

## METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE.

9° Elizabeth II., No. LXXI.

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No. 71 of 1960.

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**AN ACT to amend the Metropolitan Water Supply,  
Sewerage, and Drainage Act, 1909-1956.**

[Assented to 5th December, 1960.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title  
and citation.

1. (1) This Act may be cited as the *Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1960.*

Vol. 6 of the  
Reprinted  
Acts  
approved  
for reprint  
9th October,  
1953, and  
further  
amended by  
Acts Nos. 73  
of 1954,  
33 of 1955  
and 27 of  
1956.

(2) In this Act the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1956, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1960.

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commence-  
ment.

(2) It shall not be necessary to proclaim that the whole Act shall commence on one day, but the several sections may be proclaimed to come into operation on such days as are respectively proclaimed.

3. Section seventy-three of the principal Act is amended— S. 73  
amended.

(a) by deleting the words, “estimated net” in line six;

(b) by adding after the word, “land”, being the last word in the section, the words, “as assessed in accordance with the provisions of section seventy-four or seventy-five of this Act.”

4. Section seventy-four of the principal Act is amended— S. 74  
amended.

(a) by substituting for the words, “Such annual value” in line one, the words, “The annual value of any rateable land within a district”; and

(b) by substituting for the passage commencing with the word, “less” in line six of paragraph (2) down to and including the word, “outgoings” in the last line of that paragraph, the words, “less a deduction of forty pounds per centum for all outgoings.”

5. Section eighty-one of the principal Act is amended— S. 81  
amended.

(a) by substituting for the word, “net” in line one, the word, “assessed”; and

(b) by substituting for the word, “all” in line two, the word, “any.”

6. Section eighty-three of the principal Act is amended by substituting for the word, “fourteen” in line one, the word, “thirty.” S. 83  
amended.

S. 85  
amended.

7. Section eighty-five of the principal Act is amended—

- (a) by substituting for the word, “person” in line one, the word, “ratepayer”;
- (b) by substituting for the word, “property” in line two, the words, “land of which he is the owner or occupier”; and
- (c) by deleting the passage commencing “; but” in line three and ending with the word, “Taxation”, being the last word in the section.

S. 86  
amended.

8. Section eighty-six of the principal Act is amended—

- (a) by substituting for the word, “Minister” in line one, the words, “Appeal Board constituted under section eighty-six A of this Act”; and
- (b) by substituting for the words, “the Minister” in line two, the words, “that Board.”

S. 86A  
added.

9. The principal Act is amended by adding after section eighty-six a section as follows:—

Constitution  
of Appeal  
Board.

86A. (1) For the purposes of this Act there shall be an Appeal Board which shall comprise three members, who shall be appointed by the Governor and shall be—

- (a) a person appointed upon the nomination of the Minister, who shall be chairman of the Board;
- (b) an officer of the Government department known as the Metropolitan Water Supply, Sewerage, and Drainage Department; and
- (c) a ratepayer, being a person who is not subject to the provisions of the Public Service Act, 1904.

(2) Each member of the Board shall hold office for a period of three years from the date of his appointment as member of the Board and at the expiration of the term for which he is appointed is eligible for re-appointment if he is then qualified to act.

Tenure of office.

(3) The Governor may for good cause terminate by notice in writing served on a member of the Board his appointment as member.

Termination of appointment.

(4) On the occurrence of any vacancy in an office of member of the Board before the expiration of the term for which the member was appointed, a qualified person shall, in accordance with the provisions of this Act, be appointed by the Governor to fill the vacancy; and any person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

Vacancies.

(5) The Governor may appoint such persons having the necessary qualifications as deputies to act in the respective places of the chairman and other members of the Board, when not able or available to act, and persons so appointed may, while so acting, carry out any function which the chairman or the other member for whom he is the deputy, if acting, could exercise.

Deputies.

(6) The decision of any two members of the Board shall be the decision of the Board.

Decision of Board.

(7) The Board shall regulate the procedure to be followed on the hearing by it of any appeal or on the determination by it of any question referred to the Board for determination.

(8) The chairman and other members of the Board and their deputies are entitled to such remuneration and allowances as are prescribed.

10. Section eighty-seven of the principal Act is repealed and re-enacted with amendments as follows:—

S. 87 repealed and re-enacted.

87. (1) An appeal to the Appeal Board shall be by notice setting out the grounds of appeal in the form of the Fourth Schedule.

Appeals to Appeal Board.

Fourth Schedule.

(2) The appellant shall give the notice of appeal to the Appeal Board and the Minister within thirty days of the receipt by the appellant of the rate notice or amended rate notice showing the valuation against which the appeal is to be made.

(3) (a) The Appeal Board shall not hear an appeal unless the appellant has deposited with the Minister the amount of the rates then due and payable in respect of the valuation against which the appeal is made.

(b) This subsection does not apply if the appellant is a pensioner or other person who has claimed and obtained pursuant to the provisions of the Pensioners (Rates Exemption) Act, 1922, exemption from liability for the payment of rates under this Act.

(4) (a) The Appeal Board shall give to the Minister and the appellant a notice in the form of the Fifth Schedule.

(b) The notice shall be so given at least ten days before the date set down for the hearing of the appeal.

Fifth  
Schedule.

S. 88  
amended.

11. Subsection (1) of section eighty-eight of the principal Act is amended by substituting for the word, "Minister" in line two, the words, "Appeal Board."

S. 89  
amended.

12. Subsection (1) of section eighty-nine of the principal Act is amended by substituting for the word, "Minister" where secondly occurring in line three and again in line four, the words, "Appeal Board."

S. 89A  
added.

13. The principal Act is amended by adding after section eighty-nine a section as follows:—

89A. (1) If, after the receipt of a rate notice or amended rate notice, any question arises as to whether the land to which the notice or amended notice relates is or is not land used

Settlement  
by Appeal  
Board of  
dispute  
as to  
classification  
of certain  
rateable  
land.

for residential purposes, the question may, on the written application of the ratepayer named in the notice or amended notice, be referred to the Appeal Board constituted under this Act, which shall decide the question.

(2) The decision of that Board on the question shall be final and conclusive and the rate book and assessment referred to in the rate notice or amended rate notice shall be amended to give effect to the decision.

(3) The application shall be served by the ratepayer on the Minister within a period of fourteen days of the receipt by him of the rate notice or amended rate notice referred to in subsection (1) of this section.

(4) On receipt of the application by the Minister, the Minister shall forward the application, or cause it to be forwarded, as soon as practicable, to the Appeal Board.

14. Section ninety of the principal Act is <sup>S. 90</sup> amended— <sup>amended.</sup>

(a) by adding after the section number, "90" the subsection designation, "(1)"; and

(b) by adding the following subsections:—

(2) Where, within a district, any rateable land is used for residential purposes, the Minister may make and levy a water rate in respect of that land being a rate less than the water rate made in respect of rateable land within the district which is not so used.

(3) For the purposes of this section—

(a) the expression "rateable land used for residential purposes" means any rateable land which is used wholly or primarily for the purpose of providing the

owner or occupier of the land with a residence for himself, his family or servants or any of them; and

- (b) the term "residence" means a private dwelling house including any yard, garden, outhouses or appurtenances belonging thereto or usually enjoyed therewith.

S. 97A  
amended.

15. Section ninety-seven A of the principal Act is amended by deleting the word, "net" in line one.

S. 97B  
added.

16. The principal Act is amended by adding after section ninety-seven A a section as follows:—

Validation  
of rates.

97B. (1) All rates made and levied by the Minister under this Act or purporting to be so made and levied before the coming into operation of the Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1960, for any year ending the thirtieth day of June up to and including the thirtieth day of June, one thousand nine hundred and sixty-one and demanded or collected whether before or after the coming into operation of that Act, shall be deemed to have been lawfully made and levied and lawfully demanded or collected.

(2) Nothing in subsection (1) of this section shall prevent any appeal that has been made under and in accordance with the provisions of Division (3) of Part VIII. of this Act before the coming into operation of the Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1960, from being heard and determined under this Act.

(3) Subject to the provisions of subsection (5) of this section, the Appeal Board constituted under this Act shall and is hereby authorised so to do, hear and determine in accordance with this Act any such appeal and any appeal referred to in subsection (4) of this section.

(4) Notwithstanding that a person has not lodged an appeal under and in accordance with the provisions of Division (3) of Part VIII. of this Act, if the person makes a written application to the Minister within thirty days of the coming into operation of this section for leave to lodge an appeal under subsection (2) of section eighty-seven A of this Act, the Minister may grant the application if, having regard to the circumstances of the case, he thinks fit to do so.

(5) Where the Minister grants the application, the applicant shall lodge a notice of appeal in the form or to the effect of the Fourth Schedule with the Appeal Board before such date as the Minister determines.

Fourth  
Schedule.

(6) Any appeal referred to in this section shall be made or be deemed to be made only on the ground that the amount of the valuation of the rateable land upon which the rates in respect of the land were made and levied, is excessive.

17. The Fourth Schedule to the principal Act is amended by adding after the word, "To" in line six, the words, "the Appeal Board and to."

Fourth  
Schedule  
amended.

18. The Fifth Schedule to the principal Act is amended by substituting for the words, "Minister of Water Supply, Sewerage and Drainage" in lines five and six, the words, "Appeal Board."

Fifth  
Schedule  
amended.

19. The Sixth Schedule to the principal Act is amended by substituting for the word, "Minister" in line five and again in line ten, the words, "Appeal Board."

Sixth  
Schedule  
amended.

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