

**RIGHTS IN WATER AND
IRRIGATION.**

15° Geo. VI., No. XVIII.

No. 18 of 1951.

**AN ACT to amend the Rights in Water and
Irrigation Act, 1914-1949.**

[Assented to 26th November, 1951.]

BE it enacted by the King'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. This Act may be cited as the *Rights in Water and Irrigation Act Amendment Act, 1951*, and shall be read as one with the Rights in Water and Irrigation Act, 1914-1949 (Act No. 19 of 1914 as reprinted Short title.

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with amendments to and including Act No. 32 of 1941, incorporated pursuant to the provisions of the *Amendments Incorporation Act, 1938*, in Volume 2 of the Reprinted Acts of the Parliament of Western Australia, 1943, and further amended by Acts Nos. 3 of 1945 and 9 of 1949), referred to in this Act as the principal Act.

Citation of principal Act as amended by this Act.

2. The principal Act as amended by this Act may be cited as the Rights in Water and Irrigation Act, 1914-1951.

S. 11 amended.

3. Subsection (1) of section eleven of the principal Act is amended by adding after the word, "deepening," in line twelve the words, "and straightening and otherwise altering".

S. 25 amended.
Cf. No. 30 of 1918, s. 36 as amended.

4. Subsections (3) and (4) of section twenty-five of the principal Act are repealed.

S. 42 amended.

5. Section forty-two of the principal Act is amended by—

- (a) substituting for the word, "prices", in line four of the proviso to subsection (1) the word, "charges";
- (b) adding after the word, "proper", in line six of the proviso to subsection (1) the words, "and that subject to the provisions of this Act and the by-laws and payment of the prescribed charges, the board may, in its discretion, supply to a ratepayer for the purposes of irrigation, water in excess of that to which he is entitled in respect of rates pursuant to the provisions of the last preceding section".

Ss. 42A and 42B added.

6. The following sections are added to the principal Act—

Installation of measuring instruments.
Cf. *Water Boards Act, 1904-1949*, s. 58.

42A. (1) The board may cause a measuring instrument to be installed on any land to which it supplies water pursuant to the provisions of this Act.

(2) Where a measuring instrument is so installed the owner or occupier of the land shall not, without the board's consent, receive water on to the land unless it is measured by the measuring instrument except when, in the opinion of the board, the measuring instrument is not functioning properly in which case the owner or occupier of the land shall not receive water on to the land otherwise than as prescribed.

42B. The board may prescribe the manner in which may be ascertained the quantity of water supplied to a consumer whether by means of a measuring instrument or otherwise, and a certificate purporting to be signed by an officer of the board stating the quantity so ascertained, shall in any proceedings in which the quantity of water is in question, be *prima facie* evidence of the quantity of water supplied.

Ascertainment of quantity of water supplied.
Cf. *Water Boards Act, 1904-1949*, s. 59.

7. Section fifty-nine of the principal Act is amended by—

S. 59 amended.

(a) substituting for the words, "subject to the provisions of this Act", in lines one and two the words, "with the approval of the Governor";

(b) adding the following paragraph—

(6a) Prescribing scales of charges for water supplied, and the minimum quantity of water to be charged for.

Cf. *Water Boards Act, 1904-1949*, s. 141, paragraph (10).

8. Sections sixty-one and eighty of the principal Act are repealed.

Ss. 61 and 80 repealed.
Cf. No. 30 of 1918, s. 36 as amended.