



ANNO TRICESIMO SECUNDO

**ELIZABETHAE II REGINAE**

**A.D. 1983**

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**No. 15 of 1983**

**An Act to amend the Irrigation Act, 1930-1982; the Irrigation on Private Property Act, 1939-1978; the Lower River Broughton Irrigation Trust Act, 1938-1972; and the Pyap Irrigation Trust Act, 1923-1979.**

*[Assented to 12 May 1983]*

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

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the "Statutes Amendment (Irrigation) Act, 1983".
- Commencement. 2. This Act shall come into operation on a day to be fixed by proclamation.
- Arrangement of Act. 3. This Act is arranged as follows:
- PART I—PRELIMINARY
- PART II—AMENDMENT OF THE IRRIGATION ACT, 1930-1982
- PART III—AMENDMENT OF THE IRRIGATION ON PRIVATE PROPERTY ACT, 1939-1978
- PART IV—AMENDMENT OF THE LOWER RIVER BROUGHTON IRRIGATION TRUST ACT, 1938-1972
- PART V—AMENDMENT OF THE PYAP IRRIGATION TRUST ACT, 1923-1979

PART II

PART II

AMENDMENT OF THE IRRIGATION ACT, 1930-1982

- Short titles. 4. (1) The Irrigation Act, 1930-1982, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Irrigation Act, 1930-1983".

5. Section 75 of the principal Act is amended—

Amendment of  
s. 75—  
Provision for  
recovery of  
rates.

(a) by striking out from subsection (1) the passage “, the time and place where the rate is payable,”;

and

(b) by striking out subsections (2) and (3) and substituting the following subsections:

(2) The following persons are jointly and severally liable for the payment of rates and interest on rates—

(a) the owner, lessee and occupier of the land in respect of which the rates are payable as at the date on which the rates became due and payable;

and

(b) any person who becomes an owner, lessee or occupier of that land after the rates first became due and payable but before the liability to pay the rates or interest (or both) is satisfied.

(3) Rates and interest on rates shall, until payment, be a charge on the land on which the rates were declared.

(4) Notice of the rates payable in respect of land, setting out the amount of the rates, shall be served on the owner, lessee or occupier of the land and the rates shall become due and payable upon the date stated in the notice.

(5) Where an amount payable by way of rates remains unpaid for three months or more after the day on which the rates became due and payable, interest shall be added to the outstanding amount as follows:

(a) upon the expiration of the first three months, five per centum of the amount then outstanding shall be added to that amount;

and

(b) upon the expiration of each succeeding month, a further one per centum of the total amount then outstanding (including interest) shall be added to that amount.

(6) Where rates became due and payable before the commencement of the Statutes Amendment (Irrigation) Act, 1983, and an amount payable by way of those rates or interest on those rates (or both) remains unpaid for one month or more after the commencement of that amending Act, then, upon the expiration of each month after the commencement of that amending Act, interest of one per centum of the amount then outstanding (including interest) shall be added to that amount.

6. Section 78 of the principal Act is amended by striking out subsections (3), (4) and (5) and substituting the following subsections:

Amendment of  
s. 78—  
Supply of  
water by  
measure.

(3) The following persons are jointly and severally liable for the payment of charges for water supplied under this section and for interest on those charges—

(a) the owner, lessee and occupier of the land in respect of which the charges are payable as at the date on which the charges became due and payable;

and

(b) any person who becomes an owner, lessee or occupier of that land after the charges first became due and payable but before the liability to pay the charges or interest (or both) is satisfied.

(4) Notice of the charges payable for water supplied under this section shall be served on the owner, lessee or occupier of the land to which the water was supplied and the charges shall become due and payable upon the date stated in the notice.

(5) Charges that are unpaid shall bear interest and may be recovered by the Minister as if they were unpaid rates.

(6) Charges and interest on charges shall, until payment, be a charge on the land to which the water was supplied.

Amendment of  
s. 80j—  
Provision for  
recovery of  
charges and  
drainage rates.

7. Section 80j of the principal Act is amended—

(a) by striking out from subsection (1) the passage “, the amount per ratable hectare payable, and the times when and place where the said amounts are payable” and substituting the passage “and the amount payable in respect of each ratable hectare”;

(b) by striking out from subsection (2) the passage “, the period for which it is payable, and the time when and place where it is payable” and substituting the passage “and the period in respect of which it is payable”;

(c) by striking out from subsection (3) the passage “, the period for which it is declared, and the time when and place where it is payable” and substituting the passage “and the period in respect of which it is declared”;

and

(d) by striking out subsections (4) and (5).

Insertion of new  
s. 80ja.  
Liability for rates.

8. The following section is inserted after section 80j of the principal Act:

80ja. (1) In this section “rates” means—

(a) an annual instalment payable under section 80f;

(b) an annual charge fixed by the Minister under section 80g;

or

(c) rates arising from the declaration of a drainage rate under section 80i.

(2) The following persons are jointly and severally liable for the payment of rates and interest on rates—

(a) the lessee and owner of the land in respect of which the rates are payable as at the date on which the rates became due and payable;

and

(b) any person who becomes a lessee or owner of that land after the rates first became due and payable but before the liability to pay the rates or interest (or both) is satisfied.

(3) Rates and interest on rates shall, until payment, be a charge on the land in relation to which the rates were imposed.

(4) Notice of the rates payable in respect of land, setting out the amount of the rates, shall be served on the lessee or owner of the land and the rates shall become due and payable upon the date stated in the notice.

(5) Where an amount payable by way of rates remains unpaid for three months or more after the day on which the rates became due and payable, interest shall be added to the outstanding amount as follows:

(a) upon the expiration of the first three months, five per centum of the amount then outstanding shall be added to that amount;

and

(b) upon the expiration of each succeeding month, a further one per centum of the total amount then outstanding (including interest) shall be added to that amount.

(6) Where rates became due and payable before the commencement of the Statutes Amendment (Irrigation) Act, 1983, and an amount payable by way of those rates or interest on those rates (or both) remains unpaid for one month or more after the commencement of that amending Act, then, upon the expiration of each month after the commencement of that amending Act, interest of one per centum of the amount then outstanding (including interest) shall be added to that amount.

(7) The Minister may, where, in his opinion, the payment of interest would cause hardship, remit the whole or a part of the interest payable under this section.

### PART III

### PART III

#### AMENDMENT OF THE IRRIGATION ON PRIVATE PROPERTY ACT, 1939-1978

9. (1) The Irrigation on Private Property Act, 1939-1978, is in this Part referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Irrigation on Private Property Act, 1939-1983".

10. Section 43 of the principal Act is amended—

(a) by striking out the passage "a fine equal to five dollars per centum thereof" and substituting the passage "interest determined in accordance with this section";

(b) by striking out the word "fine" secondly occurring and substituting the word "interest";

Amendment of  
s. 43—  
Interest in default  
of payment.

and

(c) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections:

(2) Where an amount payable by way of rates remains unpaid for three months or more after the day on which the rates became due and payable, interest shall be added to the outstanding amount as follows:

(a) upon the expiration of the first three months, five per centum of the amount then outstanding shall be added to that amount;

and

(b) upon the expiration of each succeeding month, a further one per centum of the total amount then outstanding (including interest) shall be added to that amount.

(3) Where rates became due and payable before the commencement of the Statutes Amendment (Irrigation) Act, 1983, and an amount payable by way of those rates or a fine on those rates (or both) remains unpaid for one month or more after the commencement of that amending Act, then, upon the expiration of each month after the commencement of that amending Act, interest of one per centum of the amount then outstanding (including any fine or interest) shall be added to that amount.

PART IV

PART IV

AMENDMENT OF THE LOWER RIVER BROUGHTON IRRIGATION TRUST ACT, 1938-1972

Short titles.

11. (1) The Lower River Broughton Irrigation Trust Act, 1938-1972, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Lower River Broughton Irrigation Trust Act, 1938-1983".

Amendment of  
s. 91—  
Interest in  
default of  
payment.

12. Section 91 of the principal Act is amended—

(a) by striking out the passage "a fine equal to five dollars per centum thereof" and substituting the passage "interest determined in accordance with this section";

(b) by striking out the word "fine" secondly occurring and substituting the word "interest";

and

(c) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections:

(2) Where an amount payable by way of rates remains unpaid for three months or more after the day on which the rates became due and payable, interest shall be added to the outstanding amount as follows:

(a) upon the expiration of the first three months, five per centum of the amount then outstanding shall be added to that amount;

and

(b) upon the expiration of each succeeding month, a further one per centum of the total amount then outstanding (including interest) shall be added to that amount.

(3) Where rates became due and payable before the commencement of the Statutes Amendment (Irrigation) Act, 1983, and an amount payable by way of those rates or a fine on those rates (or both) remains unpaid for one month or more after the commencement of that amending Act, then, upon the expiration of each month after the commencement of that amending Act, interest of one per centum of the amount then outstanding (including any fine or interest) shall be added to that amount.

#### PART V

#### PART V

#### AMENDMENT OF THE PYAP IRRIGATION TRUST ACT, 1923-1979

13. (1) The Pyap Irrigation Trust Act, 1923-1979, is in this Part referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Pyap Irrigation Trust Act, 1923-1983".

14. Section 56 of the principal Act is amended—

(a) by striking out the passage "a fine equal to Ten Pounds per centum thereof" and substituting the passage "interest determined in accordance with this section"; Amendment of s. 56—  
Interest added to rate in default of payment.

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections:

(2) Where an amount payable by way of rates remains unpaid for three months or more after the day on which the rates became due and payable, interest shall be added to the outstanding amount as follows:

(a) upon the expiration of the first three months, five per centum of the amount then outstanding shall be added to that amount;

and

(b) upon the expiration of each succeeding month, a further one per centum of the total amount then outstanding (including interest) shall be added to that amount.

(3) Where rates became due and payable before the commencement of the Statutes Amendment (Irrigation) Act, 1983,

and an amount payable by way of those rates or a fine on those rates (or both) remains unpaid for one month or more after the commencement of that amending Act, then, upon the expiration of each month after the commencement of that amending Act, interest of one per centum of the amount then outstanding (including any fine or interest) shall be added to that amount.

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

D. B. DUNSTAN, Governor