



Western Australia

# **Country Areas Water Supply Act 1947**

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As at 18 Nov 2013

Version 09-f0-02

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## Country Areas Water Supply Act 1947

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**Defined terms**

Western Australia

## **Country Areas Water Supply Act 1947**

**An Act to safeguard water supplies, to repeal the *Goldfields Water Supply Act 1902-1942*<sup>2</sup>, and for other incidental purposes.**

*[Long title amended by No. 81 of 1976 s. 3; No. 25 of 2012 s. 4.]*

## Part I — Preliminary

*[Heading inserted by No. 19 of 2010 s. 43(3)(a).]*

### 1. Short title and commencement

This Act may be cited as the *Country Areas Water Supply Act 1947*, and shall come into operation on a date to be fixed by Proclamation <sup>1</sup>.

*[2. Deleted by No. 41 of 1984 s. 3.]*

*[Heading deleted by No. 19 of 2010 s. 43(3)(b).]*

*[3. Deleted by No. 25 of 1985 s. 85.]*

*[4. Omitted under the Reprints Act 1984 s. 7(4)(f).]*

### 5. Terms used

(1) In this Act, unless the context requires otherwise —

***by-laws*** means by-laws made under or for the purposes of this Act;

***catchment area*** means all land over, through, or under which any water flows, runs or percolates directly or indirectly into any reservoir erected or used in connection with any water works;

***CEO*** means the chief executive officer of the Department;

***Department*** means the department of the Public Service principally assisting in the administration of this Act;

***district*** in relation to a local government means the district of that local government and any land (including privately owned subdivided land) which the Governor may declare by Proclamation to be deemed to be included in a district for purposes of this Act;

***former authority*** means the former Authority, the former Commission or a former Minister;

**former Authority** means the Water Authority of Western Australia under the *Water Agencies (Powers) Act 1984*<sup>4</sup> before the commencement of Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*<sup>1</sup>;

**former Commission** means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995* and in existence before the repeal of that Act;

**former Department** means the Public Works Department of the Public Service of the State;

**former Minister** means a Minister administering this Act before, pursuant to the *Water Agencies (Powers) Act 1984*<sup>4</sup>, the former Authority became charged with the administration of functions under this Act, whether in his capacity as a Minister of the Crown or as (pursuant to section 2 of the *Water Supply, Sewerage, and Drainage Act 1912*<sup>5</sup> as read with this Act) a body corporate;

**Goldfields Water Supply Act** means the *Goldfields Water Supply Act 1902-1942*<sup>6</sup>;

**holding** means any piece or parcel of land which is held —

- (a) in fee simple; or
- (b) on conditional purchase lease, pastoral lease, or otherwise under the *Land Administration Act 1997*, or any prior Act repealed by that Act or under any regulation made under, or repealed by, any prior Act, or by the *Land Administration Act 1997*; or
- (c) on a perpetual lease granted under the *War Service Land Settlement Scheme Act 1954* or for such other estate or interest as is granted under that Act,

and which is constituted, owned, or occupied as one property;

**prescribed** means prescribed under the *Water Agencies (Powers) Act 1984* for the purposes of this Act or that Act, as the case requires;

**Registrar of Deeds** means the Registrar of Deeds and Transfers under the *Registration of Deeds Act 1856*;

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**water reserve** means a portion of the State which the Governor by Order in Council declares to be a water reserve for the purposes of this Act;

**water works** means all works for the supply, storage and distribution of water;

**watercourse** means —

- (a) any river, creek, stream or brook, whether artificially improved or altered or not; or
- (b) any conduit that wholly or partially diverts a river, creek, stream or brook from its natural course and forms part of that river, creek, stream or brook; or
- (c) any natural collection of water into, through, or out of which any thing referred to in paragraph (a) or (b) flows, whether artificially improved or altered or not,

in which water flows or is contained whether permanently, intermittently or occasionally, together with the bed and banks of any thing referred to in paragraph (a), (b) or (c).

- (2) Terms not otherwise assigned a meaning under subsection (1) but referred to in section 3 of the *Water Agencies (Powers) Act 1984* as having a meaning assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act.
- (3) Anything done before the amendment effected to the definition of the term **holding** by section 4 of the *Country Areas Water Supply Amendment Act 1984*<sup>1</sup> that would have been valid if that section had then been in operation shall be taken to have been as validly and effectively done as if that section had then been in operation.

*[Section 5 amended by No. 14 of 1957 s. 2; No. 56 of 1960 s. 2; No. 66 of 1964 s. 3; No. 81 of 1976 s. 5; No. 76 of 1978 s. 11; No. 63 of 1981 s. 4; No. 97 of 1981 s. 2; No. 14 of 1982 s. 4; No. 41 of 1984 s. 4; No. 25 of 1985 s. 86; No. 110 of 1985 s. 37; No. 24 of 1987 s. 62; No. 73 of 1995 s. 44 and 65; No. 14 of 1996 s. 4; No. 31 of 1997 s. 141; No. 25 of 2005 s. 4; No. 38 of 2007 s. 5; No. 25 of 2012 s. 5.]*

*[6. Deleted by No. 25 of 2012 s. 6.]*

*[7. Deleted by No. 38 of 2007 s. 6.]*

**Part II — Country water areas, and water reserves**

*[Heading amended by No. 66 of 1964 s. 4.]*

*[8. Deleted by No. 25 of 2012 s. 7.]*

**9. Catchment areas and water reserves, constituting etc.**

- (1) For the purposes of this Act, the Governor may, by Order in Council —
  - (a) constitute and define the boundaries of any catchment area or water reserve and give to the catchment area or water reserve such name or designation as may be directed by the Order in Council;
  - (b) alter or extend the boundaries of a catchment area or water reserve;
  - (c) unite 2 or more catchment areas or 2 or more water reserves;
  - (ca) alter the name or designation of a catchment area or water reserve;
  - (d) abolish any catchment area or any water reserve.
- (2) Until the Governor shall otherwise order, every catchment area and every water reserve constituted under the Goldfields Water Supply Act for the purposes thereof and still so constituted at the commencement of this Act shall be and continue until amended under subsection (1) a catchment area or a water reserve for the purposes of this Act.

*[Section 9 amended by No. 95 of 1978 s. 5.]*

*[10. Deleted by No. 24 of 1987 s. 63.]*

**11. Water in catchment areas and water reserves, Corporation's powers as to**

- (1) Notwithstanding anything to the contrary contained in the *Water Services Act 2012*, or in any other Act, but subject to subsection (2), a licensee (as defined in the *Water Services*

*Act 2012* section 3(1)) may divert, intercept, and store all water coming from the watercourses and other sources within the boundaries of any catchment area or water reserve, and may take any water found on or under the land situated within any such catchment area or water reserve.

- (2) A licensee shall not exercise the powers conferred by subsection (1) in relation to water to which section 5C of the *Rights in Water and Irrigation Act 1914* applies, except under a licence or right granted or conferred under Part III of that Act.

*[Section 11 amended by No. 25 of 1985 s. 88; No. 73 of 1995 s. 46; No. 49 of 2000 s. 83; No. 38 of 2007 s. 7; No. 25 of 2012 s. 8.]*

**12A. Penalty for diverting or taking water**

Any person who, other than with the authority of the Minister or under another written law, diverts water from any watercourse or source of supply within any catchment area or water reserve or does any act by which the watercourse or source of supply may be diverted or diminished in quantity or injured in quality or purity is guilty of an offence.

Penalty:

- (a) for an individual — a fine of \$10 000;
- (b) for a body corporate — a fine of \$20 000.

*[Section 12A inserted by No. 25 of 2012 s. 9.]*

**12. Pollution in catchment areas and water reserves, Minister's powers to prevent**

For preventing the pollution of water within a catchment area or water reserve, the Minister shall have all the powers and authority of a local government within the meaning of and under the *Health Act 1911*, including power to make and enforce local laws under that Act, as if the catchment area or water reserve were a district for the purposes of that Act, and the Minister were the local government for that district.

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**Part II** Country water areas, and water reserves

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*[Section 12 amended by No. 25 of 1985 s. 88; No. 73 of 1995 s. 62; No. 14 of 1996 s. 4; No. 57 of 1997 s. 43(1); No. 38 of 2007 s. 23; No. 8 of 2009 s. 42(2).]*

## Part IIA — Control of catchment areas

[Heading inserted by No. 81 of 1976 s. 6.]

### 12A. Controlled land, altering extent of; application of this Part

[*(1) deleted*]

- (1a) The Minister may from time to time by notice published in the *Government Gazette* add to or amend Schedule 2.
- (1b) A notice made under subsection (1a) adding to or amending Schedule 2 shall be laid before each House of Parliament within the 6 sitting days of that House next following the date of publication of that notice in the *Government Gazette*, and the provisions of sections 41 and 42 of the *Interpretation Act 1984* shall apply to that notice as if it had been a regulation.
- (2) Where the exercise of the powers conferred by this Part would be inconsistent with the provisions of any Agreement to which the State is a party and which, or the execution of which, is or has been ratified or approved by an Act, the Governor, by Order in Council published in the *Gazette*, may declare that any or all the provisions of this Part —
- (a) shall not apply; or
  - (b) shall apply subject to the restrictions, limitations or conditions specified in that Order,

in respect of any land to which that agreement relates and effect shall be given to that Order.

[Section 12A inserted by No. 81 of 1976 s. 7; amended by No. 95 of 1976 s. 6; No. 75 of 1980 s. 3; No. 41 of 1984 s. 5; No. 110 of 1985 s. 38; No. 19 of 2010 s. 15(2) and (3).]

### 12AA. Terms used

In this Part, unless the contrary intention appears —

***controlled land*** means land comprised within the boundaries of such of the catchment areas or water reserves defined under section 9 as are specified in Schedule 2;

**s. 12B**

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*land in question* means that part of a holding that is controlled land;

*subject land*, in relation to an application for the grant or transfer of a clearing licence, means the land for the clearing or partial clearing of which the licence is sought;

*to clear*, in relation to land to which this Part applies, means to cause or permit the indigenous undergrowth, bush, or trees on the land to be removed or destroyed, or so damaged as to eventually be destroyed, or to cause the removal from the land of vegetation not under cultivation, and cognate expressions have corresponding meanings.

*[Section 12AA inserted by No. 75 of 1980 s. 4; amended by No. 41 of 1984 s. 6; No. 19 of 2010 s. 15(4).]*

**12B. Clearing controlled land, offence**

(1) Subject to —

- (a) any Order made pursuant to section 12A(2); and
- (b) section 12C,

a person who clears controlled land commits an offence.

(2) A person guilty of an offence against subsection (1) shall be liable to a fine not exceeding \$2 000 and, if the Minister so requests and having regard to the recommendations of the Minister, the court before which a person is convicted shall, unless the court thinks that having regard to the special circumstances of the case it would be inappropriate to do so, by order direct —

- (a) that either —
  - (i) the land on which the clearing was carried out; or
  - (ii) such other controlled land in the same ownership as may be agreed between the Minister, the person convicted, and, where the person

convicted is not the owner of the land, the owner  
of the land,

be restored by establishing on that land a tree cover in  
accordance with the order; and

- (b) what measures are to be taken for the purpose of  
restoring the land and the time within which any such  
measure shall be taken,

and any such order shall, subject to the registration of an  
appropriate memorial under section 12BB, run with the land and  
may be made and have effect notwithstanding any change in the  
ownership of the land subsequent to the time the offence was  
committed.

- (3) The court by which an order is made under subsection (2) may,  
upon a subsequent application made by any person affected by  
the order and with the consent of all such persons and of the  
Minister, vary that order, and a reference in this Part to an order  
under subsection (2) includes a reference to an order as varied  
under this subsection.

*[Section 12B inserted by No. 75 of 1980 s. 5; amended by  
No. 63 of 1981 s. 4; No. 41 of 1984 s. 7 and 18; No. 25 of 1985  
s. 89; No. 73 of 1995 s. 62; No. 38 of 2007 s. 23.]*

**12BA. Memorial on land title as to possible liability to s. 12B(2)  
restoration order**

- (1) Where clearing is carried out on any land contrary to this Part  
and, although no person has yet been convicted of an offence  
against section 12B(1) by reason of the clearing —
  - (a) the time for commencing a prosecution for such an  
offence has not elapsed; or

**s. 12BB**

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- (b) the time for commencing a prosecution for such an offence has elapsed but a prosecution for such an offence that was commenced within time has not been disposed of,

the Minister may deliver a memorial in the prescribed form to the Registrar of Titles, or the Registrar of Deeds (as the relevant category of title may require), who shall, without payment of a fee, register the memorial and endorse or note the title and land register or record in respect of the land in such manner as will ensure that a person searching the title to that land receives notice that the land may become the subject of an order under section 12B(2).

- (2) A memorial delivered under subsection (1) shall specify the land cleared and contain a warning that if a person is convicted of an offence by reason of the clearing an order for the restoration of the land is liable to be made.
- (3) Where in respect of land no memorial is registered and recorded under subsection (1) a person may apply to the Minister in writing for a certificate to the effect that up to a date specified in the certificate no clearing in respect of which an order under section 12B(2) will be requested by the Minister has been carried out on the land, and the Minister shall be bound by any certificate given by the Minister, a former authority, the former Department or the Under Secretary of the former Department in response to an application under this subsection.

*[Section 12BA inserted by No. 75 of 1980 s. 5; amended by No. 63 of 1981 s. 4; No. 41 of 1984 s. 8; No. 25 of 1985 s. 89 and 90; No. 73 of 1995 s. 47; No. 31 of 1997 s. 18(1); No. 84 of 2004 s. 80; No. 38 of 2007 s. 8 and 23.]*

**12BB. Memorial on land title as to restoration order**

- (1) Where a person is convicted of an offence against section 12B(1) and the court before which he is convicted orders the restoration of any land the Minister may, within 14 days of the making of that order, deliver a memorial of the order in the

prescribed form, specifying the land to which the order relates, to the Registrar of Titles, or the Registrar of Deeds (as the relevant category of title may require), who shall, without payment of a fee, register the memorial and endorse or note the title and land register or record in respect of that land accordingly.

- (2) Where under subsection (1) the Minister causes a memorial of an order for the restoration of any land to be registered and recorded, the Minister shall forthwith give to the owner of the land notice in writing that he has done so.

*[Section 12BB inserted by No. 75 of 1980 s. 5; amended by No. 31 of 1997 s. 18(1).]*

**12BC. Memorial under s. 12BA or 12BB, removal of**

Where a memorial is registered under section 12BA or section 12BB the Minister may, at any time thereafter, deliver a notice in writing directing that the memorial cease to have effect, to the Registrar of Titles, or the Registrar of Deeds (as the relevant category of title may require), who shall, without payment of a fee, endorse or note the title and land register or record in respect of that land accordingly and thereupon the memorial shall have no further effect.

*[Section 12BC inserted by No. 75 of 1980 s. 5; amended by No. 31 of 1997 s. 18(1).]*

**12BD. Restoration order, Minister's powers if contravened**

- (1) Where an order is made under section 12B(2) for the restoration of any land and —
- (a) the order is not complied with within the time or in the manner specified in the order; or
  - (b) the order is complied with but the tree cover is subsequently destroyed, or is not maintained to the satisfaction of the Minister,

the Minister may, where the ownership of the land has not changed since the order was made or a memorial of the order

**s. 12BE**

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was registered and recorded under section 12BB, enter upon the land with such persons and things as may be necessary to ensure that the land is restored and may thereon carry out such works as are necessary for that purpose, and the Minister may recover any expenses thereby reasonably incurred as a debt due from any person who is then the owner of the land.

- (2) Where a person who is an owner of the land reasonably incurs expense in complying with an order made under section 12B(2), or where the Minister recovers expenses from a person under subsection (1), that person may, if he is not the person on the conviction of whom the order was made, recover as a debt due from the person so convicted the amount —
- (a) reasonably incurred in complying with the order; or
  - (b) where expenses are recovered from him by the Minister under subsection (1), which is attributable to the act or default in respect of which the person was so convicted.

*[Section 12BD inserted by No. 75 of 1980 s. 5; amended by No. 25 of 1985 s. 91; No. 73 of 1995 s. 62; No. 38 of 2007 s. 9 and 23.]*

**12BE. Injunctions as to clearing controlled land**

- (1) On the application of the Minister the Supreme Court may, without regard to whether or not proceedings have been, or may be, taken against any person for an offence against section 12B, grant an injunction —
- (a) restraining a person from doing or causing or permitting to be done any thing that constitutes or would constitute a contravention of, or an attempt to contravene, section 12B; or
  - (b) requiring a person to take or cause to be taken, such reasonable steps as the Supreme Court considers necessary to prevent the doing of any thing that constitutes or would constitute a contravention of, or an attempt to contravene, section 12B; or

- (c) restraining a person from doing or causing or permitting the doing of any thing on land that has been cleared contrary to this Part, or using or causing or permitting the use of such land in any way, if the doing of the thing on the land or the use of the land in that way would or may impair or delay the establishing or natural regeneration on the land of a tree cover,

notwithstanding that an application under section 12D for a review may lie or be pending in respect of a licence relating to the matter.

- (2) The Supreme Court shall not, as a condition of granting an interim injunction, require any undertaking as to damages.
- (3) An injunction granted for the purposes of this section —
  - (a) shall have effect for such period as is specified therein; and
  - (b) may be varied or rescinded by the Supreme Court.
- (4) This section does not limit any right of the Crown that would exist but for this section to apply for an injunction, and the grant, refusal, variation, rescission, or expiry of an injunction shall not affect the taking of proceedings against any person for an offence against section 12B nor the making of an order under that section.

*[Section 12BE inserted by No. 75 of 1980 s. 5; amended by No. 25 of 1985 s. 92; No. 73 of 1995 s. 62; No. 55 of 2004 s. 152; No. 38 of 2007 s. 10.]*

**12C. Exceptions to s. 12B; clearing licences, grant of etc.**

- (1) A person who clears controlled land does not contravene section 12B if the clearing is carried out —
  - (a) under, and in accordance with the conditions of, a clearing licence granted under this Part; or

**s. 12C**

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- (b) as a reasonably necessary emergency measure in order to avoid danger to persons or property, where, as soon as is reasonably practicable, the land is restored to the satisfaction of the Minister; or
- (c) as an essential measure in performing an obligation or carrying out a duty under the *Biosecurity and Agriculture Management Act 2007* or the *Bush Fires Act 1954*; or
- (d) under, and in accordance with, a regulation made under this Part permitting the clearing of land by reference to the location of the land, the circumstances in which, the purposes for which, or the extent to which, the land is proposed to be cleared, or any of those matters,

or is attributable to events none of which that person could reasonably have been expected to prevent.

- (2) The owner or occupier of controlled land proposed to be cleared, or any person proposing to clear controlled land in the course of exercising any statutory function, may, in the prescribed manner, if any, apply to the Minister for a clearing licence and on payment of such fees as may be prescribed the Minister may grant or transfer any such licence, but where such an application is made and no decision is given within 6 months thereafter, or within such further period as the applicant may agree, then the Minister is deemed to have decided to refuse the application.
- (3) The Minister may refuse any application for the grant or transfer of a clearing licence and, unless the Minister is satisfied that there are exceptional reasons for not refusing an application, shall do so where, in the opinion of the Minister, after the clearing that would otherwise be authorised there would be less than one-tenth part of the land in question left under tree cover including the indigenous undergrowth.

(4) The grant or transfer of a licence may be in respect of —

- (a) the whole or a part of the land; and
- (b) the whole or a part of the clearing,

in respect of which application was made and may be made subject to such reasonable conditions as the Minister thinks fit, which conditions shall be endorsed upon or referred to in the licence when granted or, as the case may be, transferred.

(5) A person who, in connection with an application for, or an application for a review relating to, a licence, knowingly makes any statement that is false or misleading in any material particular commits an offence, and where the person convicted of an offence against this subsection is the holder of the licence to which the offence relates the Minister may, whether or not any penalty is imposed by the court for the offence, by notice in writing given to that person, revoke the licence.

(6) A licence takes and shall have effect according to its tenor, but —

- (a) the Minister may, by notice in writing given to the holder of the licence, from time to time after the licence is granted —
  - (i) vary or add to the conditions of a licence; or
  - (ii) provide that an unconditional licence shall be subject to the conditions specified in the notice, or that a conditional licence shall cease to be subject to any condition;

and

- (b) where a licence was granted before the coming into operation of the *Country Areas Water Supply Amendment Act 1980*<sup>1</sup> for a period specified in the licence, that licence shall have effect for that period notwithstanding paragraph (a).

**s. 12D**

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- (7) Where the holder of a licence contravenes or fails to comply with any condition endorsed on or referred to in the licence —
- (a) he commits an offence and is liable for his act or omission to the extent that it was not authorised by the licence; and
  - (b) whether or not any other penalty is imposed or order made, the court may cancel that licence, and no compensation shall be payable in respect of any such cancellation; and
  - (c) the Minister may, by notice in writing given to the holder of the licence, revoke the licence or suspend the operation of it for such period as the Minister thinks fit.

*[Section 12C inserted by No. 75 of 1980 s. 5; amended by No. 41 of 1984 s. 9; No. 25 of 1985 s. 89 and 93; No. 24 of 1987 s. 64; No. 73 of 1995 s. 62; No. 24 of 2007 s. 87; No. 55 of 2004 s. 153; No. 38 of 2007 s. 23.]*

**12D. Decisions as to clearing licences, review of by SAT**

- (1) Where —
- (a) an application to grant or transfer a clearing licence is refused;
  - (b) a clearing licence is granted or transferred in respect of only a part of the subject land, or a part of the clearing in respect of which application was made;
  - (c) a clearing licence is revoked or its operation is suspended;
  - (d) a condition is imposed in relation to a clearing licence,
- the applicant in the case of paragraph (a) or (b), or the holder of the licence in the case of paragraph (c) or (d), may apply to the State Administrative Tribunal for a review of the decision of the Minister.
- (2) For the purposes of ascertaining when any claim for compensation arises under this Part a decision which is the subject of an application under subsection (1) for a review shall

have effect as from the day on which the application is determined.

*[Section 12D inserted by No. 75 of 1980 s. 5; amended by No. 25 of 1985 s. 89; No. 73 of 1995 s. 62; No. 55 of 2004 s. 154; No. 38 of 2007 s. 23.]*

**12E. Compensation for injurious affection due to clearing prohibition, claims for etc.; acquisition of affected land etc.**

- (1) In assessing any claim for compensation under this Part regard shall be had to the requirement that not less than one-tenth part of the land in question should, in the interests of good agricultural and conservation practice, be left under tree cover including the indigenous undergrowth and in so far as the land in question has been, or is proposed to be, cleared of trees or the indigenous undergrowth to any greater extent no claim for compensation arises in respect of that excess.
- (2) A claim for compensation under this Part may extend not only to the land the subject of the application for a clearing licence but also to any other land in the same occupation or ownership which is shown to have been rendered unproductive, or uneconomic, or to have been otherwise injuriously affected, by the operation of the provisions of this Part, whether or not that land is controlled land.
- (3) The amount to be paid under this Part as compensation for injurious affection shall be assessed on the basis of values applying at the time at which the claim for compensation is made in accordance with this Part, and, subject to subsection (8), shall include interest computed from 60 days after the date of the making of that claim on the balance of compensation outstanding from time to time at the rate prescribed under section 8(1)(a) of the *Civil Judgments Enforcement Act 2004* at the time at which the claim for compensation is made.

**s. 12E**

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- (4) Subject to section 12D, upon an application for the grant or transfer of a clearing licence in respect of land being refused, or deemed to be refused, or granted subject to conditions that are unacceptable to the applicant, or granted in respect of only a part of the subject land, or part of the clearing in respect of which application was made, any owner or occupier of the subject land, or other person having an estate or interest in the subject land, may claim compensation for injurious affection in accordance with the provisions of this Part.
- (5) A claim for compensation shall be made in the prescribed manner to the Minister not later than 12 months, or such further time as the Minister may in a particular case allow, after the claim for compensation arises under this Act, and shall not (other than with the consent of the Minister) be capable of being withdrawn, and if compensation for injurious affection has previously been paid under this Part to any person in respect of any land, or any estate or interest in land, no further compensation shall be paid under this Part to that or any other person in respect of injurious affection to the same estate or interest in that land notwithstanding any subsequent applications or decisions under this Part affecting that land, except to the extent that further injurious affection to that land results after the date of previous payment by reason of the operation of the provisions of this Part and is injurious affection of a kind or degree not taken into account in the computation of the previous payment.
- (6) Subject to subsection (5), where a claim is made under and in accordance with this section for compensation for injurious affection to land, or any estate or interest in land, the Minister may —
- (a) purchase by agreement the estate or interest of the claimant in the whole or part of the land injuriously affected, whether or not that land is controlled land; or
  - (b) if the Minister gives written notice within 3 months of the receipt of the claim that the Minister intends to do

so, compulsorily take or resume pursuant to Part 9 of the *Land Administration Act 1997* the whole or part of the subject land,

and the Minister shall pay compensation for injurious affection only in respect of land, or an estate or interest in land, that is not purchased, taken or resumed in accordance with this subsection.

- (7) Where, under and in accordance with this Part, a claim for compensation has been made and compensation is payable, the Minister may, if the claimant agrees, and, where applicable, subject to section 12EB(2), transfer to the claimant in full or partial satisfaction of the claim such estate or interest as is agreed between the claimant and the Minister in —
- (a) any land taken or acquired by the former Minister under section 20 as in force prior to the coming into operation of section 103 of the *Acts Amendment and Repeal (Water Authorities) Act 1985*<sup>1</sup> or by a former authority or the Minister pursuant to the *Public Works Act 1902*, as in force prior to the coming into operation of the *Land Administration Act 1997*, or the *Water Agencies (Powers) Act 1984* or under Part 9 of the *Land Administration Act 1997* for that purpose or so taken or acquired for any other purpose and no longer required for that other purpose; or
  - (b) any land purchased, taken, or resumed or otherwise acquired by a former authority or the Minister under this Part,

and thereupon compensation shall be taken to have been paid in satisfaction of the claim to the extent agreed between the claimant and the Minister and the provisions of this Part shall be construed accordingly.

- (8) Where, under and in accordance with this Part, a claim for compensation has been made and compensation is payable, the Minister may offer and pay to the claimant, as and by way of an advance or interim payment on account of the compensation payable, such amount or amounts of money as the Minister

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thinks fit and any such payment may be received and retained by the claimant without prejudice to any of his rights under this Part but, where any amount of money is offered to the claimant under this subsection and the offer is not accepted by the claimant within 30 days of the day on which the offer was made, no interest shall thereafter be payable under this Part in respect to the amount so offered.

*[Section 12E inserted by No. 81 of 1976 s. 11; amended by No. 75 of 1980 s. 6; No. 41 of 1984 s. 10; No. 25 of 1985 s. 94; No. 73 of 1995 s. 48, 62 and 65; No. 31 of 1997 s. 18(2) and 142; No. 38 of 2007 s. 11 and 23; No. 8 of 2009 s. 42(3).]*

**12EA. Memorial on land title as to compensation paid**

- (1) Where compensation has been paid under this Part for injurious affection to any land, or any estate or interest in land, the Minister may deliver a memorial to that effect in the prescribed form, specifying the land, estate, or interest in respect of which, and the date on which, compensation has been paid, to the Registrar of Titles, or the Registrar of Deeds (as the relevant category of title may require), who shall, without payment of a fee, register the memorial and endorse or note the title and land register or record in respect of that land accordingly.
- (2) Where the Minister is satisfied that a memorial that is registered under subsection (1) in respect of land serves no further purpose he may deliver a notice in writing to that effect to the Registrar of Titles, or the Registrar of Deeds (as the relevant category of title may require), who shall, without payment of a fee, thereupon cancel the registration of that memorial and endorse or note the title and land register or record in respect of that land accordingly.

*[Section 12EA inserted by No. 75 of 1980 s. 7; amended by No. 31 of 1997 s. 18(1).]*

**12EB. Land acquired or transferred under s. 12E etc., dealing with**

- (1) Where any land, estate, or interest is, or is to be, taken or resumed pursuant to section 12E(6) that land shall thereafter be so dealt with, by restoration if necessary, as to conserve the water resources, and for the purposes of Part 9 of the *Land Administration Act 1997* that use shall be regarded as a public work for the conservation of water notwithstanding that the object of conserving water resources may be achieved without any restoration or other works being required or carried out, and that Act shall apply to such taking or resumption.
- (2) Notwithstanding subsection (1) or anything in Part 9 of the *Land Administration Act 1997*, where it is consistent with the achievement of the object of conserving the water resources the Minister may lawfully sell, exchange, or otherwise deal with the whole or any part of any land, or any estate or interest in land purchased, taken, or resumed or otherwise acquired by a former authority or the Minister pursuant to this Part.
- (3) Where a former authority exercised or the Minister exercises in respect of land a power conferred by section 12E(7) or subsection (2) —
  - (a) the provisions of Division 5 of Part 9 of the *Land Administration Act 1997* shall not apply in respect of any dealing in relation to that land; and
  - (b) no claim for compensation for injurious affection in respect of that land shall thereafter lie under this Part in relation to any use of that land by a person deriving title through a former authority or the Minister.
- (4) Where under this section or section 12E(7) a former authority transferred or the Minister transfers any estate or interest in land to any person, and the parties, so far as the estate or interest transferred enables the land to be bound, agreed or agree that the land or any part of it shall thereafter, either permanently or for a specified period, be held subject to a covenant in favour of a former authority or the Minister, as the case requires, prohibiting any use of, or dealing with, the land which would

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have an effect detrimental to the conservation of the water resources that covenant may be enforced by the Minister as if the Minister were possessed of or entitled to or interested in adjacent land and as if the covenant had been and had been expressed to be entered into for the benefit of that adjacent land.

- (5) Where land to which a covenant given for the purposes of this Part relates is held under the operation of the *Transfer of Land Act 1893*, the provisions of Division 3A of Part IV of that Act apply to and in relation to the registration, discharge, modification, and dealing with that covenant and any restriction arising therefrom.
- (6) Where the land to which a covenant given for the purposes of this Part relates is not land held under the operation of the *Transfer of Land Act 1893* —
- (a) the provisions of sections 129B and 129C of that Act apply, so far as they are capable of being applied, to and in relation to the discharge, modification and dealing with that covenant and any restriction arising therefrom as if the land were land under that Act; and
  - (b) the Registrar of Deeds shall, upon the production of the memorial required under the *Registration of Deeds Act 1856*, give due effect to any agreement duly made under section 129B of the *Transfer of Land Act 1893*, as so applied, and any order of a judge made under section 129C of that Act as so applied.
- (7) A covenant to which any land is made subject pursuant to this section shall, unless a contrary intention is expressed, be deemed to be made by the covenantor on behalf of himself, his successors in title (including the owners and occupiers for the time being of the land) and the persons deriving title under him or them and unless a contrary intention is expressed, shall have effect as if such successors and other persons were expressed.

*[Section 12EB inserted by No. 75 of 1980 s. 7; amended by No. 41 of 1984 s. 11; No. 25 of 1985 s. 95; No. 73 of 1995 s. 49; No. 31 of 1997 s. 18(3) and 142; No. 38 of 2007 s. 12 and 23.]*

**12EC. Disputes as to injurious affection etc., determining**

- (1) Where the parties do not agree upon any question as to whether any land, or any estate or interest in land, is injuriously affected or as to the amount or manner of payment of the sum which is to be paid as compensation for such injurious affection either party may cause the question to be determined in the same manner as if it were a question required to be determined under Part 10 of the *Land Administration Act 1997* as to compensation payable and, subject to this Part, the provisions of Part 10 of the *Land Administration Act 1997* apply for the purposes of the determination of the question, with such modifications as the circumstances require but the principles to be applied in determining the question shall be derived from this Part.
- (2) In any proceedings under this section for the determination of a question each party shall bear his own costs except that nothing in this subsection prevents the court from making an order as to the payment of fees payable to the court or a member thereof.

*[Section 12EC inserted by No. 75 of 1980 s. 7; amended by No. 41 of 1984 s. 12; No. 31 of 1997 s. 18(4).]*

**12ED. Entering land, powers as to**

- (1) Where in this section a power to enter upon land is conferred it shall, where appropriate, include the power to conduct tests on, and take samples from, the land for the purposes of this Part.
- (2) Where due notice has been served upon the owner or occupier of that land the Minister may for the purposes of this Part lawfully enter on to any land notwithstanding that the consent of the owner or occupier has not been obtained, but except as is otherwise provided in this Part such an entry shall not be lawful unless notice has been served or such consent has been obtained.
- (3) A notice required by this Part to be given in relation to an entry shall specify the purposes for which entry is required and shall continue to have effect for so long as that requirement subsists,

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and successive entries for that purpose shall be taken to be entries to which the notice relates.

- (4) Where it is shown to the satisfaction of a Justice of the Peace that entry on or into any land is reasonably required for a purpose contemplated by this Part but that entry has been refused or is opposed or prevented, or in any case where such land is unoccupied and consent cannot be obtained or a notice required by this Part cannot be served without undue delay or difficulty, the Justice may, by warrant in the prescribed form, authorise any officer of the Department, and other persons authorised by the Minister, to enter upon the land, using such force as may be necessary, for the purpose therein specified and any such warrant shall continue to have effect until the purpose for which it was granted has been satisfied.
- (5) Where it appears to the Minister, an officer of the Department or a person authorised by the Minister for the purposes of this subsection, that an offence against this Part is being, or is about to be, committed on any land and the circumstances are such that immediate intervention is appropriate and compliance with the normal requirements of this Part is impractical or unreasonable, the Minister, officer or person so authorised may, without any requirement for a notice or warrant and by force of this subsection, lawfully effect immediate entry on or into any land to intervene in the commission of the offence and endeavour to ensure compliance with the provisions of this Part.
- (6) A person exercising in respect of land a power of entry under this section or section 12BD shall conform so far as is practicable to such reasonable requirements of the owner or occupier of the land as are necessary to prevent the lawful use of the land being obstructed.

*[Section 12ED inserted by No. 75 of 1980 s. 7; amended by No. 25 of 1985 s. 96; No. 110 of 1985 s. 39; No. 73 of 1995 s. 62; No. 38 of 2007 s. 13.]*

**12EE. Evidentiary provisions**

- (1) In proceedings under this Part a document purporting to be —
- (a) a true copy of an aerial photograph marked so as to identify, and show the boundaries of, land according to official survey; and
  - (b) signed and certified by the Surveyor General as being a true copy of a photograph taken under the authority of the Surveyor General on the date specified in the certificate and as correctly identifying, and showing the boundaries of, the land according to official survey,
- is, without proof of the signature of the Surveyor General, admissible as evidence of the matters so certified and of the condition, on the date so specified, of the vegetation on the land so identified.
- (2) A document shall not be admitted pursuant to subsection (1) as evidence that the land has been cleared contrary to this Part unless the court is satisfied that the Minister, an officer of the Department or a person acting with the authority of the Minister has entered upon and inspected the land for the purposes of ascertaining whether the land has been so cleared.
- (3) Where, in proceedings for an offence against this Part, it is proved that land has been cleared, the person who was, at the time the land was cleared —
- (a) the occupier of the land is, in the absence of evidence to the contrary, deemed to have so cleared the land; and
  - (b) the owner of the land is, unless the contrary is proved, deemed to have permitted the land to be so cleared.

*[Section 12EE inserted by No. 97 of 1981 s. 3; amended by No. 25 of 1985 s. 97; No. 73 of 1995 s. 62; No. 38 of 2007 s. 14.]*

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**12F. Regulations for this Part**

The Governor may make such regulations as may be necessary to give effect to the provisions of this Part.

*[Section 12F inserted by No. 81 of 1976 s. 12.]*

**12G. Validation**

Where before the coming into operation of the *Country Areas Water Supply Amendment Act 1980*<sup>1</sup> an agreement was entered into by or on behalf of a former Minister or of the Crown for the purposes of, but not in accordance with, this Part, that agreement shall, in its entirety, be deemed to have been validly entered into and to have effect according to its tenor, and any act, matter, or thing done pursuant thereto shall be deemed to have been done pursuant to an agreement validly entered into under and in accordance with this Part.

*[Section 12G inserted by No. 75 of 1980 s. 8; amended by No. 25 of 1985 s. 98.]*

*[Part III (s. 13) deleted by No. 73 of 1995 s. 50.]*

*[Part IV: (s. 14 and 19) deleted by No. 25 of 2012 s. 10;  
(s. 15-18A) deleted by No. 25 of 1985 s. 101;  
(s. 20-25) deleted by No. 25 of 1985 s. 103.]*

*[Part V: (s. 26-27) deleted by No. 24 of 1987 s. 66;  
(s. 28-33, 35-38, 39A, 40, 42-46 and 46A) deleted  
by No. 25 of 2012 s. 10;  
(s. 34) deleted by No. 25 of 1985 s. 108;  
(35A-35C) deleted by No. 85 of 1985 s. 110;  
(s. 39) deleted by No. 73 of 1995 s. 52;  
(s. 41) deleted by No. 110 of 1985 s. 43.]*

*[Part VI: (s. 47) deleted by No. 110 of 1985 s. 51;  
(s. 48) deleted No. 76 of 1978 s. 13;  
(s. 49) deleted by No. 25 of 2012 s. 10;  
(s. 50, 54-56) deleted by No. 24 of 1987 s. 78;*

*(s. 51, 52, 59-62 and 62A) deleted by No. 25 of 1985 s. 119;*  
*(s. 53) deleted by No. 25 of 1985 s. 120;*  
*(s. 57) deleted by No. 110 of 1985 s. 56;*  
*(s. 63-69) deleted by No. 24 of 1987 s. 85.]*

*Part VII:*      *(s. 70) deleted by No. 24 of 1987 s. 87;*  
*(s. 71) deleted by No. 25 of 2005 s. 7(1);*  
*(s. 72, 72A) deleted by No. 24 of 1987 s. 89;*  
*(s. 73-79, 81, 83-88, 88A, 89-104) deleted by No. 25 of 2012 s. 10;*  
*(s. 80) deleted by No. 24 of 1987 s. 96;*  
*(s. 82) deleted by No. 25 of 2005 s. 9(1).]*

**Part VIII — By-laws**

*[Heading amended by No. 46 of 2009 s. 17.]*

**105. Matters for which by-laws may be made**

- (1) Without prejudice to the generality of that power, the power conferred by section 34 of the *Water Agencies (Powers) Act 1984* to make by-laws may be exercised for the purposes of this Act with respect to the following matters —

- (a) for the prevention of the pollution of water within any water reserve or catchment area;

*[(b)-(d) deleted]*

*[(2) deleted]*

*[Section 105 amended by No. 25 of 1985 s. 146; No. 24 of 1987 s. 105; No. 73 of 1995 s. 63 and 65; No. 39 of 1999 s. 11(3); No. 19 of 2010 s. 54(3); No. 25 of 2012 s. 11.]*

**[106, 107.] Deleted by No. 25 of 1985 s. 147.]**

## Part IX — Miscellaneous

### 108. **Unknown owner or occupier, content of notices etc. in case of**

When a notice or demand under this Act is required to be given or made to any owner or occupier whose name or address is unknown to the Minister, it shall not be necessary to name the owner or occupier and the notice or demand may be served by placing it on some conspicuous part of the land of the owner or occupier and by publishing it 3 times at intervals of not less than a week between any 2 publications in a newspaper usually circulating in the locality in which the land is situated.

*[Section 108 amended by No. 25 of 1985 s. 148; No. 73 of 1995 s. 64; No. 38 of 2007 s. 23; No. 25 of 2012 s. 12.]*

### 109. **Notices bind persons claiming under owner or occupier**

All notices and demands duly given to or made upon any owner or occupier shall be binding upon all persons claiming by, from or under such owner or occupier.

*[110. Deleted by No. 25 of 1985 s. 149.]*

### 111. **Civil remedies not affected by prosecution**

The institution of any proceedings or the conviction of any person for any offence against this Act shall not affect any remedy which the Crown or any person aggrieved may be entitled to in any civil proceedings.

*[Section 111 amended by No. 25 of 1985 s. 148; No. 73 of 1995 s. 64; No. 38 of 2007 s. 16; No. 25 of 2012 s. 13.]*

### 112. **Obstructing Minister, officers or authorised persons in performance of duty**

A person who obstructs —

- (a) the Minister; or

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- (b) an officer of the Department; or
- (c) a person authorised by the Minister,

in the performance of any act or thing which the Minister, officer or person is authorised or required to do in the execution of this Act or any regulation or by-law made for the purposes of this Act commits an offence.

Penalty: a fine of \$5 000.

*[Section 112 inserted by No. 25 of 2012 s. 14.]*

**113. Refusing to give up possession of works, offence**

- (1) Any person, who has charge of any water works, acquired, held or used by the Crown and who refuses, on lawful demand to give up peaceable and quiet possession of them to any person entitled to possession under the provisions of this Act, shall be guilty of an offence.

Penalty: \$10 000.

- (2) A court of summary jurisdiction dealing with an offence under this section is to be constituted by a magistrate.

*[Section 113 amended by No. 113 of 1965 s. 8; No. 41 of 1984 s. 18; No. 25 of 1985 s. 148; No. 51 of 1992 s. 16(1); No. 73 of 1995 s. 64; No. 59 of 2004 s. 141; No. 25 of 2005 s. 13; No. 38 of 2007 s. 18; No. 25 of 2012 s. 15.]*

**114. Arrest, power of without warrant**

Any officer of the Department authorised by the Minister for the purposes of this section may without warrant apprehend any person found committing an offence against this Act or any regulation or by-law made for the purposes of this Act if the offender refuses to give his name and address.

*[Section 114 amended by No. 25 of 1985 s. 148 and 151; No. 73 of 1995 s. 64; No. 25 of 2005 s. 14; No. 38 of 2007 s. 19.]*

**115. Prosecutions, commencing etc.**

- (1) Proceedings for an offence against this Act may only be taken by the Minister or an officer of the Department or a person authorised to do so by the Minister.
- (2) A prosecution for an offence against this Act shall be commenced within 2 years after the commission of the offence.
- (3) Subject to section 113, proceedings for an offence against this Act shall be dealt with summarily in a court of summary jurisdiction.

*[Section 115 inserted by No. 73 of 1995 s. 60; amended by No. 10 of 1998 s. 23(1); No. 84 of 2004 s. 80; No. 25 of 2005 s. 7(2) and (3), and 9(2); No. 38 of 2007 s. 20; No. 25 of 2012 s. 16.]*

*[116. Deleted by No. 25 of 2012 s. 17.]*

*[117. Deleted by No. 73 of 1954 s. 8.]*

*[118, 119. Deleted by No. 25 of 1985 s. 153.]*

**120. Ownership or occupancy, proof of**

- (1) In any legal proceedings under the *Water Agencies (Powers) Act 1984* or this Act, in addition to any other method of proof available —
  - (a) evidence that the person proceeded against has been charged as owner or occupier of any land; or
  - (b) evidence by certificate in writing of —
    - (i) the Registrar of Titles or any assistant registrar, that any person's name appears in the Register under the *Transfer of Land Act 1893*, as proprietor of any land; or
    - (ii) the Registrar of Deeds, that any person appears from any memorial of registration of any deed conveyance or other instrument to be the owner of any land; or

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- (iii) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* that any person is registered in that department as the owner, occupier or lessee of any land; or
- (iv) the chief executive officer of the department principally assisting in the administration of the *Mining Act 1978* that any person is registered in that department as the lessee or holder of any mining lease or other mining tenement; or
- (v) the Surveyor General, that any plan or reproduction of a plan represents part of the State,

shall until the contrary is proved be evidence that such person is the owner or occupier, or of the matter certified to, as the case may be, of such land.

- (2) In any legal proceedings under the *Water Agencies (Powers) Act 1984* or this Act, judicial notice shall be taken of the signatures and appointments of persons for the time being appointed to or acting in and discharging the duties of the offices referred to in the next preceding subsection.

*[Section 120 amended by No. 25 of 1985 s. 154; No. 24 of 1987 s. 106; No. 73 of 1995 s. 65; No. 81 of 1996 s. 153(1); No. 28 of 2006 s. 452(1); No. 60 of 2006 s. 129(5); No. 19 of 2010 s. 54(3).]*

**121. Certificate of CEO evidence of certain facts**

A certificate under the hand of the CEO that any specified land, reservoir, dam, drain, channel, pipe or other work or portion thereof is included in any water works constructed prior or subsequent to the commencement of this Act shall for all purposes and in all courts be sufficient evidence of the fact as stated in the certificate.

*[Section 121 amended by No. 25 of 1985 s. 155; No. 73 of 1995 s. 61; No. 38 of 2007 s. 22; No. 25 of 2012 s. 18.]*

**[122.]** *Deleted by No. 25 of 2012 s. 19.]*

*[First Schedule omitted under the Reprints Act 1984 s. 7(4)(f).]*

**Schedule 2 — Controlled land**

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*[Heading inserted by No. 19 of 2010 s. 15(5).]*

The land comprised within the boundaries of —

- (a) the Wellington Dam Catchment Area;
- (aa) the Harris River Dam Catchment Area;
- (b) the Mundaring Weir Catchment Area;
- (c) the Denmark River Catchment Area;
- (d) the Kent River Water Reserve;
- (e) the Warren River Water Reserve.

*[Second Schedule inserted by No. 95 of 1978 s. 17; amended by No. 41 of 1984 s. 17; amended in Gazette 14 Dec 1990 p. 6181 (lapsed 27 Mar 1991 under the Interpretation Act 1984 s. 42(2)); 19 Jul 1991 p. 3692.]*



## Notes

- <sup>1</sup> This is a compilation of the *Country Areas Water Supply Act 1947* and includes the amendments made by the other written laws referred to in the following table<sup>9</sup>. The table also contains information about any reprint.

## Compilation table

Short title	Number and year	Assent	Commencement
<i>Country Areas Water Supply Act 1947</i>	62 of 1947 (11 and 12 Geo. VI No. 62)	10 Jan 1948	1 Jan 1949 (see s. 1 and <i>Gazette</i> 24 Dec 1948 p. 3038-9)
<i>Country Areas Water Supply Act Amendment Act 1950</i>	22 of 1950 (14 Geo. VI No. 22)	29 Nov 1950	29 Nov 1950
<i>Acts Amendment (Fire Brigades Board and Fire Hydrants) Act 1951 s. 6</i>	41 of 1951 (15 and 16 Geo. VI No. 41)	20 Dec 1951	4 Apr 1952 (see s. 2 and <i>Gazette</i> 4 Apr 1952 p. 799-800)
<i>Limitation Act 1935 s. 48A(1)</i>	35 of 1935 (26 Geo. V No. 35) (as amended by No. 73 of 1954 s. 8)	14 Jan 1955	Relevant amendments (see s. 48A and Second Sch. <sup>10</sup> ) took effect on 1 Mar 1955 (see No. 73 of 1954 s. 2 and <i>Gazette</i> 18 Feb 1955 p. 343)
<i>Country Areas Water Supply Act Amendment Act 1957</i>	14 of 1957 (6 Eliz. II No. 14)	30 Sep 1957	30 Sep 1957
<i>Country Areas Water Supply Act Amendment Act 1960</i>	56 of 1960 (9 Eliz. II No. 56)	2 Dec 1960	2 Dec 1960
<b>Reprint of the <i>Country Areas Water Supply Act 1947</i> approved 9 Jul 1963 (not in Volume)</b> (includes amendments listed above)			
<i>Country Areas Water Supply Act Amendment Act 1964</i>	66 of 1964 (13 Eliz. II No. 66)	4 Dec 1964	4 Dec 1964
<b>Reprint of the <i>Country Areas Water Supply Act 1947</i> approved 30 Mar 1965 in Vol. 19 of Reprinted Acts</b> (includes amendments listed above)			
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))

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Short title	Number and year	Assent	Commencement
<b>Reprint of the Country Areas Water Supply Act 1947 authorised 8 Jul 1971</b> (includes amendments listed above)			
<i>Metric Conversion Act 1972 s. 4</i>	94 of 1972 (as amended by No. 19 of 1973 s. 4)	4 Dec 1972	Relevant amendments (see Second Sch. <sup>11</sup> ) took effect on 1 May 1974 (see <i>Gazette</i> 26 Apr 1974 p. 1393)
<i>Country Areas Water Supply Act Amendment Act 1974</i>	78 of 1974	10 Dec 1974	1 Jul 1974 (see s. 2)
<i>Country Areas Water Supply Act Amendment Act 1976</i>	81 of 1976	14 Oct 1976	15 Nov 1976 (see s. 2 and <i>Gazette</i> 12 Nov 1976 p. 4268)
<i>Country Areas Water Supply Act Amendment Act 1977</i>	13 of 1977	11 Oct 1977	11 Oct 1977
<i>Acts Amendment and Repeal (Valuation of Land) Act 1978 Pt. IV</i>	76 of 1978	20 Oct 1978	1 Jul 1979 (see s. 2 and <i>Gazette</i> 11 May 1979 p. 1211)
<i>Country Areas Water Supply Act Amendment Act 1978</i>	95 of 1978	17 Nov 1978	15 Dec 1978 (see s. 2 and <i>Gazette</i> 15 Dec 1978 p. 4691)
<i>Country Areas Water Supply Act Amendment Act (No. 2) 1979</i>	43 of 1979	25 Oct 1979	1 Jul 1979 (see s. 2)
<i>Country Areas Water Supply Act Amendment Act (No. 3) 1979</i>	92 of 1979	17 Dec 1979	17 Dec 1979
<b>Reprint of the Country Areas Water Supply Act 1947 approved 18 Apr 1980</b> (includes amendments listed above)			
<i>Country Areas Water Supply Amendment Act 1980</i>	75 of 1980	5 Dec 1980	5 Dec 1980
<i>Acts Amendment (Statutory Designations) and Validation Act 1981 s. 4</i>	63 of 1981	13 Oct 1981	13 Oct 1981
<i>Country Areas Water Supply Amendment Act 1981</i>	97 of 1981	4 Dec 1981	4 Dec 1981

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Acts Amendment (Country Water and Sewerage) Act 1982 Pt. II</i>	14 of 1982	14 May 1982	11 Jun 1982 (see s. 2 and <i>Gazette</i> 11 Jun 1982 p. 1911)
<i>Country Areas Water Supply Amendment Act 1984</i>	41 of 1984	20 Jun 1984	Act other than s. 13, 15, 16 and 18: 20 Jun 1984 (see s. 2(1)); s. 13 and 18: 18 Jul 1984 (see s. 2(2)); s. 15 and 16: deleted by No. 25 of 1985 s. 156
<i>Acts Amendment and Repeal (Water Authorities) Act 1985 Pt. VI</i>	25 of 1985	6 May 1985	1 Jul 1985 (see s. 2 and <i>Gazette</i> 7 Jun 1985 p. 1931)
<i>Acts Amendment (Water Authorities) Act 1985 Pt. V</i>	110 of 1985 (as amended by No. 74 of 2003 s. 24)	17 Dec 1985	Part V other than s. 43, 44, 59(b), 63(b), 65 and 68(a): 14 Mar 1986 (see s. 2 and <i>Gazette</i> 14 Mar 1986 p. 726); s. 59(b), 63(b), and 65: 1 Jul 1986 (see s. 2 and <i>Gazette</i> 14 Mar 1986 p. 726); s. 44: 14 Jul 1987 (see s. 2 and <i>Gazette</i> 14 Jul 1987 p. 2647); s. 43: 1 Feb 1990 (see s. 2 and <i>Gazette</i> 5 Jan 1990 p. 38); s. 68(a) deleted by No. 74 of 2003 s. 24
<i>Acts Amendment (Water Authority Rates and Charges) Act 1987 Pt. IV</i>	24 of 1987	25 Jun 1987	14 Jul 1987 (see s. 2 and <i>Gazette</i> 14 Jul 1987 p. 2647)
<i>Country Areas Water Supply (Controlled Land) Notice 1990</i> <sup>12</sup> published in <i>Gazette</i> 14 Dec 1990 p. 6181			14 Dec 1990 (see cl. 2)
<i>Country Areas Water Supply (Controlled Land) Notice 1991</i> published in <i>Gazette</i> 19 Jul 1991 p. 3692			19 Jul 1991 (see cl. 2)
<i>Criminal Law Amendment Act (No. 2) 1992 s. 16(1)</i>	51 of 1992	9 Dec 1992	6 Jan 1993
<i>R&amp;I Bank Amendment Act 1994 s. 13</i>	6 of 1994	11 Apr 1994	26 Apr 1994 (see s. 2(2) and <i>Gazette</i> 26 Apr 1994 p. 1743)
<i>Bank of Western Australia Act 1995 s. 44(1)</i>	14 of 1995	4 Jul 1995	1 Dec 1995 (see s. 2 and <i>Gazette</i> 29 Nov 1995 p. 5529)

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Short title	Number and year	Assent	Commencement
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995 Pt. 3</i>	73 of 1995	27 Dec 1995	1 Jan 1996 (see s. 2(2) and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Sentencing (Consequential Provisions) Act 1995 s. 147<sup>13</sup></i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<b>Reprint of the Country Areas Water Supply Act 1947 as at 27 May 1996</b> (includes amendments listed above except those in the <i>Acts Amendment (Water Authorities) Act 1985 s. 68(a)</i> and the <i>Sentencing (Consequential Provisions) Act 1995</i> )			
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Transfer of Land Amendment Act 1996 s. 153(1) and (2)</i>	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2(1))
<i>Acts Amendment (Land Administration) Act 1997 Pt. 16, s. 141 and 142</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Water Legislation Amendment Act 1997 Pt. 2</i>	32 of 1997	3 Oct 1997	15 Apr 1998 (see s. 2 and <i>Gazette</i> 15 Apr 1998 p. 2041)
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 43</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998 s. 23</i>	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<i>Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998 s. 38</i>	42 of 1998	4 Nov 1998	1 Jan 1999 (see s. 2 and <i>Gazette</i> 22 Dec 1998 p. 6833)
<b>Reprint of the Country Areas Water Supply Act 1947 as at 19 Mar 1999</b> (includes amendments listed above except those in the <i>Acts Amendment (Water Authorities) Act 1985 s. 68(a)</i> )			

Short title	Number and year	Assent	Commencement
<i>Water Services Coordination Amendment Act 1999</i> s. 11(3)	39 of 1999	9 Nov 1999	19 Jun 2000 (see s. 2 and <i>Gazette</i> 16 Jun 2000 p. 2939)
<i>Rights in Water and Irrigation Amendment Act 2000</i> s. 83	49 of 2000	28 Nov 2000	10 Jan 2001 (see s. 2 and <i>Gazette</i> 10 Jan 2001 p. 163)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 28 <sup>14, 15</sup>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Water Legislation Amendment (Competition Policy) Act 2005</i> Pt. 2	25 of 2005	12 Dec 2005	3 Jun 2006 (see s. 2 and <i>Gazette</i> 2 Jun 2006 p. 1985)
<b>Reprint 7: The Country Areas Water Supply Act 1947 as at 7 Apr 2006</b> (includes amendments listed above except those listed in the <i>Water Legislation Amendment (Competition Policy) Act 2005</i> )			
<i>Machinery of Government (Miscellaneous Amendments) Act 2006</i> s. 452(1) <sup>16</sup>	28 of 2006	26 Jun 2006	1 Jul 2006 (see s. 2 and <i>Gazette</i> 27 Jun 2006 p. 2347)
<i>Land Information Authority Act 2006</i> s. 129	60 of 2006	16 Nov 2006	1 Jan 2007 (see s. 2(1) and <i>Gazette</i> 8 Dec 2006 p. 5369)
<i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i> s. 87	24 of 2007	12 Oct 2007	1 May 2013 (see s. 2(2) and <i>Gazette</i> 5 Feb 2013 p. 823)
<i>Water Resources Legislation Amendment Act 2007</i> Pt. 2	38 of 2007	21 Dec 2007	1 Feb 2008 (see s. 2(2) and <i>Gazette</i> 31 Jan 2008 p. 251)

## Country Areas Water Supply Act 1947

Short title	Number and year	Assent	Commencement
<b>Reprint 8: The Country Areas Water Supply Act 1947 as at 14 Mar 2008</b> (includes amendments listed above except those listed in the <i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i> )			
<i>Duties Legislation Amendment Act 2008</i> Sch. 1 cl. 4	12 of 2008	14 Apr 2008	1 Jul 2008 (see s. 2(d))
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 42	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Statutes (Repeals and Minor Amendments) Act 2009</i> s. 17	46 of 2009	3 Dec 2009	4 Dec 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010</i> s. 15, 43(3) and 54	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Personal Property Securities (Consequential Repeals and Amendments) Act 2011</i> Pt. 13 Div. 1	42 of 2011	4 Oct 2011	30 Jan 2012 (see s. 2(c) and Cwlth Legislative Instrument No. F2011L02397 cl. 5 registered 21 Nov 2011)
<b>Reprint 9: The Country Areas Water Supply Act 1947 as at 4 May 2012</b> (includes amendments listed above except those listed in the <i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i> )			
<i>Fire and Emergency Services Legislation Amendment Act 2012</i> Pt. 7 Div. 2 <sup>18</sup>	22 of 2012	29 Aug 2012	1 Nov 2012 (see s. 2(b) and <i>Gazette</i> 31 Oct 2012 p. 5255)
<i>Water Services Legislation Amendment and Repeal Act 2012</i> Pt. 2	25 of 2012	3 Sep 2012	18 Nov 2013 (see s. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5028)

<sup>2</sup> The provision in this Act repealing that Act has been omitted under the *Reprints Act 1984* s. 7(4)(f).

<sup>3</sup> Under the *Land Administration Act 1997* s. 281(3) a reference in a written law to the *Land Act 1933* is, unless the contrary intention appears, to be construed as if that reference were a reference to the *Land Administration Act 1997*.

<sup>4</sup> Formerly referred to the *Water Authority Act 1984*, the short title of which was changed to the *Water Agencies (Powers) Act 1984* by the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995* s. 7. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

- <sup>5</sup> Repealed by the *Water Resources Legislation Amendment Act 2007*.
- <sup>6</sup> Repealed by section 4 of this Act (and see endnote 2).
- <sup>7</sup> Repealed by the *Mining Act 1978*.
- <sup>8</sup> Under the *Alteration of Statutory Designations Order 2003*, a reference in any law to the Department of Mines is, unless the contrary intention appears, to be read and construed as a reference to the Department of Industry and Resources.
- Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this compilation the former Department of Industry and Resources is called the Department of Mines and Petroleum.
- <sup>9</sup> The *Water Resources Legislation Amendment Act 2007* Pt. 11 deals with certain transitional issues some of which may be relevant for this Act.
- <sup>10</sup> Section 48A and the Second Schedule were inserted by the *Limitation Act Amendment Act 1954* s. 8.
- <sup>11</sup> The Second Schedule was inserted by the *Metric Conversion Act Amendment Act 1973* s. 4.
- <sup>12</sup> Lapsed on 27 March 1991 under the *Interpretation Act 1984* s. 42(2).
- <sup>13</sup> The *Sentencing (Consequential Provisions) Act 1995* Pt. 16 is not included because it had been deleted by the *Statutes (Repeals and Minor Amendments) Act (No. 2) 1998* s. 23(2) prior to commencement.
- <sup>14</sup> The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.
- <sup>15</sup> The *State Administrative Tribunal Regulations 2004* r. 43 contains provisions which may be relevant for this Act.
- <sup>16</sup> The *Machinery of Government (Miscellaneous Amendments) Act 2006* section 454 provides general transitional provisions concerning references to chief executive officers that are amended or deleted by that Act.
- <sup>17</sup> Footnote no longer applicable. <sup>18</sup> An amendment made by the *Fire and Emergency Services Legislation Amendment Act 2012* s. 113(7)(b) showed that the effect was to duplicate “the” in s. 37(15) of this Act.

**Defined terms**

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
by-laws.....	5(1)
catchment area .....	5(1)
CEO .....	5(1)
controlled land .....	12AA
Corporation .....	5(1)
country water area.....	5(1)
Department.....	5(1)
district .....	5(1)
farm land.....	5(1)
FES Commissioner .....	37(1)
Fire Brigades Act.....	37(1)
fire district.....	37(1)
fire hydrant.....	37(1)
former authority .....	5(1)
former Authority .....	5(1)
former Commission .....	5(1)
former Department.....	5(1)
former Minister .....	5(1)
Goldfields Water Supply Act.....	5(1)
holding .....	5(1)
land in question .....	12AA
metropolitan area .....	5(1)
officer.....	5(1)
old section 85(1) notice.....	83(4)
old section 90 notice .....	88A(4)
order .....	45(5)
prescribed.....	5(1)
proclaimed day.....	37(1)
Registrar of Deeds.....	5(1)
re-instatement.....	37(1)
subject land .....	12AA
to clear .....	12AA
townsite.....	5(1)
water board .....	5(1)
Water Boards Act.....	5(1)
water reserve .....	5(1)
Water Supply Act.....	5(1)
water supply charge .....	5(1)

**Defined terms**

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water works .....5(1)  
watercourse .....5(1)