



ANNO DECIMO NONO

**ELIZABETHAE II REGINAE**

A.D. 1970

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**No. 53 of 1970****An Act to amend the Sewerage Act, 1929-1969**

[Assented to 10th December, 1970.]

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

Short titles.

1. (1) This Act may be cited as the "Sewerage Act Amendment Act, 1970".

(2) The Sewerage Act, 1929-1969, as amended by this Act, may be cited as the "Sewerage Act, 1929-1970".

(3) The Sewerage Act, 1929-1969, is hereinafter referred to as "the principal Act".

Amendment of  
principal Act,  
s. 4—  
Interpretation.

2. Section 4 of the principal Act is amended by inserting after the definition of "owner" the following definition:—

"payment day" means the day on which sewerage rates are payable upon land or premises within a drainage area pursuant to the provisions of section 79 of this Act:.

Enactment of  
s. 5a of  
principal Act—

3. The following section is enacted and inserted in Part I of the principal Act immediately after section 5 thereof:—

Valuation, etc.

5a. (1) All sewerage rates levied and payable on land or premises or purporting to have been so levied and payable pursuant to this Act as in force before the commencement of the Sewerage Act Amendment Act, 1970, shall be deemed to be and always to have been as validly and effectually levied and

payable as they would have been had the amendments effected to this Act by the Sewerage Act Amendment Act, 1970, come into operation on the first day of July, 1970.

(2) Any regulation made or purporting to have been made pursuant to powers conferred by this Act shall be deemed to be and always to have been as validly and effectually made as it would have been had the amendment effected to this Act by section 4 of the Sewerage Act Amendment Act, 1970, come into operation on the day upon which this Act came into operation.

4. Section 13 of the principal Act is amended by striking out paragraph VII from subsection (1) and inserting in lieu thereof the following paragraph:—

Amendment of principal Act, s. 13—  
Commissioner may make regulations.

VII. For regulating or fixing charges or fees payable in respect of works or services provided by the Minister for, or in relation to the provision of, drainage.

5. Section 78 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 78 of principal Act and enactment of section in its place—  
Initiation of liability to rates.

78. (1) Whenever a sewer has been laid down by the Minister in a drainage area, he shall cause notice of that fact to be published in the *Gazette*.

(2) As from the payment day next ensuing after the expiration of seven days from the day on which that notice is published, sewerage rates shall be payable according to the appropriate scale for the time being in force in respect of all land or premises within the drainage area that could in the opinion of the Minister, by means of drains, be drained by the sewer.

(3) A notice of the kind contemplated by this section published under this Act, as in force before the commencement of the Sewerage Act Amendment Act, 1970, shall be deemed to be a notice published under this section in all respects as if this section had been in force when the notice was published.

(4) Where sewerage rates have become payable in respect of any land or premises within a drainage area the rates shall not cease to be so payable by reason of any alteration of drainage areas in consequence of which the land or premises become situated within a different drainage area.

(5) In any proceedings under this Act, objection shall not be allowed on the ground that a notice under this section is invalid or inoperative by reason of an error or inaccuracy contained therein if the court before which the proceedings are brought is satisfied that, notwithstanding that error or inaccuracy, the meaning and effect of that notice is clear.

(6) Where a notice has been published under this section before the declaration of the area in which the sewer has been laid down as a drainage area, the notice shall be deemed to have been published immediately after that declaration.

Enactment of  
s. 100a of  
principal Act—

6. The following section is enacted and inserted in the principal Act immediately after section 100 thereof:—

Certificate of  
Minister.

100a. (1) In any proceedings for the recovery of sewerage rates payable under this Act, a certificate under the hand of the Minister, to the effect that on and from a day specified in the certificate the land or premises specified in the certificate could in the opinion of the Minister, by means of drains, be drained by a sewer specified in the certificate, shall be conclusive evidence of the matter set out in the certificate.

(2) In any proceedings referred to in subsection (1) of this section, a document purporting to be a certificate referred to in that subsection shall, in the absence of proof to the contrary, be deemed to be such certificate.

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

J. W. HARRISON, Governor.