



**STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) ACT  
1996**

**No. 61 of 1996**

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**ELIZABETHAE II REGINAE**

A.D. 1996

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No. 61 of 1996

An Act to amend the Waterworks Act 1932 and the Sewerage Act 1929.

[Assented to 8 August 1996]

The Parliament of South Australia enacts as follows:

**PART 1  
PRELIMINARY**

**Short title**

1. This Act may be cited as the *Statutes Amendment (Waterworks and Sewerage) Act 1996*.

**Commencement**

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

**Interpretation**

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

**PART 2  
AMENDMENT OF WATERWORKS ACT 1932**

**Amendment of s. 4—Interpretation**

4. Section 4 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) For the purpose of applying the definition of "adjacent land"—

(a) where the land comprised in a strata plan under the *Strata Titles Act 1988* is adjacent land in relation to a gazetted main pipe, the common property and each of the units comprising the land will be taken to be adjacent land in relation to the main pipe;

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- (b) where land that is a community parcel within the meaning of the *Community Titles Act 1996* is adjacent land in relation to a gazetted main pipe and is divided by a strata plan under that Act, the common property and each of the strata lots comprising the parcel will be taken to be adjacent land in relation to the main pipe;
- (c) where land that is a community parcel within the meaning of the *Community Titles Act 1996* is adjacent land in relation to a gazetted main pipe and is divided by a community plan (not being a strata plan) under that Act, those parts of the common property and those lots comprising the parcel that are, or are to be, connected to the main pipe will be taken to be adjacent land in relation to the main pipe.

**Insertion of Part 1A**

5. The following Part is inserted after Part 1 of the principal Act:

**PART 1A  
THE MINISTER**

**Minister may delegate**

**5B.** (1) Subject to subsection (4), the Minister may delegate any of his or her functions, powers or duties under this Act (except this power of delegation)—

- (a) to the Corporation; or
- (b) to any other person or body.

(2) A function, power or duty delegated under subsection (1) to the Corporation may, if the instrument of delegation so provides, be further delegated by the Corporation.

(3) A delegation under this section—

- (a) must be by instrument in writing; and
- (b) may be absolute or conditional; and
- (c) does not derogate from the power of the delegator to act in any matter; and
- (d) is revocable at will by the delegator.

(4) The Minister cannot delegate his or her functions, powers or duties under Part 5.

**Substitution of s. 6**

6. Section 6 of the principal Act is repealed and the following section is substituted:

**Water districts**

**6.** (1) The Corporation may, by notice published in the *Gazette*—

- (a) declare any part of the State to be a water district;
- (b) alter the boundaries of a water district by adding land to or removing land from the district;

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- (c) declare any water district to be a country lands water district;
- (d) abolish a water district;
- (e) declare that the notice has effect from the commencement of the financial year in which it is published in the *Gazette* or from any later date.

(2) The Corporation may, by notice published in the *Gazette*, vary or revoke a notice published under this section.

(3) A water district constituted under this Act or a corresponding previous enactment and in existence immediately before the commencement of this section will be taken to have been constituted by the Corporation by notice in the *Gazette* under this section.

**Amendment of s. 10—Regulations**

7. Section 10 of the principal Act is amended—

- (a) by striking out from paragraph IV of subsection (1) "he will supply water" and substituting "water will be supplied by the Corporation";
- (b) by inserting after "Minister" in paragraph V of subsection (1) "or the Corporation";
- (c) by striking out "this Act" from subparagraph (d) of paragraph V of subsection (1) and substituting "this or any other Act";
- (d) by inserting after "Minister" in paragraph VA of subsection (1) "or the Corporation";
- (e) by inserting the following paragraph after paragraph VII of subsection (1):
  - VIIA prohibiting or regulating the connection of pipes, fittings, appliances or apparatus to the waterworks or the installation of pipes, fittings, appliances or apparatus to be connected to the waterworks;;
- (f) by inserting after "connected" in subparagraphs (a) and (b) of paragraph VIII of subsection (1) ", or to be connected,";
- (g) by inserting after "reading" in paragraph IX of subsection (1) ", maintenance, repair or replacement";
- (h) by striking out paragraph XII of subsection (1) and substituting the following paragraphs:
  - XII requiring the owner or occupier of land to clean, maintain and repair pipes, fittings, appliances and apparatus on the land that are connected to the waterworks;
  - XIIA prohibiting or regulating the alteration of or interference with pipes, fittings, appliances or apparatus connected to the waterworks;;
- (i) by striking out "or work" from paragraph XV of subsection (1) and substituting ", work or other property";
- (j) by inserting the following paragraphs after paragraph XIX of subsection (1):

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- XIXA for the purpose of protecting the waterworks and, without limiting that power, prohibiting or regulating the planting of trees, shrubs or other plants on any land and requiring the removal or killing of trees, shrubs or other plants on any land;
- XIXB providing for liability for the costs of repairing damage caused to the waterworks by trees, shrubs or other plants;
- XIXC empowering the Corporation or any other person or body to enter and inspect land or premises for any purpose related to the administration of this Act;
- XIXD requiring any person to provide information to the Minister, the Corporation or any other person in relation to the administration of this Act;;

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

(2) A regulation under this Act may confer on the Minister or the Corporation such powers, authorities or discretions as the Governor thinks fit.;

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

(2a) A regulation under this Act may prescribe specifications, standards or procedures by reference to specifications, standards or procedures published from time to time by a body or person named in the regulation.

(2ab) If a regulation empowers the Minister or the Corporation to prescribe specifications, standards or procedures, the Minister or the Corporation may prescribe those specifications, standards or procedures by reference to specifications, standards or procedures published from time to time by a body or person named by the Minister or the Corporation.;

(m) by redesignating subsections (2aa), (2a), (2ab), (2b), (2c) and (3) as subsections (3), (4), (5), (6), (7) and (8) respectively.

**Amendment of s. 33—Power to lessen or discontinue supply**

8. Section 33 of the principal Act is amended by striking out "with the sanction of the Governor" and substituting "with the approval of the Minister".

**Insertion of s. 33A**

9. The following section is inserted after section 33 of the principal Act:

**Restrictions on the use of water**

33A. (1) Where, in the opinion of the Corporation, water that is available for supply under this Act is insufficient, or is likely in the future to be insufficient, to meet demand, the Corporation may, with the approval of the Minister by notice published in the *Gazette*—

- (a) restrict the purposes for which the water can be used; or
- (b) restrict the manner in which, or the means by which, the water may be used;  
or

(c) impose restrictions under both paragraphs (a) and (b).

(2) The Corporation may, with the approval of the Minister by subsequent notice published in the *Gazette*, vary or revoke a notice referred to in subsection (1).

(3) A person who contravenes or fails to comply with a notice referred to in subsection (1) is guilty of an offence.

Maximum penalty: \$5 000.

**Insertion of s. 35A**

10. The following section is inserted after section 35 of the principal Act:

**Reduction in water supply to cope with demand**

35A. (1) To ensure that the Corporation is able to supply water to all consumers during periods of greatest demand, the Corporation may serve notice under this section on the owner or occupier of land that is connected to the waterworks.

(2) The notice may direct the owner or occupier—

- (a) to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice to enable the flow in the pipes on the land that are connected to the waterworks to be reduced; and
- (b) to use the device to reduce flow in those pipes during the periods specified in the notice.

(3) The notice must specify a reasonable period for compliance with the requirements of the notice referred to in subsection (2)(a).

(4) A person who fails to comply with a notice under this section is guilty of an offence.

Maximum penalty: \$5 000.

(5) If a person on whom a notice has been served fails to comply with the notice, the Corporation may install a flow reducing device to reduce the flow in the pipes on the land concerned notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.

(6) The Corporation's costs in acting under subsection (5) are a debt due to the Corporation by the person on whom the notice was served.

**Amendment of s. 54—Power to cut off or reduce water supply**

11. Section 54 of the principal Act is amended—

- (a) by striking out ", with the approval of the Minister,";
- (b) by inserting "or reduce" after "cut off";
- (c) by inserting "or reducing" after "cutting off";
- (d) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) The Corporation must obtain the approval of the Minister before cutting off a supply of water under subsection (1).

**Substitution of s. 65**

**12.** Section 65 of the principal Act is repealed and the following section is substituted:

**Entry onto land of the Corporation**

**65.** (1) A person who enters onto, or remains on, land owned or occupied by the Corporation or that is under the care, control and management of the Corporation without being authorised to do so by the Corporation is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$315.

(2) Without limiting the manner in which the Corporation may authorise a person to enter and remain on land, the Corporation may authorise members of the public to enter and remain on its land by notice published in the *Gazette*.

(3) A notice referred to in subsection (2) may be varied or revoked by the Corporation by subsequent notice published in the *Gazette*.

(4) An authorisation under this section is subject to conditions imposed—

(a) by this section; or

(b) by regulation; or

(c) by including them in a notice published in the *Gazette* under subsection (2) or in any other form of authorisation given by the Corporation; or

(d) by direction of a person under subsection (5); or

(e) by two or more of those methods.

(5) A person acting with the authority of the Corporation (whether an employee of the Corporation or not) may give directions to persons on, or about to enter, land referred to in subsection (1) in relation to their entry, or their right to remain on, the land.

(6) A direction given to a person under subsection (5) is a condition of that person's authorisation to enter and remain on the land.

(7) It is a condition of an authorisation under this section (except in the case of a person who has been exempted from this condition by the Corporation) that a person who is on land referred to in subsection (1)—

(a) must carry with him or her identification that shows his or her name and his or her current residential address; and

(b) must present the identification to a person who is entitled to give directions under subsection (5) when requested to do so.

(8) A person must not give directions under subsection (5) or make a request under subsection 7(b) unless he or she—



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- (a) carries identification issued by the Corporation that states that he or she is authorised to act under this section; and
- (b) presents, or makes a genuine attempt to present, the identification to a person for inspection when giving a direction to the person under subsection (5) or when requesting to see the person's identification under subsection (7).

(9) A person who contravenes or fails to comply with a condition to which an authorisation is subject is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$315.

**Amendment of s. 87—Recovery of money by Corporation**

13. Section 87 of the principal Act is amended—

- (a) by striking out "with the approval of the Minister, cut off" from paragraph (b) of subsection (4) and substituting "cut off or reduce";
- (b) by inserting after "cutting off" in paragraph (b) of subsection (4) "or reducing";
- (c) by inserting the following subsection after subsection (4):

(4a) The Corporation must obtain the approval of the Minister before cutting off a supply of water under subsection (4)(b).

**Amendment of s. 90—Gazetted mains**

14. Section 90 of the principal Act is amended by striking out "the proclamation" from subsection (3) and substituting "the notice or proclamation".

**PART 3  
AMENDMENT OF SEWERAGE ACT 1929**

**Insertion of Part 2**

15. The following Part is inserted after Part 1 of the principal Act:

**PART 2  
THE MINISTER**

**Minister may delegate**

6. (1) Subject to subsection (4), the Minister may delegate any of his or her functions, powers or duties under this Act (except this power of delegation)—

- (a) to the Corporation; or
- (b) to any other person or body.

(2) A function, power or duty delegated under subsection (1) to the Corporation may, if the instrument of delegation so provides, be further delegated by the Corporation.

(3) A delegation under this section—

- (a) must be by instrument in writing; and
- (b) may be absolute or conditional; and

- (c) does not derogate from the power of the delegator to act in any matter; and
  - (d) is revocable at will by the delegator.
- (4) The Minister cannot delegate his or her functions, powers or duties under Part 6.

**Amendment of s. 13—Regulations**

**16. Section 13 of the principal Act is amended—**

- (a) by inserting after "connected" in subparagraphs (a) and (b) of paragraph IIIA of subsection (1) ", or to be connected";
- (b) by inserting after "Minister" in paragraph VII of subsection (1) "or the Corporation";
- (c) by striking out "this Act" from subparagraph (c) of paragraph VII of subsection (1) and substituting "this or any other Act";
- (d) by inserting after "Minister" in paragraph VIIA of subsection (1) "or the Corporation";
- (e) by inserting the following paragraph after paragraph VIIA of subsection (1):
  - VIIB prohibiting or regulating the connection of pipes, fittings or equipment to the undertaking or the installation of pipes, fittings or equipment to be connected to the undertaking;;
- (f) by inserting after paragraph VIII of subsection (1) the following paragraphs:
  - IX requiring the owner or occupier of land to clean, maintain and repair pipes, fittings and equipment on the land that is connected to the undertaking;
  - X prohibiting or regulating the alteration of or interference with pipes, fittings or equipment connected to the undertaking;
  - XI for the purpose of protecting the undertaking and, without limiting that power, prohibiting or regulating the planting of trees, shrubs or other plants on any land and requiring the removal or killing of trees, shrubs or other plants on any land;
  - XII providing for liability for the cost of repairing damage caused to the undertaking by trees, shrubs or other plants;
  - XIII empowering the Corporation or any other person or body to enter and inspect land or premises for any purpose related to the administration of this Act;
  - XIV requiring any person to provide information to the Minister, the Corporation or any other person in relation to the administration of this Act;;

- (g) by striking out subsection (2) and substituting the following subsection:

(2) A regulation under this Act may confer on the Minister or the Corporation such powers, authorities or discretions as the Governor thinks fit.

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(h) by striking out subsection (3) and substituting the following subsections:

(3) A regulation under this Act may prescribe specifications, standards or procedures by reference to specifications, standards or procedures published from time to time by a body or person named in the regulation.

(3a) If a regulation empowers the Minister or the Corporation to prescribe specifications, standards or procedures, the Minister or the Corporation may prescribe those specification, standards or procedure by reference to specifications, standards or procedures published from time to time by a body or person named by the Minister or the Corporation.

**Substitution of s. 18**

17. Section 18 of the principal Act is repealed and the following section is substituted:

**Drainage areas**

18. (1) The Corporation may, by notice published in the *Gazette*—

- (a) declare any part of the State to be a drainage area;
- (b) alter the boundaries of a drainage area by adding land to or removing land from the area;
- (c) abolish a drainage area;
- (d) declare that the notice has effect from the commencement of the financial year in which it is published in the *Gazette* or from any later date.

(2) The Corporation may, by notice published in the *Gazette*, vary or revoke a notice published under this section.

(3) A drainage area constituted under this Act or a corresponding previous enactment and in existence immediately before the commencement of this section will be taken to have been constituted by the Corporation by notice in the *Gazette* under this section.

**Amendment of s. 80—Notice of amount payable**

18. Section 80 of the principal Act is amended—

- (a) by striking out from subsection (3) ", with the approval of the Minister,";
- (b) by striking out from paragraph (b) of subsection (3) "cut off the supply of water" and substituting "cut off or reduce the supply of water provided by the Corporation";
- (c) by inserting after "cutting off" in paragraph (b) of subsection (3) "or reducing";
- (d) by inserting the following subsection after subsection (3):

(4) The Corporation must obtain the approval of the Minister before cutting off a supply of water under subsection (3)(b).

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

E. J. NEAL Governor