



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 38 of 1987

An Act to amend the Sewerage Act, 1929.

[Assented to 23 April 1987]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Sewerage Act Amendment Act, 1987". Short title.

(2) The Sewerage Act, 1929, is in this Act referred to as "the principal Act".

2. This Act will come into operation on a day to be fixed by proclamation. Commencement.

3. Section 13 of the principal Act is amended—

(a) by inserting after paragraph VII. of subsection (1) the following paragraph: Amendment of s. 13— Regulations.

VIIA. Empowering the Minister to release a person from, or defer, the obligation to pay part or all of an amount due under this Act or under an agreement made under this Act;

and

(b) by inserting after subsection (2) the following subsection:

(2a) Charges or fees for the provision of works or services by the Minister fixed under this section shall not be invalid by reason of the fact that, in a particular case or class of case, the charges or fees so fixed (or the aggregate of those charges or fees where more than one is payable in respect of the same works or service) exceed the cost to the Minister of providing the works or service.

4. Sections 43 and 44 of the principal Act are repealed and the following section is substituted: Repeal of ss. 43 and 44 and substituting of new section.

43. The Minister may, by agreement with the owner of land in a drainage area— Minister may make agreements.

(a) execute drainage works on the land connecting the land to a sewer;

or

(b) lend money to the owner for the execution of such works.

Repeal of ss. 46, 47 and 48 and substitution of new section.

Certain work may be carried out by owner.

5. Sections 46, 47 and 48 of the principal Act are repealed and the following section is substituted:

46. (1) Where a person who has applied to the Minister for the extension of a sewer or the connection of land to a sewer (being work for which the amount prescribed by this Act is the cost of the work estimated by the Minister) is dissatisfied with the Minister's estimate, the applicant may, subject to this section, arrange for the work to be carried out by a competent person of his or her choice.

(2) Where—

(a) a person has applied to the Minister for the extension of a sewer to land that the applicant has divided, or proposes to divide, or for the connection of such land to a sewer;

(b) the regulations do not prescribe the amount, or the basis for determining the amount, payable for that work;

and

(c) the applicant is dissatisfied with the amount that the Minister wishes to charge for that work,

the applicant may, subject to this section, arrange for the work to be carried out by a competent person of his or her choice.

(3) Subsections (1) and (2) do not authorize the connection of the new work to the undertaking.

(4) The work must be designed by, or to the satisfaction of, the Minister and be carried out under the supervision, and to the satisfaction, of the Minister.

(5) The Minister will, at the request of the applicant, provide the applicant with plans and specifications of the proposed work.

(6) The applicant must pay the reasonable costs of the Minister for—

(a) designing the work;

(b) providing the necessary plans and specifications;

(c) connecting the work to the undertaking;

and

(d) supervising and inspecting the work,

but the applicant is not liable for any other charge or fee under this Act in respect of the work.

Amendment of s. 93—
Amounts due to Minister to be a charge on the land.

6. Section 93 of the principal Act is amended by striking out from subsection (1) "or the regulations made hereunder" and substituting "and any amount payable to the Minister under an agreement to defer payment of an amount due under this Act".

7. Section 94 of the principal Act is amended by striking out from subsection (1) "Whenever any sewerage rates in respect of any land, 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" and substituting "Where sewerage rates or any other sum that is, by virtue of section 93, a first charge upon land".

Amendment of
s. 94—
Lands may be
sold when rates,
etc., in arrear.

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

D. B. DUNSTAN, Governor