

1956.] *Metropolitan Water Supply, [No. 27.
Sewerage and Drainage.*

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE.

5° Elizabeth II., No. XXVII.

No. 27 of 1956.

**AN ACT to amend the Metropolitan Water Supply,
Sewerage and Drainage Act, 1909-1955.**

[Assented to 29th November, 1956.]

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:—

1. (1) This Act may be cited as the *Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1956.* Short title and citation.

(2) In this Act, the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1955, Reprinted Acts, Vol. 6, 1954.

No. 27.] *Metropolitan Water Supply, Sewerage, and Drainage.* [1956.]

Act No. 43 of 1909 as reprinted with amendments to and including Act No. 41 of 1951 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and as further amended by Acts No. 73 of 1954 and No. 33 of 1955,

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, 1909-1956.

2. The principal Act is amended by adding after section one hundred and forty-seven a section as follows:—

S. 147A
added.

Validity of
by-law con-
ferring on
Minister
power to
impose water
restrictions
by order.

147A. (1) A by-law made under paragraph (5) of section one hundred and forty-six of this Act, whether it is made before or after the coming into operation of the Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1956, is valid notwithstanding that it confers on the Minister power from time to time by order published at least once in a daily newspaper circulating in the Metropolitan Water, Sewerage and Drainage Area—

- (a) to prohibit, regulate, or impose restrictions on, the use or consumption of water by any person or class of person, within the whole or any portion of the Area, for any purpose generally or for such purpose or purposes as are specified in the order, or for any period or periods; or
- (b) to exempt wholly or partially any portion of the Area or any person or class of person or any place or institution or class of place or class of institution from the operation of the whole or part of the order.

(2) (a) Where a by-law confers on the Minister power to make orders as provided in subsection (1) of this section, the Minister may make and cause to be published an order or orders under and in accordance with that by-law.

(b) An order so made and published may be cancelled or varied by a subsequent order published at least once in a daily newspaper circulating in the Area.

(3) An order referred to in subsection (1) or in subsection (2) of this section shall have effect on or from such date, not being prior to the date of its publication, as is specified in the order; but where no date is so specified or a date prior to the date of publication is specified, the order shall have effect on or from and including the date of its first publication as provided in this section.

(4) A person using or consuming water in contravention of an order made and published under this section is deemed to commit an offence in breach of the by-law pursuant to which the order is made.

(5) The cancellation or variation of an order does not affect any penalty or punishment incurred, imposed or liable to be incurred or imposed prior to the cancellation or variation, or any investigation or legal proceeding in respect of such a penalty or punishment, notwithstanding the provisions of section eleven of The Criminal Code.

(Cf. Interpretation Act, 1918, s. 16 (1) (e) and (f).)

(6) For the purposes of this section a person who allows water to flow or leak from any pipe or other fittings used for or in connection with the supply of water to or in any premises shall be regarded as a person using water.