissioner or collector 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.

Reimbursement of rates payable by owner paid by tenant, and rates payable by tenant paid by owner.
Ibid., s. 77.

83. (1) When any owner of any land or premises assessed 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 collector'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.

Rates paid by tenant.
Ibid., s. 78.

84. Any occupier or lessee of any land or premises 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 or premises the amount so paid by action in any Court of competent jurisdiction, or may deduct the same from any unpaid rent.

85. In

Sewerage Act.—1929.

PART VI.

85. In any case where water rates and sewerage-rates, particulars of which are comprised in the same document pursuant to section 64, 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 Commissioner of Waterworks; and for that purpose the Commissioner of Waterworks shall have, and may avail himself of or exercise in his own name, all or any of the powers, rights, and authorities and methods and remedies which he has, or might exercise or avail himself of, for the purpose of enforcing payment of water rates in arrear.

Recovery of water rates and sewerage-rates together, where both included in one notice.
1366, 1919, s. 10.

PART VII.

LEGAL PROCEDURE.

PART VII.

86. Any person rated or liable to be rated under this Act may, within one month after the publication in the *Government Gazette* of the notice of the assessment, appeal from the assessment upon the ground that any land or premises—

Assessment may be appealed from.
106, 1878, s. 80.

- (a) are assessed above their full and fair annual value; or
- (b) are omitted from the assessment; or
- (c) are not assessable.

87. Any person rated or liable to be rated under this Act may within one month after the publication in the *Government Gazette* of notice of an alteration in the assessment, appeal from the assessment as altered upon the ground that any land or premises—

Appeal from alterations of assessment.
Ibid., s. 81.

- (a) are assessed above or below their full and fair annual value;
or
- (b) are omitted from the assessment; or
- (c) are not assessable:

Provided that it shall not be competent for any person to appeal from an altered assessment upon any ground which would have enabled him to appeal from the assessment before the alteration was made.

88. (1) For the Adelaide, Mile End, and Glenelg Drainage Areas the Local Court of Full Jurisdiction sitting at Adelaide, and for every other Drainage Area the Local Court of Full Jurisdiction in or nearest to the Drainage Area, shall be the Court of Appeal having jurisdiction to hear and determine all appeals from every original or altered assessment made under this Act.

Court of appeal.
Ibid., s. 82.
1845, 1927, s. 5.

(2) Every such appeal shall be commenced by a written notice of appeal, stating the grounds thereof, delivered to the clerk of the Court within the period allowed for appealing.

(3) The

PART VII.

Sewerage Act.—1929.

(3) The Court may, in its discretion, refuse to award any costs either to the Commissioner or to the appellant, or may direct either the Commissioner or the appellant to pay to the other party to any such appeal all or so much of the costs properly and necessarily incurred in reference thereto as to the Court seems just, and the Court shall, upon determining the appeal, fix in a summary way the amount of the costs (if any) ordered to be paid.

Hearing of appeal
from assessment.
106, 1878, s 83.

89. (1) Every appeal shall be heard at the sittings of the Local Court next after the expiration of five weeks from the publication in the *Government Gazette* of the notice of assessment or alteration thereof, as the case may be.

(2) At the hearing the assessment-book shall be produced by the Commissioner.

(3) Upon considering any relevant legal evidence that may be tendered touching the question in dispute, the Court, at the same or at some adjourned or subsequent sittings, may make such order touching the matter in dispute, and costs, as may be just, and shall cause any alteration necessitated by the decision to be immediately made in the assessment-book, which shall be then produced to the Court by the Commissioner.

(4) Every such alteration shall be attested by the signature of the Judge or Special Magistrate sitting in the Court.

(5) The Court may enforce any order in the same manner as though the same were the order of a Court of Summary Jurisdiction.

Special case may be
stated for Supreme
Court.

Ibid., s. 84.

90. (1) The Local Court, upon the hearing of any appeal, may state a special case for the opinion of the Supreme Court.

(2) The Supreme Court shall hear and decide every such special case according to the practice of the Supreme Court on special cases, and shall make such order as to costs as appears just.

(3) The Local Court may make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the Supreme Court, or of any Judge thereof.

(4) The said order shall be enforced in a summary manner.

Right to recover
sewerage-rates not
suspended by
appeal.

Ibid., s. 86.

91. The right of the Commissioner to recover sewerage-rates in respect of any land or premises alleged in any notice of appeal to be assessed above its or their full and fair value shall not be suspended by the appeal; but if the appellant succeeds on the appeal, the amount (if any) of sewerage-rates received by the Commissioner in excess of the amount which, according to the decision on the appeal, the Commissioner was entitled to recover from him shall forthwith be repaid to him by the Commissioner.

92. (1) If

Sewerage Act.—1929.

PART VII.

92. (1) If any sewerage-rates remain unpaid for the space of twenty-one days after the date whereon the same are payable, the Commissioner, or any collector of sewerage-rates, may—

Power to distrain for sewerage-rates in arrear.

1366, 1919, s. 7.

1845, 1927, s. 6.

(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 or premises with respect to which the said rates are payable.

(2) The Commissioner or collector may in the first instance at his option cause to be distrained under this section either the goods and chattels of the person occupying the premises in respect of which rates are due and unpaid or the goods and chattels of the owner of the said premises ; and in case no sufficient goods and chattels of the person against whom distress is levied in the first instance are found to satisfy the distress, the Commissioner or collector may cause to be distrained the goods and chattels of the other person whose goods and chattels are under this section liable to distraint.

(3) If the owner of any premises in respect of which any rates 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. (1) The amount of all sewerage-rates and of any other costs, charges, or expenses due to the Commissioner under this Act or the regulations made hereunder shall, until payment, be and remain a first charge upon the land or premises with respect to which, or to any fitting upon or in which, the amount is payable.

Amounts due to Commissioner to be a charge upon the land and recoverable from owner or occupier
1366, 1919, s. 8.

(2) No

(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 or premises with respect to which, or to any fitting upon or in which, the amount is payable.

Lands may be sold when rates or certain expenses are in arrear.

106, 1878, s. 89.

303, 1883-4, s. 6.

94. (1) Whenever any sewerage-rates in respect of any land or premises, or the cost of providing, laying down, constructing, and fixing in readiness for use such drains and fittings as are necessary for draining any land or premises, is in arrear for the space of two years, the Commissioner may cause to be published three times in the *Government Gazette* a notice specifying the land or premises 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 Commissioner 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 Commissioner may—

(a) let the land or premises 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 premises ; or

(b) by petition 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 Commissioner 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

Sewerage Act.—1929.

PART VII.

(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 incumbrances.

(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. 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.

Persons causing offences liable.
106, 1878, s. 90.

96. Where, under the authority of this Act, two or more persons are or may be directed by the Commissioner 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 Commissioner 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 Commissioner 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 Commissioner considers just and reasonable.

Power to Commissioner to apportion payments.
Ibid., s. 91.

97. (1) If any person refuses or neglects to pay to the Commissioner any sewerage-rate or other sum of money due by that person to the Commissioner under this Act, the Commissioner or any collector in his name may sue for and recover the same in any Court of competent jurisdiction, as a debt due to the Commissioner.

Recovery of moneys due to Commissioner.
Ibid., s. 92.

(2) The Commissioner's remedy under this section shall be in addition to his other remedies for the recovery thereof.

98. In any case where any compensation, damages, costs, or expenses are directed by this Act to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not specifically provided by this Act or by the Compulsory Acquisition of Land Act, 1925, the amount, in case of dispute, shall be ascertained and determined and recovered in a summary way.

Provision for ascertaining and recovering damages.
Ibid., s. 93.

99. All fines, penalties, and other moneys levied or recovered by the Commissioner under this Act, or under any agreement made under this Act, shall be paid to the Treasurer.

Appropriation of moneys recovered under this Act.
Ibid., s. 94.

100. The production of the *Government Gazette*, or of any printed document purporting to be a copy thereof, published by authority

Gazette to be evidence in certain cases.
OR Ibid., s. 95.

PART VII.

Sewerage Act.—1929.

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 Commissioner 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.

Service of notices.
Ibid., s. 96.

101. (1) All notices required by this Act to be given to the owner or occupier of any land or premises 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 or premises.

(2) It shall not be necessary in any notice to any owner or occupier of any land or premises 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 premises and his place of abode or that of his agent is known to the Commissioner, 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.

Authentication of notices.
Ibid., s. 97.

102. Every notice, demand, or like document given by or on behalf of the Commissioner under this Act may be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if it is signed by the Commissioner, or by the officer by whom the same is given, or if the name of the Commissioner or other officer is printed thereon.

Commissioner may remit fines.
Ibid., s. 98.

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

Proceedings against persons acting under this Act.
Ibid., s. 100.

104. (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 six months after the fact was committed or omitted, as the case may be, and not otherwise, 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.

(2) In

Sewerage Act.—1929.

PART VII.

(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. (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.

Tender of amends.
Ibid., s. 101.

(2) If no such tender has been made, the defendant may, by leave of the Court wherein the action is pending, at any time before issued 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. All proceedings for offences against this Act shall be disposed of summarily.

Summary
proceedings.

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

A. HORE-RUTHVEN, Governor.

THE

Sewerage Act.—1929.

THE SCHEDULE.

ACTS REPEALED.

Reference to Act.	Title or Short Title of Act.
No. 106 of 1878 .	Adelaide Sewers Act.
No. 303 of 1883-4	Adelaide Sewers Act Amendment Act.
No. 369 of 1886 .	An Act to amend the Adelaide Sewers Act Amendment Act
No. 662 of 1896 .	An Act to amend the Adelaide Sewers Act.
No. 783 of 1902 .	Adelaide Sewers Act Amendment Act, 1902.
No. 1282 of 1917	Adelaide Sewers Acts Further Amendment Act, 1917.
No. 1366 of 1919	Adelaide Sewers Act Further Amendment Act, 1919.
No. 1556 of 1923	Adelaide Sewers Act Further Amendment Act, 1923.
No. 1634 of 1924	Adelaide Sewers Act Further Amendment Act, 1924.
No. 1745 of 1926	Adelaide Sewers Act Further Amendment Act, 1926.
No. 1845 of 1927	Adelaide Sewers Act Further Amendment Act, 1927.

Sewerage Act.—1929.

SEWERAGE ACT, 1929.

Table showing how the Sections of the Acts Consolidated have been dealt with.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Adelaide Sewers Act—		
s. 1	Short title.....	—
s. 2 .....	.....	4
s. 3 .....	.....	5
s. 4	Repealing provision	—
s. 5	Operation exhausted	—
s. 6	Operation exhausted	—
s. 7	Operation exhausted	—
s. 8	Covered as regards principal by 783, 1902, s. 7	—
	Covered as regards interest by 1282, 1917, s. 4	—
s. 9	Operation exhausted	—
s. 10	Repealed by 783, 1902, s. 3	—
s. 11	Repealed by 1282, 1917, s. 3	—
s. 12	Repealed by 783, 1902, s. 4	—
s. 13	Repealed by 783, 1902, s. 4	—
s. 14	As amended by 1556, 1923, s. 9	9
s. 15 .....	.....	10
s. 16 .....	.....	11
s. 17	As impliedly amended by the Public Service Act, 1916: The proviso is deleted as unnecessary.	12
s. 18 .....	.....	13
s. 19 .....	.....	14
s. 20 .....	.....	8
s. 21 .....	.....	16
s. 22 .....	.....	17
s. 23	As extended by 662, 1886, s. 2 and amended by 1745, 1926, s. 4.	18
s. 24	Repealed by 1556, 1923, s. 4	—
s. 25 .....	.....	19
s. 26 .....	.....	20
s. 27 .....	.....	21
s. 28 .....	.....	22
s. 29 .....	.....	23
s. 30 .....	.....	24
s. 31 .....	.....	25
s. 32 .....	.....	26
s. 33 .....	.....	27
s. 34 .....	.....	28
s. 35 .....	.....	29
s. 36 .....	.....	30
s. 37 .....	.....	58
s. 38 .....	.....	31
s. 39 .....	.....	32
s. 40 .....	.....	33
s. 41 .....	.....	35
s. 42 .....	.....	36
s. 43 .....	.....	37
s. 44	“Communication” in third line evidently misprint for “Communicating”	38
s. 45	As amended by 1366, 1919, s. 4	39

Table

*Sewerage Act.—1929.**Table showing how the Sections of the Acts Consolidated have been dealt with—continued.*

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Adelaide Sewers Act—		
s. 46 .....	.....	42
s. 47 .....	.....	45
s. 48	Repealed by 303, 1883-4, s. 2	—
s. 49 .....	.....	49
s. 50 .....	.....	50
s. 51 .....	.....	51
s. 52 .....	.....	52
s. 53 .....	.....	15
s. 54 .....	.....	53
s. 55 .....	.....	54
s. 56 .....	.....	43
s. 57 .....	.....	57
s. 58 .....	.....	59
s. 59 .....	.....	60
s. 60	Numbered 80 in error	61, 62
s. 61	Repealed by 1556, 1923, s. 5	62
s. 62	Amended as regards s.s. (1) and (3) by 783, 1902, s. 9 ..	65
s. 63 .....	.....	67
s. 64 .....	.....	69
s. 65	Repealed by 1556, 1923, s. 6	—
s. 66 .....	.....	70 (2)
s. 67 .....	.....	71
s. 68 .....	.....	72
s. 69 .....	.....	73
s. 70	Repealed by 1556, 1923, s. 7	—
s. 71 .....	.....	77
s. 72	As amended by 1556, 1923, s. 8	78
s. 73	Repealed by 1366, 1919, s. 6	—
s. 74 .....	.....	81
s. 75	Repealed by 1556, 1923, s. 4	—
s. 76 .....	.....	82
s. 77 .....	.....	83
s. 78 .....	.....	84
s. 79	Superseded by 1282, 1917, s. 5	—
s. 80 .....	.....	86
s. 81 .....	.....	87
s. 82 .....	.....	88
s. 83 .....	.....	89
s. 84 .....	.....	90
s. 85	Omitted as unnecessary, being covered by other legislation	—
s. 86 .....	.....	91
s. 87	Repealed by 1366, 1919, s. 7	—
s. 88	Repealed by 1366, 1919, s. 8	—
s. 89	As amended by 303, 1883-4, s. 6	94
s. 90 .....	.....	95
s. 91 .....	.....	96
s. 92	As amended by 303, 1883-4, s. 6	97
s. 93 .....	.....	98
s. 94 .....	.....	99
s. 95 .....	.....	100
s. 96 .....	.....	101

Table

Sewerage Act.—1929.

Table showing how the Sections of the Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Adelaide Sewers Act—		
s. 97 .....	.....	102
s. 98 .....	.....	103
s. 99	Repealed by 1556, 1923, s. 4.....	—
s. 100.....	.....	104
s. 101.....	.....	105
s. 102.....	Commencement of Act	—
The Adelaide Sewers Act Amendment Act—		
s. 1.....	Short title.....	—
s. 2.....	.....	46
s. 3.....	Operation exhausted	—
s. 4.....	As amended by 369, 1886, s. 2	47
s. 5.....	.....	48
s. 6.....	Operation exhausted as regards s. 87 and s. 88	—
	Given effect to as regards s. 89.....	94
	Given effect to as regards s. 92.....	97
s. 7.....	.....	64
s. 8.....	.....	40
s. 9.....	.....	41
Act No. 369 of 1886—		
s. 1.....	Short title.....	—
s. 2.....	.....	47
Adelaide Sewers Amendment Act, 1896—		
s. 1.....	Short title.....	—
s. 2.....	.....	18
Adelaide Sewers Act Amendment Act, 1902—		
s. 1.....	Short title.....	—
s. 2.....	Given effect to as far as applicable	4
s. 3.....	Superseded by 1282, 1917, s. 4	—
s. 4.....	Superseded by 1282, 1917, s. 5	—
s. 5.....	Repealed by 1282, 1917, s. 6	—
s. 6.....	Repealed by 1282, 1917, s. 6.....	—
s. 7.....	Operation exhausted	—
s. 8.....	Virtually repealed by 1282, 1917, s. 5	—
s. 9.....	.....	66 (1)
s. 10.....	.....	66 (2)
s. 11.....	Covered by Treasurer's general powers	—
s. 12.....	Covered by Treasurer's general powers	—
Adelaide Sewers Acts Further Amendment Act, 1917—		
s. 1.....	Short titles	—
s. 2.....	Incorporation with other Acts	—
s. 3.....	Repealing provision	—
s. 4.....	.....	6
s. 5.....	.....	7
s. 6.....	Repealing provision	—

Sewerage Act.—1929.

Table showing how the Sections of the Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Adelaide Sewers Act Further Amendment Act, 1919—		
s. 1.....	Short titles	—
s. 2.....	Incorporation with other Acts	—
s. 3.....	.....	34
s. 4.....	.....	39
s. 5.....	As amended by 1556, 1923, s. 8	79
s. 6.....	.....	80
s. 7.....	.....	92
s. 8.....	.....	93
s. 9 (1).....	.....	13 (vi.)
s. 9 (2).....	.....	68
s. 10.....	.....	85
Adelaide Sewers Act Further Amendment Act, 1923—		
s. 1.....	Short titles	—
s. 2.....	Incorporation with other Acts	—
s. 3.....	Repealing provision	—
s. 4.....	Repealing provision	—
s. 5.....	.....	63
s. 6.....	.....	70 (1)
s. 7.....	.....	74
s. 8.....	.....	78, 79
s. 9 (1).....	Given effect to by using term "financial year" through- out	—
s. 9 (2), (3)	Operation exhausted	—
s. 10.....	.....	55
s. 11.....	.....	44
Adelaide Sewers Act Further Amendment Act, 1924—		
s. 1.....	Short titles	—
s. 2.....	Incorporation with other Acts	—
s. 3.....	.....	56
Adelaide Sewers Act Further Amendment Act, 1926—		
s. 1.....	Short titles.....	—
s. 2.....	Incorporation with other Acts	—
s. 3.....	.....	4
s. 4.....	.....	18
s. 5.....	.....	75
s. 6.....	.....	76
Adelaide Sewers Act Further Amendment Act, 1927	s. 1 Short titles.....	—
Ibid.	s. 2 Incorporation	—
"	s. 3 Operation exhausted	—
"	s. 4	33
"	s. 5	88
"	s. 6	92
"	s. 7	47