

WESTERN AUSTRALIA.



ANNO TERTIO

GEORGII QUINTI REGIS,

XLVIII.

No. 67 of 1912.

AN ACT to constitute a Department for the Administration of certain Acts relating to Water Supply, Sewerage, and Drainage, and for other purposes incidental thereto.

[Assented to 17th December, 1912.]

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 Supply, Sewerage, and Drainage Act, 1912.* Short title.

2. (1.) There is hereby constituted a Department of Water Supply, Sewerage, and Drainage. The Department.

(2.) The Department shall be under the control of such member of the Executive Council as the Governor may appoint as the Minister of Water Supply, Sewerage, and Drainage.

(3.) The Minister of Water Supply, Sewerage, and Drainage shall, by that name, be a body corporate, with perpetual succession and a common seal, and may sue and be sued, and shall have power to purchase, take, hold, sell, lease, or dispose of real and personal property.

(4.) The Minister of Water Supply, Sewerage, and Drainage shall be the successor to the Minister appointed under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909.

(5.) The Governor may appoint an Under Secretary to the Department, and such other officers and servants as may be necessary for the administration of the Acts referred to in the next following section.

Administration.
Schedule.

3. (1.) The Acts mentioned in the Schedule, and all other Acts relating to water supply, sewerage, drainage, and irrigation that the Governor may declare by proclamation to be subject to this Act, shall, except as hereinafter provided, be administered by the Minister of Water Supply, Sewerage, and Drainage:

Provided that nothing in this Act shall affect the provisions of the said Acts relating to the constitution of boards:

Provided, also, that the Governor may, in his discretion, revoke any Order in Council, made before or after the commencement of this Act, for the constitution of any board, and dissolve the board constituted pursuant to any order so revoked.

(2.) The term "Minister" in the Acts mentioned in the schedule to this Act shall mean the Minister of Water Supply, Sewerage, and Drainage appointed under this Act, who is hereinafter referred to as "the Minister."

Lands and works
vested in Minister.

4. (1.) All lands acquired for or dedicated to the purposes of any of the Acts mentioned in the schedule, and all water works, sewerage, drainage, and irrigation works constructed or in course of construction under any of the said Acts, or constructed by the Government and declared by the Governor to be subject to any of the said Acts, shall vest in the Minister on behalf of His Majesty.

(a.) unless and until such lands and works to which the Acts mentioned in Part II. of the schedule apply are vested in a board; or

(b.) on the dissolution of any board in which such lands and works may have been vested.

(2.) The Minister may exercise the powers and authorities, and shall have the immunities, conferred on a board by the Acts mentioned in Part II. of the schedule in respect of such works—

(a.) until the works are vested in a duly constituted board; and

(b.) after the dissolution of the board in which the works may have been vested.

5. All the property and assets of, and all rates, charges, and other moneys whatsoever due or accruing to the Minister appointed under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, are hereby vested in and shall be recoverable by the Minister appointed under this Act, and all the liabilities of the Minister appointed under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, shall become the liabilities of the Minister appointed under this Act.

Transfer of assets and liabilities under Act No. 43 of 1909.

6. All the property and assets of the Minister administering the Acts mentioned in the second part of the schedule, and exercising at the commencement of this Act the powers conferred on a board by any of the said Acts, and all rates, charges, and other moneys whatsoever due or accruing to such Minister, are hereby vested in and shall be recoverable by the Minister appointed under this Act, and all the liabilities of the Minister administering the Acts mentioned in the second part of the schedule shall become the liabilities of the Minister appointed under this Act.

Transfer of assets and liabilities under other Acts.

7. On the constitution of a board for any district or area under any of the Acts mentioned in the second part of the schedule, all rates, charges, and other moneys whatsoever due or accruing to the Minister, in respect of such district or area, shall vest in and be recoverable by the board, and all the liabilities of the Minister in respect of such district or area shall become the liabilities of the board.

Transfer of assets and liabilities on the constitution of a Board.

8. On the dissolution of a board for any district or area under any of the Acts mentioned in the second part of the schedule, all the property and assets of the board, and all rates, charges, and other moneys whatsoever due or accruing to the board, shall become vested in and be recoverable by the Minister, and all the liabilities of the board shall become the liabilities of the Minister.

Transfer of assets and liabilities on the dissolution of a Board.

9. Notwithstanding anything contained in the Acts mentioned in the schedule to the contrary—

Receipts and expenditure.

- (a) except as hereinafter provided, all moneys received by the Minister from rates, charges, rents, or otherwise howsoever under the said Acts (including all moneys in hand at the commencement of this Act) shall be paid into the Consolidated Revenue Fund, or to an account at the Treasury to the credit of which such moneys may be lawfully paid; and
- (b.) except as hereinafter provided, all expenditure incurred by the Minister in the construction, maintenance, and management of the works under the said Acts shall be defrayed out of moneys to be appropriated by Parliament to the purposes of this Act.

Any work may be declared a separate undertaking.

10. The Governor may by Order in Council declare that any works for water supply, sewerage, drainage, or irrigation administered by the Minister under this Act shall be deemed a separate undertaking for the purposes of this Act, and the term "undertaking" in this Act means the works to which any such Order in Council applies.

Accounts.

11. The Minister shall cause books to be provided and kept, and true and regular accounts to be entered therein—

(a.) of all moneys received and paid, and of all moneys owing to and by the Minister under the Acts administered by him, and of the several purposes for which such moneys are received and paid, and owing; and

(b.) of all the assets and liabilities of the Minister under the said Acts.

Contribution of interest and sinking fund.

12. There shall be entered in each year, in the books of the Department, to appropriate accounts of the several undertakings, such amounts as shall be fixed by the Colonial Treasurer as the interest and sinking fund contributions payable by the Treasury for the year in respect of such portion of the General Loan Fund as shall have been raised or applied to the purposes of the several undertakings, and also the corresponding portion of interest accretions within the year to the sinking fund.

Depreciation.

13. (1.) The Minister may, in each year, determine the amount of the depreciation of the assets of any undertaking within the year.

(2.) Whenever the total amount of depreciation so determined shall exceed the amount provided for the repayment of loan moneys raised or used for purposes of capital expenditure on an undertaking, the amount of such excess shall be charged against the profits of the undertaking, and may be appropriated by the Colonial Treasurer for investment.

(3.) The Minister may, with the approval of the Governor, in any year cause provision to be made out of the revenue of any undertaking as, having regard to the nature of the undertaking, may, in his opinion, be necessary for the replacement of assets without recourse to further borrowing, or for the purpose of equalising expenses or earnings over a term of years, or for contingencies, or for any other purposes of the undertaking, and all sums so provided may (notwithstanding that the revenue has been paid into the Consolidated Revenue Fund) be appropriated by the Colonial Treasurer for investment.

(4.) Such sums may be invested by the Colonial Treasurer in such securities as he may think fit, and shall accumulate at compound interest, and the amount of such investments with

interest accretions shall be entered in the books of the Department to appropriate accounts of the undertakings.

(5.) The Minister may, with the approval of the Governor, cause such investments to be drawn upon, and applied to the purposes of the undertaking, and all such transactions shall be shown in the accounts of the undertaking.

14. There may be entered in the accounts of any undertaking, in each year, such sums as in the opinion of the Minister represent the equivalent of the use of Government buildings or other property, or of part services of any Government officers not wholly employed upon the undertaking, or of other services rendered by any Government department.

Charges for use
of property and
services.

15. The books of the Department shall be open to the inspection of the Auditor General, and any person authorised by the Auditor General to inspect the same, and copies or extracts may be taken therefrom.

Books may be
inspected.

16. The accounts of the Department shall be balanced every year on the thirtieth day of June, or such other date as the Governor may prescribe.

Accounts to be
balanced.

17. (1.) The Minister shall, in every year, cause a full and true balance sheet of the assets and liabilities of the Department generally, and in respect of each undertaking, together with a profit and loss account, and such other statements as may be necessary, to be compiled from the books and submitted to the Auditor General for audit.

Accounts to be
audited.

(2.) The Auditor General shall certify that he has found the accounts in order, or otherwise, as the case may be; and whether, in his opinion, the accounts are properly drawn up so as to present a true and correct view of the transactions for the period under review as shown by the books; and all items of receipts and payments and all known liabilities and assets have been brought into account, and the value of all assets fairly stated.

(3.) The Auditor General shall, in respect to such accounts, have all the powers conferred on him by the Audit Act, 1904.

18. Copies of such accounts, together with the Auditor General's report thereon, shall be laid before both Houses of Parliament annually.

Accounts and
report to be laid
before Parliament.

Financial provisions
to have effect from
1st July, 1912.

19. It shall be lawful for the Minister, with the approval of the Colonial Treasurer, to give effect to the financial provisions of this Act as from the first day of July, One thousand nine hundred and twelve.

Regulations.

20. The Governor may make regulations for the purposes of this Act.

Duration of Act.

21. This Act shall continue in force only until the thirtieth day of November, One thousand nine hundred and thirteen.

Section 3.

THE SCHEDULE.

PART I.

The Water Supply Act, 1893.

The Metropolitan Water Supply, Sewerage, and Drainage Act, 1909.

PART II.

The Land Drainage Act, 1900.

The Goldfields Water Supply Act, 1902.

The Water Boards Act, 1904.