



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 37 of 1971

An Act to amend the Waterworks Act, 1932-1970

[Assented to 22nd April, 1971]

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 "Waterworks Act Amendment Act, 1971".

(2) The Waterworks Act, 1932-1970, as amended by this Act, may be cited as the "Waterworks Act, 1932-1971".

(3) The Waterworks Act, 1932-1970, is hereinafter referred to as "the principal Act".

**Amendment of
principal Act,
s. 4—
Interpretation.**

2. Section 4 of the principal Act is amended—

(a) by striking out the word "streams" and the definition thereof and inserting in lieu thereof the following definition:—

"stream" includes a river, creek, brook, spring, lake, aqueduct, conduit, tunnel or any structure through or along which water passes and includes any water in a stream;

and

(b) by inserting after the definition of "water rate" the following definitions:—

“watercourse” means the bed of a river, creek or other channel in which water flows whether ordinarily, intermittently or occasionally and any water therein:

“watershed” means any area of land for the time being declared by regulation pursuant to subsection (1) of section 9a of this Act to constitute a watershed:

“watershed zone” means a watershed Zone I or a watershed Zone II constituted pursuant to subsection (2) of section 9a of this Act:

“waterworks” includes all water storages, reservoirs, wells and bores, pumping stations, water treatment stations, tanks, aqueducts, tunnels, pipes and other works for the collection, treatment and distribution of water acquired by or under the control of the Minister and all land acquired by or under the control of the Minister for the purposes of this Act in connection with the supply of water.

3. The following section is enacted and inserted in the principal Act immediately after section 9 thereof:—

Enactment of
s. 9a of
principal Act—

9a. (1) The Governor may from time to time by regulation—

Watersheds
and zones.

(a) declare any land described in the regulation to constitute a watershed for the purposes of this Act;

and

(b) provide a name for the land so declared.

(2) The Governor may from time to time by regulation declare any land within a watershed to constitute—

(a) a watershed Zone I;

or

(b) a watershed Zone II.

Amendment of
principal Act,
s. 10—
Power to make
by-laws.

4. Section 10 of the principal Act is amended by inserting in subsection (1) immediately after paragraph XIX the following paragraphs:—

- XX. for regulating, controlling or preventing the impairment of the quality of water within a watershed, watershed zone or waterworks:
- XXI. for regulating, controlling or prohibiting the use of any stream or watercourse within any watershed or watershed zone:
- XXII. for regulating, controlling or prohibiting the obstruction or diversion of any stream or watercourse within any watershed or watershed zone:
- XXIII. for regulating, controlling or prohibiting the placing, entry or disposal of any substance, thing or matter in any stream or watercourse within a watershed or watershed zone:
- XXIV. for regulating, controlling or prohibiting the use of any land within a watershed or within a watershed zone so as to reduce or prevent the deterioration or pollution of any water within a watershed or watershed zone.

Amendment of
principal Act,
s. 12—
Power of
Minister to do
certain acts and
to execute
certain works.

5. Section 12 of the principal Act is amended by inserting in subsection (1) immediately after paragraph v the following paragraph:—

- vi. He may enter upon any lands within a watershed and execute such works, make such tests, do such things and make such alterations to the said lands as are in his opinion necessary to reduce, eliminate or destroy any agencies, things or substances which in his opinion are likely to be conveyed to watercourses, streams, reservoirs or other waterworks and infest or impair the quality of any water therein.

Repeal of
s. 56 of
principal Act
and enactment
of section in
its place—
Penalty for
polluting
streams, etc.

6. Section 56 of the principal Act is repealed and the following section is enacted and inserted in its place:—

56. A person shall not—

- (a) bathe;
- (b) throw, convey or suffer or permit to be thrown or conveyed any rubbish, dirt, filth or other noisome thing;

or

- (c) wash or clean any cloth, wool, leather or skin of any animal or any clothes or other things,

in any stream or watercourse within a watershed or in any waterworks wherever situated.

Penalty: Two hundred dollars.

7. Section 57 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 57 of
principal Act
and enactment
of section in
its place—

57. If any person causes the water from any sink, sewer or drain or water from any steam, diesel or other engine, or water otherwise contaminated or any domestic, industrial or agricultural liquid or material of any kind belonging to him, or under his control to run, or be brought into any stream or watercourse within a watershed or into any waterworks wherever situated he shall be liable to a penalty not exceeding two hundred dollars and a further penalty of twenty dollars for each day on which the offence is continued.

Penalty for
allowing foul
water to flow
into streams.

8. Section 58 of the principal Act is repealed and the following section is enacted and inserted in its place:

Repeal of
s. 58 of
principal Act
and enactment
of section in
its place—

58. (1) If the Minister is satisfied that any action or the discontinuance of any action by the owner or occupier of any land within a watershed is necessary or desirable for the purpose of reducing, limiting or preventing the fouling or pollution of any water within a watershed, he may issue a notice to that owner or occupier directing him to take or discontinue any action specified in the notice within the time specified in the notice.

Penalty for
nuisance on a
watershed, etc.

(2) If an owner or occupier served with a notice pursuant to this section fails fully to execute the directions specified therein within the time specified in the notice the Minister may enter the land and do the work specified in the notice, and may recover the cost of such work from the owner or occupier as a debt due to the Minister.

(3) Any owner or occupier served with a notice pursuant to this section who fails fully to comply with the directions specified in the notice within the time specified in the notice shall be guilty of an offence and liable to a penalty not exceeding fifty dollars and a further penalty of twenty dollars for each day on which the offence is continued.

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

J. W. HARRISON, Governor.