



ANNO SEXTO

GEORGII V REGIS.

A.D. 1915.

No. 1197.

An Act to further amend "The Water Conservation Act, 1886," and for other purposes.

[Assented to, October 28th, 1915.]

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

1. (1) This Act may be cited alone as the "Water Conservation Act Further Amendment Act, 1915." Short titles.

(2) The Water Conservation Act, 1886 (hereinafter referred to as "the principal Act"), the Water Conservation Amendment Act, 1889, the Water Conservation Amendment Act, 1900, and this Act, may be cited together as the "Water Conservation Acts, 1886 to 1915." No. 392 of 1886.
No. 463 of 1889.
No. 736 of 1900.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendments.

3. Section 4 of the principal Act is amended by adding at the end thereof the following words—"he may abolish any water district." Amendment of section 4—
Power to abolish water districts.

4. Section 123 of the principal Act is repealed, and the following provision is hereby enacted and substituted therefor. Provision substituted for section 123—

123. (1) If any water rates remain unpaid for the space of twenty-one days after the date whereon the same are payable, the Board, or the Secretary or any other officer of the Board, may

Power to distrain for water rates in arrear.

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No. 386 of 1886.

may issue a warrant to a bailiff or other person referred to in the warrant (whether by name or by reference to his office) to levy such rates, together with fees and expenses not exceeding the fees and expenses which a bailiff is entitled to charge in the case of an execution under the Local Courts Act, 1886, by distress and sale of the goods and chattels, wheresoever they may be found, of the occupier, at the time when the warrant is executed, of the land with respect to which such rates are payable, or, if such rates are for water supplied under agreement, with respect to which water has been so supplied.

Owner liable if goods of occupier insufficient to satisfy distress.

(2) In case there are not found on such land goods and chattels of such occupier sufficient to satisfy such distress, such rates, together with such fees and expenses as mentioned in subsection (1) hereof, or such part of such rates and fees and expenses as remains unpaid, shall be payable by the owner for the time being of such land, and shall be recoverable from him in manner provided by section 122 or by distress in manner provided by subsection (1) of this section.

Bailiff to have powers of bailiff under Local Courts Act.

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(3) Any bailiff or other person to whom a warrant has been issued under this section shall, for the purpose of executing such warrant, have all the powers and authorities of a bailiff under the Local Courts Act, 1886.

Provision substituted for section 185—

5. Section 185 of the principal Act is repealed, and the following provision is hereby enacted and substituted therefor:—

Payment for excess water.

185. (1) No person shall, in respect of any period and in respect of any land, be charged any sum for excess consumption of water unless there has been supplied, during such period and on or in respect of such land, more than the quantity of water calculated to the nearest thousand gallons (which quantity is hereinafter called "the rebate allowance") the cost of which, if charged for at the price in force for the time being, would be equal to the amount of the water rates payable in respect of such period and such land; and, in addition to the water rates, a person shall be chargeable only for water supplied in excess of the rebate allowance.

(2) The rebate allowance for the purpose of this section shall be calculated separately with respect to the lands supplied through any one service and meter; and the rebate allowance with respect to any other lands of which the same person is the owner or occupier shall not be taken into account for the purpose of such calculation.

Additional Provisions.

Penalty for interfering with meter, and power to recover cost of damage to fittings. Cf. Waterworks Act, 1882, s. 47.

6. If any person other than the Board for the water district in which the land hereinafter mentioned is situate, or the person authorised by the Board, fixes, refixes, opens, tampers with, breaks, removes, alters, repairs, or in any manner whatsoever interferes with or damages any meter for measuring the supply of water under this Act,

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Act, or any pipe or fitting, the property of the Board, the owner or occupier of the land whereon or wherein such meter, pipe, or fitting is fixed, shall be liable to a penalty not exceeding Twenty Pounds, and shall, in addition, pay to the Board the cost of all necessary repairs, alterations, and replacements, of such meter, pipe, or fitting.

7. (1) In any case where the owner or occupier of any land within the watershed of any water district or any reservoir or source of supply vested in any Board—

Removal of injurious matter on watershed. Ibid., s. 62.

(a) does or permits or suffers to be done on such land any act, or causes or permits or suffers to be or to remain thereon any matter or thing which, in the opinion of such Board, is likely to injure the water supply; and

(b) refuses or neglects or fails to discontinue such act, or to remove such matter or thing, before the day prescribed by such Board in a notice requiring him so to do,

shall be liable to a penalty not exceeding Five Pounds, and to a further penalty of One Pound for each day after the day so prescribed on which such offence continues.

(2) In any case where an owner or occupier refuses or neglects or fails to remove any matter or thing after notice so to do has been given to him as mentioned in this section, the Board, or any officer or servant of the Board, may enter upon the land of such owner or occupier, and may remove, or, in or on such land or elsewhere, bury, burn, or otherwise dispose of, such matter or thing; and the cost thereof shall be a debt due to the Board from such owner or occupier.

Board may, on default, remove injurious matter.

8. (1) A notice containing particulars of any amount (other than a pecuniary penalty), payable to a Board by any person under any Act with which this Act is incorporated, or under this Act, or under any by-law or regulation or notice made or published under any of the said Acts, shall be given to such person as soon as conveniently may be after such amount becomes payable.

Service of notice of amount due to Board and method of recovery thereof.

(2) Such notice may be given—

(a) by delivering the same to the person by whom such amount is payable, or by leaving the same at his usual residence or place of business with some person apparently above the age of fourteen years; or

(b) by leaving the same upon the land or premises with respect to which, or to any meter, pipe, or fitting, upon or in which, such amount is payable; or

(c) by posting the same enclosed in a prepaid envelope addressed to the person by whom such amount is payable, at his last known, or most usual place of abode or business:

Provided that in any proceedings for the recovery of such amount the onus of proving that notice was not given as provided by this section shall be on the defendant.

(3) The

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(3) The amount specified in a notice under this section shall, upon the giving of such notice, be forthwith paid to the Board, and, subject to section 119 of the principal Act, the Board may, in default of such payment, whether or not such amount is due in respect of rates—

- (a) avail itself for the purpose of recovering such amount of any or all of the methods and remedies provided by the principal Act for the recovery of rates in arrear, and
- (b) cut off the supply of water to the land in respect of which, or of any meter or pipe or fitting upon or in which, such amount is payable until such amount, together with all expenses incurred by the Board in cutting off such supply and the estimated cost of restoring such supply, have been paid :

Provided that nothing in this section shall be deemed to take away any remedy prescribed by any provision of this Act, or of any Act with which this Act is incorporated, for the recovery of any amount due to the Board.

Amounts due to Board to be a charge on the land, and recoverable from owner or occupier.

9. (1) Any amount (other than a pecuniary penalty) due to a Board under any Act with which this Act is incorporated, or under this Act, or under any by-law or regulation or notice made or published under any of the said Acts, shall, until payment, be and remain a first charge upon the land with respect to which, or to any meter, pipe, or fitting, upon or in which, such amount is payable.

(2) No statute of limitations or other Act shall bar or in any wise affect any action or other legal proceeding for the recovery of such amount.

(3) Such amount shall be payable by and be recoverable from the owner or occupier, for the time being, of the land with respect to which, or to any meter, pipe, or fitting upon or in which, such amount is payable.

Penalty for trespassing.

10. Any person trespassing on any land vested in or occupied by any Board shall be guilty of an offence, and shall be liable to a penalty not exceeding Five Pounds.

Power to charge fee for use of meter.

11. A Board may, by notice published in the *Government Gazette*, prescribe an annual fee to be paid for the use of meters for the supply of water under the principal Act or this Act, in all cases, or in such class or classes of cases as are specified in such notice ; and such fee shall be payable accordingly.

Existence of communication pipes evidence of contract.

12. The existence of a communication pipe or pipes between a main pipe of a Board and any land shall, in any legal proceedings, be conclusive evidence that the owner and the occupier of such land for the time being, have severally contracted with the Board for the supply of water to them respectively, subject to the provisions of the principal Act and the by-laws and regulations made thereunder, and of this Act.

13. (1) A

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13. (1) A Board may, by extension of a main pipe or other work, provide a supply of water for any land either within or outside its water district, in pursuance of an agreement between the owner of such land and the Board to pay to the Board interest at a rate not exceeding Five Pounds per centum per annum on his proportion, as fixed by the Board, of the cost of such extension or other work.

Water supply provided under agreement to pay interest on cost of extension of main.

(2) The Board may levy, upon any land for which the Board has provided a supply of water pursuant to subsection (1) hereof, an annual rate sufficient, in the opinion of the Board, to produce the annual sum payable under an agreement entered into under the said subsection with respect to such land.

Board may levy rate.

(3) Where the Board, either before or after the passing of this Act, has provided a supply of water in manner mentioned in subsection (1) hereof for any land, and such supply is also available for any other land, but the owner of the last-mentioned land has not entered into an agreement with the Board under that subsection, such owner shall nevertheless be deemed to have entered into such an agreement, and his land shall be ratable under subsection (2) hereof accordingly.

Presumption where supply of water is available for other landowners.

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

H. L. GALWAY, Governor.