

WATER BOARDS.

5° GEO. VI., No. X.

No. 10 of 1941.

AN ACT to amend the Water Boards Act, 1904-1937.

[Assented to 20th October, 1941.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 *Water Boards Act Amendment Act* (No. 2), 1941, and shall be read as one with the *Water Boards Act, 1904-1937* (No. 4 of 1904, as amended by the Acts No. 4 of 1919, No. 16 of 1925, No. 26 of 1928, and No. 25 of 1937), hereinafter referred to as the principal Act.

Short title.
cf. No. 25 of
1937, s. 3.

2. Section thirty-six of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

Amendment of
s. 36.

Repeal and
new section.

36. (1) The Governor may from time to time by Order in Council—

Water
reserves and
works may be
placed under
control of
water board.

- (a) place under the temporary management and control of a water board, or absolutely vest in a water board, any waterworks or reservoir begun, constructed, or provided for out of moneys appropriated by Parliament;
- (b) constitute any portion of the State a water reserve or catchment area, and define the boundaries thereof;
- (c) where a water reserve or catchment area constituted under paragraph (b) hereof comprises only lands of the Crown which have not been alienated, place such water reserve or catchment area under the temporary management and control of a water board, or absolutely vest the same in a water board;
- (d) where a water reserve or catchment area constituted under paragraph (b) hereof comprises either in whole or in part land which has been alienated from the Crown, place such water reserve or catchment area under the temporary management and control of a water board.

(2) Provided that, where any water reserve or catchment area constituted under subsection (1) of this section contains a source of water supply which is or may be used to meet the requirements both of a water board and of an irrigation board constituted under the *Rights in Water and Irrigation Act, 1914-1939*, and any question may be likely to arise between such boards concerning the taking of water from such

source of water supply, the Governor may by an Order in Council issued under this section place the water reserve or catchment area under the management and control of the water board, or vest the same in the water board, subject to the right of the irrigation board to take for its purposes such quantity of water from the said source of water supply as the Minister may from time to time determine.

(3) Any waterworks or reservoir, and any water reserve or catchment area vested in a water board by Order in Council under this section shall, while such Order in Council continues in force, be deemed to be the property of the water board, and may be used accordingly; and any waterworks or reservoir, and any water reserve or catchment area placed under the management and control of a water board by an Order in Council under this section shall, while such Order in Council continues in force, be under the control and management of such water board, and may be used or administered by the water board for the purposes of this Act.

(4) The expression "water reserve or catchment area" in this section means any land over, through, or under which any water flows, runs, or percolates directly or indirectly into any watercourse or reservoir used or erected in connection with any water supply.

Amendment of
s. 37.

3. Section thirty-seven of the principal Act is amended as follows:—

(a) by deleting the word "every" in line two of the section, and inserting in lieu thereof the words "which has been placed under the management and control of or vested in a water board, such;"

(b) by deleting the word "every" in line seven and inserting in lieu thereof the word "such."

Amendment of
s. 38.

4. Section thirty-eight of the principal Act is amended by inserting therein after the word "area" in line three the words "which has been placed under the management and control of or vested in the board."

5. Section one hundred and twenty of the principal Act is amended by adding thereto a proviso as follows:— Amendment of s 120.

Provided that it shall be lawful for the board, and it shall be deemed to have been lawful for a board, on the raising of any loan and the issue of debentures, to provide for the repayment of the principal money with interest by half-yearly or other periodical instalments in lieu of the formation of a sinking fund, in which case such sum as may be necessary for the repayment of such instalments shall be set aside from time to time and applied to that purpose, and sections one hundred and fifteen to one hundred and nineteen, both inclusive, shall have effect, with such adaptations as are necessary, subject to this proviso.

6. A section is inserted in the principal Act after section one hundred and twenty-three as follows:— New section.

123A. Notwithstanding anything to the contrary contained elsewhere in this Act, the board, pending the collection of any rates or the receipt of any subsidies in aid of rates or grants payable by the Government, may, for the purpose of commencing, carrying on, or completing works, obtain advances from any bank by overdraft of the current account, but no such overdraft shall at any time exceed one-third of the ordinary revenue of the board for the year then last preceding: Overdraft.

Provided that the bank making such advances shall not be concerned to inquire whether the same have been obtained for the purposes set forth in this section, nor be required to see to the application of such advances.

7. The principal Act as amended by all previous Acts amending the same and by this Act may be cited as the Water Boards Act, 1904-1941. Citation of principal Act as amended.