



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 51 of 1962

An Act to amend the Sewerage Act, 1929-1960.

[Assented to 15th November, 1962.]

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, 1962".

(2) The Sewerage Act, 1929-1960, as amended by this Act, may be cited as the "Sewerage Act, 1929-1962".

(3) The Sewerage Act, 1929-1960, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendments of principal Act, s. 5.

3. (1) Section 5 of the principal Act is amended by inserting after subsection (3) thereof the following subsection :—

(4) The Minister may take and acquire either compulsorily or by agreement any land for the purposes of this Act and the undertaking.

(2) The amendment effected by subsection (1) of this section shall be deemed to have come into operation at the time of the passing of the Sewerage Act Amendment Act, 1946, and any notice to treat given, or purporting to have been given, under the principal Act, since the time of the said passing shall be deemed to be and to have been valid and effectual for all purposes whatsoever as if subsection (4) of section 5 of the principal Act as enacted by subsection (1) of this section had been in force when any such notice to treat was given : Provided

that nothing in this subsection contained shall validate or make effectual the notice to treat which was the subject of proceedings in the Supreme Court No. 1464 of 1960.

4. Subsection (1) of section 13 of the principal Act is amended by inserting therein the following paragraph after paragraph VII thereof—

Amendment of
principal Act,
s. 13.

VIII. For fixing scales of costs and charges for the alteration of levels of topstones and castings of lampholes, inspection openings, air-shafts and manholes, or other similar work, to conform to the surface levels of the roadworks.

5. Section 53 of the principal Act is repealed and the following section is inserted in the principal Act in lieu thereof :—

Amendment of
principal Act,
s. 53.

53. (1) Before beginning—

Duty to give
notice before
paving street,
etc.

- (a) to first lay the pavement or hard surface in any street ; or
- (b) to relay the pavement or hard surface in any street ; or
- (c) to widen or extend the pavement or hard surface in any street ; or
- (d) to alter the level of any street ; or
- (e) to construct or alter any footpaths, gutters, kerbing or water tables in any street ; or
- (f) to construct or alter any drainage work in any street,

in which there is a sewer or sewerage work which is the property of the Minister, the person authorized or intending so to do shall give to the Minister fourteen days' notice thereof in writing giving details of the work to be carried out, including the nature and thickness of the pavement or hard surface proposed to be made or laid thereon, or of the other work proposed to be done as the case may be.

(2) The Minister shall within fourteen days after receiving such notice advise the person who gave the same of any extension to the undertaking proposed in the said street or of any resultant interference with the undertaking.

(3) Should any work referred to in subsection (1) of this section involve any alteration to the undertaking the person doing such work shall, subject to the provisions of subsection (6) of this section, pay to the Minister one half the actual cost of such alteration and of any damage

resultant upon such work : Provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.

(4) If information in accordance with the requirements of subsection (1) of this section has not been supplied the person carrying out the work shall pay the actual cost of the alterations to the undertaking, and of all damage resultant upon the work : Provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.

(5) Should the alterations to the undertaking be of such a nature as to involve expense which in the opinion of the Minister will be excessive, then the Minister may confer with the person authorized to do such work to determine whether any variations to the work proposed under subsection (1) of this section would be advantageous to the parties.

(6) Should any work referred to in subsection (1) involve any alteration to the undertaking and the Minister is of the opinion that any part of the undertaking involved in or affected by such alteration should be replaced or enlarged, the cost of all materials requisite for such replacement or enlargement shall be borne by the Minister, but all other costs and charges shall be payable in accordance with this section.

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

EDRIC BASTYAN, Governor.