

**WATER AGENCIES RESTRUCTURE  
(TRANSITIONAL AND  
CONSEQUENTIAL PROVISIONS)  
ACT 1995**

**(No. 73 of 1995)**

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**WATER AGENCIES  
RESTRUCTURE (TRANSITIONAL  
AND CONSEQUENTIAL  
PROVISIONS) ACT 1995**

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**No. 73 of 1995**

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**AN ACT to amend the *Water Authority Act 1984*, the *Waterways Conservation Act 1976* and other Acts and to repeal the *Western Australian Water Resources Council Act 1982* as part of a scheme for the abolition of the Water Authority and the Waterways Commission and their replacement with —**

- **a corporation to supply water services;**
- **a commission responsible for water resources;**  
**and**
- **a public official to coordinate and regulate the provision of water services,**

**to provide for the devolution of the assets and liabilities of the Water Authority and the Waterways Commission and for other transitional matters, and for related purposes.**

*[Assented to 27 December 1995.]*

The Parliament of Western Australia enacts as follows:

**PART 1 — PRELIMINARY**

**Short title**

1. This Act may be cited as the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*.

**Commencement**

2. (1) This section, the long title and sections 1, 189, 190 and 191 come into operation on the day on which this Act receives the Royal Assent.

(2) The other provisions of this Act come into operation on such day as is fixed by proclamation, but the proclamation cannot be made until section 190 (1) has been complied with.

**PART 2 — WATER AUTHORITY ACT 1984**

**Principal Act**

3. In this Part the *Water Authority Act 1984*\* is referred to as the principal Act.

[\* *Act No. 3 of 1984.*

*For subsequent amendments see 1994 Index to Legislation of Western Australia, Table 1, p. 228.]*

**Long title repealed and replaced**

4. The long title to the principal Act is repealed and the following long title is substituted —

“

**An Act to vest powers in the Water Corporation, the Water and Rivers Commission and the Coordinator of Water Services, to make other provision in respect of their functions, and for related and other purposes.**

”.

**Part I heading amended**

5. The heading to Part I of the principal Act is amended by inserting after “PRELIMINARY” the following —

“ , AND OTHER MATTERS ”.

**Part I Division 1 heading deleted**

6. The heading to Division 1 of Part I of the principal Act is deleted.

**Section 1 amended**

7. Section 1 of the principal Act is amended by deleting “*Water Authority*” and substituting the following —

“ *Water Agencies (Powers)* ”.

**Section 3 amended**

8. Section 3 (1) of the principal Act is amended —

(a) by deleting the definitions of “acting member”, “appointed day”, “Authority”, “Board”, “Chairman”, “committee of the Authority”, “district”, “Managing Director”, “member”, “officer of the Authority”, “Regional Advisory Committee”, “the Account” and “the former Authority”;

(b) by inserting, in their appropriate alphabetical positions, the following definitions —

“

“**Commission**” means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995*;

“**Coordinator**” means the Coordinator of Water Services referred to in section 4 of the *Water Services Coordination Act 1995*;

“**Corporation**” means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

**“former Authority”** means the Water Authority of Western Australia under this Act before the commencement of Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*;

**“officer”**, in relation to —

(a) the Commission, means a member of staff as defined in section 3 of the *Water and Rivers Commission Act 1995*;

(b) the Corporation, means a member of the staff of the Corporation engaged under section 15 of the *Water Corporation Act 1995*;

”;

(c) in the definition of “functions” by deleting “duties” and substituting the following —

“ powers, duties and authorities ”;

(d) in paragraph (c) of the definition of “local authority” by deleting “or section 13 of the Country Areas Water Supply Act 1947”;

(e) in the definition of “relevant Act” by deleting “, or the provisions of an Act determined pursuant to an Order made under subsection (2) of section 5 to comprise a relevant Act”;

- (f) in the definition of “statutory authority” by deleting “Authority” and substituting the following —

“  
Commission, the Coordinator or the  
Corporation, as the case requires,  
”;

- (g) by deleting the definition of “watercourse” and substituting the following definition —

“  
**“watercourse”** means —  
(a) any river, creek, stream or  
brook, whether artificially  
improved or altered or not;  
(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);

”;

- (h) by deleting the definition of “water services” and substituting the following definition —

“**“water services”** means water supply, sewerage, drainage or irrigation services;”;

and

- (i) in the definition of “works” —

- (i) by deleting “Authority” and substituting the following —

“ Corporation ”; and

- (ii) by inserting after “water services or” the following —

“ by the Commission ”.

#### **Section 4 repealed**

9. Section 4 of the principal Act is repealed.

#### **Section 5 amended**

10. Section 5 of the principal Act is amended —

- (a) in subsection (1) by repealing “Subject to subsection (2), for” and substituting the following —

“ For ”; and

- (b) by repealing subsection (2).

#### **Part I, Division 2 repealed**

11. (1) Division 2 of Part I of the principal Act is repealed.



(2) The repeal of section 6 (1) of the principal Act by this section does not affect the application of any regulations, by-laws or rules that continued to apply under that subsection and were in force immediately before the commencement of this section.

(3) Regulations, by-laws or rules referred to in subsection (2) may be amended or repealed —

- (a) in the case of regulations or by-laws, as if they were made under the principal Act as amended by this Act; and
- (b) in the case of rules, as if they were by-laws made under the principal Act as amended by this Act.

**Part II heading deleted**

12. The heading to Part II of the principal Act is deleted.

**Part II Division 1 heading deleted**

13. The heading to Division 1 of Part II of the principal Act is deleted.

**Section 7 repealed**

14. Section 7 of the principal Act is repealed.

**Section 8 amended**

15. (1) Section 8 (1) and (2) of the principal Act are repealed.

(2) Section 8 (3) of the principal Act is amended —

- (a) by inserting after “vested in” in the 2nd place where it occurs the following —

“ the former Authority, ”;

- (b) by deleting “on and after the appointed day is to be utilised by the Authority shall, by operation of this section, be vested in the Authority” and substituting the following —

“  
is, or is to be, used by the Corporation or the Commission shall, by operation of this section, be vested in the Corporation or the Commission,  
”;

and

- (c) by deleting “of the Authority” and substituting the following —

“  
of the Corporation or the Commission  
”.

**Sections 9 and 10 repealed**

- 16.** Sections 9 and 10 of the principal Act are repealed.

**Part II, Divisions 2, 3, 4, 5, 6, 7, 8 and 9 repealed**

- 17.** Divisions 2, 3, 4, 5, 6, 7, 8 and 9 of Part II of the principal Act are repealed.

**Part II, Division 10 heading deleted**

- 18.** The heading to Division 10 of Part II of the principal Act is deleted.

**Section 33 repealed**

- 19.** Section 33 of the principal Act is repealed.

**Section 34 amended**

**20.** (1) Section 34 (1) of the principal Act is repealed and the following subsection is substituted —

“

(1) The Minister may make by-laws prescribing all matters that are required or permitted by this Act or any relevant Act to be prescribed, or are necessary or convenient to be prescribed, for the purposes of the performance by the Commission, the Corporation or the Coordinator of their respective functions under this Act or any relevant Act.

”.

(2) Any by-laws made or deemed to be made under section 34 (1) of the principal Act as in force immediately before the commencement of this section are to continue in operation and have effect for all purposes as if made under that subsection as amended by this section.

(3) Section 34 (2) of the principal Act is amended by deleting “by the Authority under this Act” and substituting the following —

“ under subsection (1) ”.

(4) Section 34 (3) of the principal Act is amended —

(a) by deleting “Without prejudice to the generality of the powers conferred by subsection (1), by-laws made under this Act” and substituting the following —

“

Without limiting subsection (1), by-laws made under that subsection

”;

- (b) by deleting paragraph (b) and substituting the following paragraph —

“  
    (b) provide for the due management and use of water, works, water services, water resources and property of the Commission or the Corporation;  
”;

- (c) in paragraph (c) —

- (i) by deleting “under the jurisdiction or control of the Authority”; and  
(ii) by deleting “under its jurisdiction or control or subject to its authority”;

- (d) in paragraph (f) by deleting “under the Authority’s jurisdiction or control or subject to its authority”;

- (e) in paragraph (g) by inserting after “works,” the following —

“ reservoir, ”; and

- (f) in paragraph (k) by deleting “Authority’s works” and substituting the following —

“ Corporation’s works and confer functions on the Coordinator in relation to those matters.  
”.

**Section 35 repealed**

- 21.** Section 35 of the principal Act is repealed.

**Section 37 amended**

- 22.** Section 37 of the principal Act is amended by deleting “or to facilitate the operations of the Authority”.

**Section 38 amended**

**23.** Section 38 (1) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission or the Coordinator ”.

**Part III, Division 1 repealed**

**24.** Division 1 of Part III of the principal Act is repealed.

**Section 41 amended**

**25.** Section 41 (1) of the principal Act is amended by deleting “under this Act” and substituting the following —

“ under section 34 (1) ”.

**Part III, Divisions 2, 3, 4 and 5 repealed**

**26.** Divisions 2, 3, 4 and 5 of Part III of the principal Act are repealed.

**Section 61 repealed**

**27.** Section 61 of the principal Act is repealed.

**Section 65 amended**

**28.** Section 65 (c) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Coordinator ”.

**Section 66 amended**

**29.** Section 66 of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission, the Coordinator or the Corporation ”.

**Part VI heading amended**

**30.** The heading to Part VI of the principal Act is amended by deleting “BY THE AUTHORITY.”.

**Section 71 amended**

**31.** Section 71 (1) of the principal Act is amended by deleting “other Act administered by the Authority, the Authority” and substituting the following —

“ relevant Act, the Commission or the Corporation ”.

**Section 73 amended**

**32.** Section 73 (1) (b) of the principal Act is amended by deleting “Authority’s works” and substituting the following —

“ works of the Commission or the Corporation ”.

**Part VII heading amended**

**33.** The heading to Part VII of the principal Act is amended by deleting “BY THE AUTHORITY.”.

**Section 75 amended**

**34.** Section 75 (3) of the principal Act is repealed.

**Sections 76 and 80 repealed**

**35.** Sections 76 and 80 of the principal Act are repealed.

**Section 81 amended**

**36.** Section 81 (1) of the principal Act is amended —

(a) by deleting “the Authority,” and substituting the following —

“ the Commission or the Corporation. ”; and

(b) by deleting the passage from and including “nor shall the Authority” to the end of the subsection.

**Section 82 amended**

**37.** Section 82 (1) of the principal Act is repealed and the following subsections are substituted —

“

(1) Subject to this Act and any relevant Act, the Commission may carry out works for the purposes of this Act or any relevant Act that are related to the conservation, protection or management of water resources.

(1a) Subject to this Act, any relevant Act and the terms and conditions of any operating licence granted to it under the *Water Services Coordination Act 1995*, the Corporation may carry out —

(a) works for the purposes of this Act or any relevant Act that are intended to provide, or are related to the provision of, water services; and

- (b) such other works as are requested by, and undertaken wholly or in part at the expense of, any other person being works of a kind that are related to the provision of water services.

”.

**Section 83 amended**

**38.** (1) Section 83 (1) (a) (i) of the principal Act is amended by deleting “, conservation or management”.

(2) After section 83 (1) of the principal Act the following subsection is inserted —

“

(1a) For the purposes of its functions under this Act or a relevant Act the Commission, subject to Part VI, may —

- (a) enter upon any land, street, premises or thing and acquire, provide or construct wells, reservoirs, dams and such other works as in its opinion may be required for the purposes of the conservation or management of water; and
- (b) carry out such other works including the construction of premises and provision of facilities as may be necessary for the purposes of this Act or any relevant Act.

”.

(3) Section 83 (2) of the principal Act is amended by deleting “subsection (1)” and substituting the following —

“ subsections (1) and (1a) ”.



**Section 84 amended**

**39.** Section 84 (4) of the principal Act is amended by inserting after “former Minister” the following —

“ , to the former Authority ”.

**Section 103 amended**

**40.** (1) Section 103 (1) of the principal Act is amended —

- (a) in the definition of “authorised person” by deleting “under subsection (10) to give infringement notices;” and substituting the following —

“  
 , or of a class authorised, under the regulations to give infringement notices in respect of the offences specified in relation to that person or class in the regulations;  
”;  
and

- (b) in the definition of “designated person” by deleting “subsection (10);” and substituting the following —

“  
 the regulations to whom payment may be made of modified penalties for the offences specified in relation to that person or class in the regulations;  
”.

(2) Section 103 (2) of the principal Act is amended by inserting after “under this section” the following —

“  
 and is an offence in respect of which the person is authorised to give a notice under this section  
”.

(3) Section 103 (10) of the principal Act is repealed.

(4) Section 103 (11) of the principal Act is amended by deleting “The Authority shall issue to each” and substituting the following —

“

The Commission and the Corporation shall issue to any member of staff who is an

”.

**Various references to “Authority” changed to “Corporation”**

**41.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Corporation ”.

Table

34 (3) (i)	67 (1)	69 (1)	99 (1)
41 (1)	67 (2)	69 (2)	99 (2)
41B (2)	67 (3)	69A (1)	99 (3)
41E (1)	67 (4)	69A (2)	99 (4)
41F (1)	67 (5)	69A (3)	99 (5)
41F (2)	67 (6)	69A (4)	100
41G (1)	67 (7)	69B (1)	101
41G (2)	67 (8)	69B (3)	102 (1)
41H	67 (9)	71 (1) (a) (i)	102 (2)
41J	67 (10)	83 (1)	102 (3)
41K	67 (11)	85 (1)	
41M	67 (12)	85 (2)	
64	68 (1)	98	

**Various references to “Authority” changed to “Commission or the Corporation”**

**42.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Commission or the Corporation ”.

Table

3 (3)	72 (2)	81 (7)	88 (1) (a)
36 (1) (c)	72 (4)	81 (8)	88 (1) (c)
36 (3)	72 (6)	81 (9)	89 (2)
36 (4) (b)	72 (7)	81 (10)	89 (3)
36 (4) (c)	73 (1)	81 (11)	90 (1)
36 (4) (d)	73 (3)	81 (12)	90 (2)
36 (6)	73 (4)	81 (13)	91 (1)
36 (7)	75 (1)	83 (2)	91 (3)
62 (1)	75 (2)	83 (3)	92
62 (3)	77 (1)	84 (1)	93 (1)
63 (1)	77 (2)	84 (2)	93 (1) (a)
63 (2)	77 (3)	84 (3)	93 (1) (b)
70 (1)	78 (1)	84 (4)	94 (2)
70 (2)	78 (2)	86	94 (3)
70 (3)	79	(definitions	95 (1)
71 (1) (a)	81 (1)	of “exempt	95 (2)
(except sub-	81 (2)	works” and	95 (3)
paragraph (i))	81 (3)	“major	96
71 (2)	81 (4)	works”)	97 (1)
71 (3)	81 (5)	87	97 (2)
72 (1)	81 (6)	88 (1)	97 (3)

**PART 3 — COUNTRY AREAS WATER SUPPLY ACT 1947**

**Principal Act**

**43.** In this Part the *Country Areas Water Supply Act 1947*\* is referred to as the principal Act.

[\* *Reprint approved 18 April 1980.*  
*For subsequent amendments see 1994 Index to  
Legislation of Western Australia, Table 1, p. 49.*]

**Section 5 amended**

**44.** Section 5 (1) of the principal Act is amended —

- (a) by deleting the definitions of “authorised”, “Authority”, “officer of the Authority” and “stream”;
- (b) by inserting in the appropriate alphabetical positions the following definitions —

“

**“Commission”** means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995*;

**“Corporation”** means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

**“former Authority”** means the Water Authority of Western Australia under the *Water Authority Act 1984* before

the commencement of Part 2 of the  
*Water Agencies Restructure  
(Transitional and Consequential  
Provisions) Act 1995;*

“**officer**”, in relation to —

(a) the Commission, means a  
member of staff as defined in  
section 3 of the *Water and  
Rivers Commission Act 1995;*

(b) the Corporation, means a  
member of the staff of the  
Corporation engaged under  
section 15 of the *Water  
Corporation Act 1995;*

”;

(c) in the definitions of “by-laws” and “catchment area” by  
deleting “by the former Minister or the Authority”;

(d) in the definition of “former Minister” by deleting “the  
Authority” and substituting the following —

“ the former Authority ”;

(e) by deleting the definition of “water board” and  
substituting the following definition —

“

“**water board**” means a water board  
constituted under the Water Boards  
Act;

”;

and

- (f) by deleting the definition of “water course” and substituting the following definition —

“

**“watercourse”** means —

- (a) any river, creek, stream or brook, whether artificially improved or altered or not;
- (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);

”.

**Section 7 amended**

**45.** Section 7 of the principal Act is amended by repealing subsections (1) and (6).

**Section 11 amended**

**46.** Section 11 of the principal Act is amended —

- (a) by inserting after the section designation “**11.**” the subsection designation (1);

- (b) by deleting “the Rights in Water and Irrigation Act, 1914-1945, or”;
- (c) by deleting “the Authority” and substituting the following —
  - “  
but subject to subsection (2), the Corporation  
”;
- (d) by deleting “streams, water courses” and substituting the following —
  - “ watercourses ”; and
- (e) by inserting the following subsection —
  - “(2) The Corporation shall not exercise the powers conferred by subsection (1) —
    - (a) in relation to water to which Division 1 of Part III of the *Rights in Water and Irrigation Act 1914* applies, except in accordance with that Division;
    - (b) in relation to water from —
      - (i) an artesian well (as defined in the *Rights in Water and Irrigation Act 1914*); or
      - (ii) a non-artesian well (as defined in that Act) within an area proclaimed under section 26B of that Act,  
except under the authority of a licence issued under section 26D of that Act.

**Section 12BA amended**

**47.** Section 12BA (3) of the principal Act is amended —

(a) by deleting “Authority” in the first 3 places where it occurs and substituting the following —

“ Commission ”; and

(b) by deleting “the Authority” in the fourth place where it occurs and substituting the following —

“ the Commission, the former Authority ”.

**Section 12E amended**

**48.** Section 12E (7) of the principal Act is amended —

(a) except in paragraphs (a) and (b), by deleting “Authority” where it occurs and substituting the following —

“ Commission ”; and

(b) in paragraphs (a) and (b) by deleting “or the Authority” and substituting the following —

“ , the former Authority or the Commission ”.

**Section 12EB amended**

**49.** (1) Section 12EB (2) of the principal Act is amended —

(a) by deleting “Authority” where it first occurs and substituting the following —

“ Commission ”; and



- (b) by deleting “or the Authority” and substituting the following —

“ , the former Authority or the Commission ”.

- (2) Section 12EB (3) of the principal Act is amended —

- (a) by deleting “exercised or the Authority” and substituting the following —

“  
or the former Authority exercised or the  
Commission  
”;  
and

- (b) in paragraph (b) by deleting “or the Authority” and substituting the following —

“ , the former Authority or the Commission ”.

- (3) Section 12EB (4) of the principal Act is amended —

- (a) by deleting “transferred or the Authority” and substituting the following —

“  
or the former Authority transferred or the  
Commission  
”;

- (b) by deleting “or the Authority” and substituting the following —

“ , the former Authority or the Commission ”;  
and

- (c) by deleting “Authority” in the last 2 places where it occurs and substituting the following —

“ Commission ”.

**Part III repealed**

**50.** Part III of the principal Act is repealed.

**Section 38 amended**

**51.** Section 38 (1) of the principal Act is amended by deleting “, with the approval of the Minister,”.

**Section 39 repealed**

**52.** Section 39 of the principal Act is repealed.

**Section 40 amended**

**53.** Section 40 of the principal Act is amended by deleting “Authority’s” and substituting the following —

“ Corporation’s ”.

**Section 45 amended**

**54.** Section 45 (1) of the principal Act is amended —

- (a) by deleting “or” at the end of paragraph (c) (iii);
- (b) by deleting paragraph (c) (iv); and
- (c) by inserting after paragraph (c) the following paragraph —

“  
(ca) not being authorized by the Commission, diverts water from any watercourse or source of supply within any catchment area or water

reserve or does any act whereby the watercourse or source of supply may be diverted or diminished in quantity or injured in quality or purity;

”.

**Section 58 amended**

55. Section 58 (6) of the principal Act is amended by deleting “Authority’s” in both places where it occurs and substituting the following —

“ Corporation’s ”.

**Section 71 amended**

56. Section 71 (5) of the principal Act is amended by deleting “or the Authority.” and substituting the following —

“ , the former Authority or the Corporation. ”.

**Section 85 amended**

57. Section 85 (5) of the principal Act is amended by deleting “or the Authority” and substituting the following —

“ , the former Authority or the Corporation ”.

**Section 86 amended**

58. (1) Section 86 (1) of the principal Act is amended —

(a) by deleting “or the Authority” in both places where it occurs and substituting the following —

“ , the former Authority or the Corporation ”;

and

- (b) by deleting “the Authority shall” and substituting the following —

“ the Corporation shall ”.

- (2) Section 86 (3) of the principal Act is amended by deleting “or the Authority” and substituting the following —

“ , the former Authority or the Corporation ”.

**Section 87 amended**

- 59.** Section 87 (1) of the principal Act is amended —

- (a) by deleting “or the Authority” in both places where it occurs and substituting the following —

“ , the former Authority or the Corporation ”;

- (b) by deleting “by the Authority” and substituting the following —

“ by the Corporation ”; and

- (c) by deleting “to the Authority” and substituting the following —

“ to the Corporation ”.

**Section 115 repealed and a section substituted**

**60.** Section 115 of the principal Act is repealed and the following section is substituted —

“

**Proceedings**

**115.** (1) Proceedings for an offence against a provision of this Act —

- (a) referred to in Table 1 to this section may be taken by the Commission or an officer of the Commission;
- (b) referred to in Table 2 to this section may be taken by the Corporation or an officer of the Corporation.

Table 1 — Proceedings by the Commission

12B (1)	113 (where the offence
12C (5)	relates to water works
12C (7) (a)	acquired, held or used
45 (1) (ca)	by the Commission)
112 (where the offence	
relates to obstruction of	
the Commission)	

Table 2 — Proceedings by the Corporation

43B (1)	112 (where the offence
45 (1) (a)	relates to obstruction of
45 (1) (b)	the Corporation)
45 (1) (c)	
45 (1) (d)	113 (where the offence
46 (1)	relates to water works
71 (2)	acquired, held or used
82	by the Corporation)

”.

**Section 121 amended**

**61.** Section 121 of the principal Act is amended by deleting “Managing Director of the Authority” and substituting the following —

“  
chief executive officer of the Commission or the Corporation  
”.

**Various references to “Authority” changed to “Commission”**

**62.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Commission ”.

Table

12	12C (2)	12C (7)	12ED (2)
12B	12C (3)	12D (1)	12ED (4)
12BD (1)	12C (4)	12E (5)	12ED (5)
12BD (2)	12C (5)	12E (6)	12EE (2)
12BE (4)	12C (6)	12E (8)	

**Various references to “Authority” changed to “Corporation”**

**63.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section (except in a reference to the Water Authority Act 1984) and substituting the following —

“ Corporation ”.

Table

14 (1)	35 (5)	43A (2)	58 (7)	88
28 (1)	37 (2)	43A (3)	59 (1)	89 (1)
28 (2)	37 (3)	43A (4)	59 (2)	89 (2) (d)
29	37 (4)	43A (5)	60 (1)	90 (1)
30 (1)	37 (5)	43A (6)	60 (2)	91
30 (2)	37 (6)	43A (7)	62A (1)	92
31 (1)	37 (7)	43A (8)	62A (2)	93 (1)
31 (2)	37 (8)	43B (1)	71 (2)	94
31 (3)	37 (9)	43B (2)	73	95
32 (1) (b)	37 (11)	43B (3)	76	96
32 (2)	37 (12)	44 (1)	77 (1)	97 (1)
32 (3)	37 (15)	45 (1)	78 (3)	97 (4)
32 (4)	38 (1)	45 (2)	81	99
32 (5)	38 (2)	45 (3)	82	100
33 (1)	39A (1)	45 (4)	84 (1)	102 (1)
33 (2)	39A (2)	46 (1)	84 (2)	102 (3)
33 (3)	39A (3)	58 (1)	85 (1)	102 (5)
35 (1)	42 (1)	58 (4)	85 (3)	103
35 (2)	42 (2)	58 (5)	85 (4)	104
35 (3)	43 (1)	58 (6)	86 (2)	105 (1)

**Various references to “Authority” changed to “Commission or the Corporation”**

**64.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Commission or the Corporation ”.

Table

108	113 (1)
111	114
112	116

**References to “Water Authority Act 1984” or “*Water Authority Act 1984*” changed to “*Water Agencies (Powers) Act 1984*”**

**65.** The principal Act is amended by deleting “Water Authority Act 1984” or “*Water Authority Act 1984*”, as the case requires, where it occurs in the provisions referred to in the table to this section and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”.

Table

5 (1) (definitions of “prescribed” and “water supply charge”)	29
5 (2)	32 (5)
12E (7) (a)	33 (1) (da)
14 (1)	38 (2)
28 (1)	58 (1)
	105 (1)
	120



**PART 4 — COUNTRY TOWNS SEWERAGE ACT 1948**

**Principal Act**

**66.** In this Part the *Country Towns Sewerage Act 1948\** is referred to as the principal Act.

[\* *Reprint approved 11 March 1980.*  
*For subsequent amendments see 1994 Index to*  
*Legislation of Western Australia, Table 1, p. 50.]*

**Section 3 amended**

**67.** Section 3 (1) of the principal Act is amended —

- (a) by deleting the definitions of “authorised” and “Authority”;
- (b) by inserting in the appropriate alphabetical positions the following definitions —

“

“**Corporation**” means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

“**former Authority**” means the Water Authority of Western Australia under the *Water Authority Act 1984* before the commencement of Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*;

“**officer**” means a member of the staff of the Corporation engaged under section 15 of the *Water Corporation Act 1995*;

”;

- (c) in the definition of “by-laws” by deleting “by the former Minister or the Authority”;

- (d) in the definition of “former Minister” by deleting “the Authority” and substituting the following —
  - “ the former Authority ”;
- (e) in the definition of “sewerage works” by deleting “by the former Minister or the Authority”;
- (f) in the definition of “water board” by deleting “or under the Country Areas Water Supply Act, 1947,”; and
- (g) by deleting the semicolon at the end of the definition of “water board” and substituting a full stop.

**Section 5 repealed**

**68.** Section 5 of the principal Act is repealed.

**Section 93 amended**

**69.** Section 93 of the principal Act is amended by deleting “Authority” in each place where it occurs (except in the expressions “Local Authority” and “Local Health Authority”) and substituting the following —

“ Corporation ”.

**Section 119 amended**

**70.** Section 119 of the principal Act is amended by deleting “Managing Director of the Authority” and substituting the following —

“ chief executive officer of the Corporation ”.

**Various references to “Authority” changed to “Corporation”**

**71.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section

(except in a reference to the Water Authority Act 1984) and substituting the following —

“ Corporation ”.

Table

11 (1)	34	41A (6)	65A (1)	96 (1)
11 (3)	35 (1)	41A (7)	65A (2)	96 (3)
11 (4)	35 (2)	42 (1)	75 (1)	96 (5)
11 (5)	36 (1)	42 (2)	79	97
23	36 (2)	42 (3)	80	98
23A (1)	36 (3)	43	81	102 (16)
23A (2)	37 (1)	44	83 (1)	105
24 (1)	37 (3)	45	83 (2)	108
24 (2)	39 (1)	46	84 (1)	110
25	40 (1)	61 (1)	85	111
28	40 (2)	61 (3)	86	112
29 (1)	40 (3)	61 (4)	87 (1)	113
29 (2)	41	61 (5)	88	114
29 (3)	41A (1)	61 (6)	89	
30 (1)	41A (2)	62 (1)	90	
31 (1)	41A (3)	62 (2)	91 (1)	
32	41A (4)	63 (1)	91 (4)	
33	41A (5)	63 (2)	94	

**Various references to “Authority’s” changed to “Corporation’s”**

**72.** The principal Act is amended by deleting “Authority’s” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Corporation’s ”.

Table

23
32
61 (5)

**References to “Water Authority Act 1984” or “Water Authority Act 1984” changed to “Water Agencies (Powers) Act 1984”**

**73.** The principal Act is amended by deleting “Water Authority Act 1984” or “*Water Authority Act 1984*”, as the case requires, where it occurs in the provisions referred to in the table to this section and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”.

Table

3 (1) (definitions of “prescribed” and “sewerage charge”)	11 (5) 35 (1) 61 (1)
3 (2)	102
11 (1)	118 (1)

**PART 5 — LAND DRAINAGE ACT 1925**

**Principal Act**

74. In this Part the *Land Drainage Act 1925\** is referred to as the principal Act.

[\* Reprint approved 22 May 1967.  
For subsequent amendments see 1994 Index to  
Legislation of Western Australia, Table 1, pp. 114-5.]

**Section 6 amended**

75. Section 6 (1) of the principal Act is amended —

- (a) by deleting the definition of “Authority”;
- (b) by inserting in the appropriate alphabetical positions the following definitions —

“**Corporation**” means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

“**former Authority**” means the Water Authority of Western Australia under the *Water Authority Act 1984* before the commencement of Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*;

“**officer**” means a member of the staff of the Corporation engaged under section 15 of the *Water Corporation Act 1995*;

”;

- (c) in the definition of “former Minister” by deleting “the Authority” and substituting the following —

“ the former Authority ”;

- (d) in the definition of “Main Drain” by deleting “by the former Minister or the Authority”; and
- (e) by deleting the definition of “Water-course” and substituting the following definition —
  - “ **“watercourse”** means —
    - (a) any river, creek, stream or brook, whether artificially improved or altered or not;
    - (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);

**Section 7 repealed**

**76.** Section 7 of the principal Act is repealed.

**Section 9 amended**

**77.** Section 9 (3a) of the principal Act is amended —

- (a) by deleting “or the Authority” and substituting the following —
  - “ the former Authority or the Corporation ”; and

- (b) by deleting “Authority” in the last 2 places where it occurs and substituting the following —

“ Corporation ”.

**Various references to “Authority” changed to “Corporation”**

**78.** The principal Act is amended by deleting “Authority” where it occurs in the table to this section (except in a reference to the Water Authority Act 1984) and substituting the following —

“ Corporation ”.

Table

60	74	99 (2)	108 (1)
64 (1)	81	99A (1)	111
64 (2)	81A	99A (2)	112
64 (3)	85 (1)	99D (1)	152
64 (4)	85 (6)	99D (2)	153
64 (5)	94 (1)	99E (1)	154
64 (6)	94 (2)	99E (2)	155
64 (7)	95 (1)	100 (1)	160
64 (8)	95 (2)	100 (2)	161
64 (9)	98 (1)	100B	162
64 (10)	98 (2)	103	167 (1)
64 (11)	98 (3)	104 (1)	167 (7)
70	98 (4)	104 (2)	171
71 (1)	98 (5)	104 (3)	
71 (3)	98 (6)	105 (2)	
73	99 (1)	105 (3)	

**References to “Water Authority Act 1984” or “*Water Authority Act 1984*” changed to “*Water Agencies (Powers) Act 1984*”**

**79.** The principal Act is amended by deleting “Water Authority Act 1984” or “*Water Authority Act 1984*”, as the case requires, where it occurs in the provisions referred to in the table to this section and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”.

Table

6 (2)	81
60	108 (1)
64 (5)	148
65A	



**PART 6 — METROPOLITAN WATER AUTHORITY  
ACT 1982**

**Principal Act**

**80.** In this Part the *Metropolitan Water Authority Act 1982\** is referred to as the principal Act.

[\* *Act No. 36 of 1982.*  
*For subsequent amendments see 1994 Index to  
Legislation of Western Australia, Table 1, pp. 136-7.]*

**Long title repealed and replaced**

**81.** The long title to the principal Act is repealed and the following long title is substituted —

“

**An Act to provide for objections to valuations for  
certain water service charges and to  
authorize the provision of certain drainage  
works and services.**

”.

**Section 4 amended**

**82.** Section 4 of the principal Act is amended —

- (a) by deleting the definition of “Authority”;
- (b) by inserting, in their appropriate alphabetical positions, the following definitions —

“

**“Commission”** means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995*;

**“Coordinator”** means the Coordinator of Water Services referred to in section 4 of the *Water Services Coordination Act 1995*;

**“Corporation”** means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

**“former Authority”** means the Water Authority of Western Australia under the *Water Agencies (Powers) Act 1984* before the commencement of Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*;

**“former Metropolitan Authority”** means the Metropolitan Water Authority under this Act before the commencement of section 36 of the *Acts Amendment and Repeal (Water Authorities) Act 1985*;

”;

and

- (c) in the definition of “works” by deleting “Authority” and substituting the following —

“ Corporation ”.

### **Section 5 amended**

**83.** Section 5 (2) of the principal Act is amended —

- (a) by inserting after “or the former” the following —

“ Metropolitan ”; and

- (b) by deleting “to the Authority” and substituting the following —

“  
to the Commission, the Coordinator or the Corporation as the case requires  
”.

**Sections 8, 10 and 18 repealed**

- 84.** Sections 8, 10 and 18 of the principal Act are repealed.

**Section 19 amended**

- 85.** Section 19 of the principal Act is amended by deleting “the former Authority or the Board of the former Authority, or the Authority or a person appointed pursuant to section 26” and substituting the following —

“  
the former Metropolitan Authority, the Board of the former Metropolitan Authority or the former Authority  
”.

**Section 28 repealed**

- 86.** Section 28 of the principal Act is repealed.

**Section 98 amended**

- 87.** (1) Section 98 (1) of the principal Act is amended —  
(a) by deleting “Authority” where it first appears and substituting the following —

“ Commission ”; and

- (b) by deleting “by, or on behalf of, or in consultation with, the Authority” and substituting the following —

“ in consultation with the Corporation, ”.

- (2) Section 98 (2) of the principal Act is amended by deleting “Authority” in both places where it occurs and substituting —

“ Commission ”.

- (3) Section 98 (4) of the principal Act is amended —

- (a) by deleting “Authority” and substituting the following —

“ Commission ”; and

- (b) by inserting after “collaborate with” the following —

“ the Corporation and ”.

- (4) Section 98 (5) of the principal Act is amended —

- (a) by deleting “The Arterial Drainage Scheme” and substituting the following —

“ In preparing the Scheme, the Commission ”;

- (b) by inserting after “works and” the following —

“ the Scheme is to ”; and

- (c) by deleting “Authority” and substituting the following —

“ Commission, the Corporation, ”.

**Section 99 amended**

**88.** (1) Section 99 (1) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission ”.

(2) Section 99 (3) of the principal Act is amended —

(a) by deleting “Authority” and substituting the following —

“ Commission ”; and

(b) by deleting the passage beginning “, not being a main drain” to the end of the subsection and substituting a full stop.

(3) Section 99 (4) of the principal Act is amended —

(a) by deleting “Authority” and substituting the following —

“ Commission ”;

(b) in paragraph (d) by inserting after “a relevant plan,” the following —

“ the Corporation and ”; and

(c) in paragraph (e) by inserting after “submissions from” the following —

“ the Corporation and ”.

(4) Section 99 (5) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission ”.

**Section 100 amended**

**89.** (1) Section 100 (1) is amended by inserting after “regard to” the following —

“ the Scheme and ”.

(2) Section 100 (5) (a) of the principal Act is amended in subparagraphs (iv) and (v) by deleting “Authority” in each place where it occurs and substituting the following —

“ Corporation or the Crown ”.

(3) Section 100 (5) (b) of the principal Act is amended in subparagraph (ii) by inserting after “Part VII” the following —

“ of the *Water Agencies (Powers) Act 1984* ”.

**Section 106 amended**

**90.** Section 106 of the principal Act is amended —

(a) by deleting “Authority” wherever it occurs and substituting the following —

“ Commission ”;

(b) in subsection (2) (a) by inserting after “ served on” the following —

“ the Corporation and ”; and

(c) in subsection (2) (c) by inserting after “negotiate with” the following —

“ the Corporation and ”.

**Section 107 amended**

**91.** Section 107 (2) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission ”.

**Various references to “Authority” changed to “Corporation”**

**92.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section (except in a reference to the Water Authority Act 1984) and substituting the following —

“ Corporation ”.

Table

43 (2a)	43 (13)	100 (7)	102 (5)
43 (6)	43 (15)	100 (8)	102 (6)
43 (7)	43 (16)	101 (1)	103
43 (8)	100 (1)	101 (2)	104 (7)
43 (9)	100 (2)	101 (3)	105
43 (10)	100 (4)	102 (1)	107 (1)
43 (11)	100 (5) (b)	102 (2)	108
43 (12)	100 (6)	102 (4)	

**Various references to “Water Authority Act 1984” changed to “Water Agencies (Powers) Act 1984”**

**93.** The principal Act is amended by deleting “Water Authority Act 1984” or “Water Authority Act 1984”, as the case requires, wherever it occurs in the provisions referred to in the table to this section and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”.

Table

4 (1) (b)	102 (6)
5 (1)	105
43 (1)	107 (1)
43 (2)	107 (2)
43 (2a)	107 (4)
43 (4)	108
43 (15)	



**PART 7 — METROPOLITAN WATER SUPPLY, SEWERAGE,  
AND DRAINAGE ACT 1909**

**Principal Act**

**94.** In this Part the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*\* is referred to as the principal Act.

[\* *Reprint approved 13 December 1977.*  
*For subsequent amendments see 1994 Index to  
Legislation of Western Australia, Table 1, pp. 137-8.]*

**Section 5 amended**

**95.** (1) Section 5 (1) of the principal Act is amended —

- (a) by deleting the definitions of “authorised”, “Authority”, and “stream”;
- (b) by inserting in the appropriate alphabetical positions the following definitions —

“

**“Commission”** means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995*;

**“Corporation”** means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

**“former Authority”** means the Water Authority of Western Australia under the *Water Authority Act 1984* before the commencement of Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*;

**“former Metropolitan Authority”** means  
the Metropolitan Water Authority  
under the *Metropolitan Water  
Authority Act 1982*;

**“officer”**, in relation to —

(a) the Commission, means a  
member of staff as defined in  
section 3 of the *Water and  
Rivers Commission Act 1995*;

(b) the Corporation, means a  
member of the staff of the  
Corporation engaged under  
section 15 of the *Water  
Corporation Act 1995*;

”;

(c) in the definitions of “catchment area” and “sewerage  
works” by deleting “by the former Board, the former  
Authority or the Authority”;

(d) by deleting the definition of “watercourse” and  
substituting the following definition —

“

**“watercourse”** means —

(a) any river, creek, stream or  
brook, whether artificially  
improved or altered or not;

(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);

”;

- (e) in the definition of “waterworks” by deleting “by the former Board, the former Authority or the Authority”; and
- (f) by deleting the semicolon at the end of the definition of “waterworks” and substituting a full stop.

(2) Section 5 (4) (a) of the principal Act is amended by deleting “the former Authority or the Authority” and substituting the following —

“

the former Metropolitan Authority, the former  
Authority or the Minister

”.

### **Part III repealed**

**96.** Part III of the principal Act is repealed.

### **Section 14 amended**

**97.** Section 14 of the principal Act is amended —

- (a) by inserting after the section designation “**14.**” the subsection designation “(1)”;
- (b) by deleting “The Authority” and substituting the following —  
“ Subject to subsection (2), the Corporation ”;

- (c) by deleting “streams, watercourses,” and substituting the following —

“ watercourses ”;

- (d) by deleting “stream or”; and

- (e) by inserting the following subsection —

“

(2) The Corporation shall not exercise the powers conferred by subsection (1) —

- (a) in relation to water to which Division 1 of Part III of the *Rights in Water and Irrigation Act 1914* applies, except in accordance with that Division;

- (b) in relation to water from —

- (i) an artesian well (as defined in the *Rights in Water and Irrigation Act 1914*); or
- (ii) a non-artesian well (as defined in that Act) within an area proclaimed under section 26B of that Act,

except under the authority of a licence issued under section 26D of that Act.

”.

**Section 16 amended**

- 98.** Section 16 of the principal Act is amended —

- (a) in paragraphs (a) and (c) by deleting “stream,”;

- (b) in paragraph (d) by deleting “stream or”; and
- (c) in the penalty provision at the foot of the section by deleting “stream or”.

**Section 35 amended**

**99.** Section 35 of the principal Act is amended by deleting “Governor” and substituting the following —

“ Commission ”.

**Section 39 amended**

**100.** Section 39 (3) of the principal Act is amended by inserting after “meter, and” the following —

“ the by-laws ”.

**Section 46 repealed**

**101.** Section 46 of the principal Act is repealed.

**Section 52 amended**

**102.** Section 52 (a) of the principal Act is amended by deleting “the Authority” and substituting the following —

“ or under by-laws made under the power conferred by section 34 (3) (k) of the *Water Agencies (Powers) Act 1984* ”.

**Section 57EA amended**

**103.** Section 57EA of the principal Act is amended —

- (a) by inserting after the section designation “**57EA.**” the subsection designation “(1)”;

- (b) by deleting “The Authority” and substituting the following —

“ Subject to subsection (2), the Corporation ”;

and

- (c) by inserting the following subsection —

“ (2) The Corporation shall not exercise the power conferred by subsection (1) in relation to water from —

(a) an artesian well (as defined in the *Rights in Water and Irrigation Act 1914*); or

(b) a non-artesian well (as defined in that Act) within an area proclaimed under section 26B of that Act,

except under the authority of a licence issued under section 26D of that Act.

”.

### **Section 115 amended**

- 104.** (1) Section 115 (1) of the principal Act is amended —

- (a) by deleting “former Authority or the Authority” and substituting the following —

“ former Metropolitan Authority, the former Authority or the Corporation ”;

and

- (b) by deleting “Authority” in the second place where it occurs and substituting the following —

“ Corporation ”.

(2) Section 115 (3) of the principal Act is amended by deleting “former Authority or the Authority” and substituting the following —

“  
former Metropolitan Authority, the former Authority  
or the Corporation  
”.

### **Section 146 amended**

**105.** Section 146 (1) of the principal Act is amended —

- (a) in paragraph (2a) by deleting “streams and watercourses” and substituting the following —  
“ watercourses and sources of supply ”;
- (b) in paragraph (2b) by deleting “streams and watercourses” and substituting the following —  
“ watercourses and reservoirs ”;
- (c) in paragraph (2c) by deleting “streams and watercourses” and substituting the following —  
“ watercourses and dams ”; and
- (d) by deleting paragraph (26a).

### **Section 146A repealed**

**106.** (1) Section 146A of the principal Act is repealed.

(2) Despite its repeal by this section, section 146A of the principal Act continues to apply in respect of any complaint of an

offence referred to in that section that is alleged to have been committed before the commencement of this section.

**Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Schedules amended**

**107.** (1) The Seventh Schedule to the principal Act is amended —

(a) by deleting “Water Authority of Western Australia” in the first, second and third places where it occurs and substituting the following —

“ Water Corporation ”; and

(b) by deleting “Office of the Water Authority of Western Australia, Perth,”.

(2) The Eighth and Ninth Schedules to the principal Act are amended —

(a) by deleting “Water Authority of Western Australia” in the first and second places where it occurs and substituting the following —

“ Water Corporation ”; and

(b) by deleting “Office of the Water Authority of Western Australia, Perth,”.

(3) The Tenth, Eleventh and Twelfth Schedules to the principal Act are amended by deleting “Water Authority of Western Australia” wherever it occurs and substituting the following —

“ Water Corporation ”.

(4) The Eleventh Schedule to the principal Act is amended by deleting “such Authority” in both places where it occurs and substituting the following —

“ such Corporation ”.



(5) The Twelfth Schedule to the principal Act is amended by deleting “said Authority” and substituting the following —

“ said Corporation ”.

**Various references to “Authority” changed to “Commission”**

**108.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Commission ”.

Table

13 (a)	57C (2)	57G (5)
16	57D (1)	57G (7)
17 (1)	57D (2)	57H (1)
35	57D (3)	57H (2)
57A (1)	57E (1)	57H (3)
57A (2)	57E (2)	57I (1)
57B (1)	57E (3)	57I (2)
57B (4)	57G (1)	146 (1) (3a)
57C (1)	57G (2)	

**Various references to “Authority” changed to “Corporation”**

**109.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section (except in a reference to the Water Authority Act 1984) and substituting the following —

“ Corporation ”.

Table

31	49 (1)	64 (2)	118 (1)
32	49 (2)	64 (3)	118 (2)
33	49 (3)	65	119 (1)
36	50 (1)	66 (1)	120
37	50A (1)	66 (2)	121
38 (1)	50A (2)	66 (3)	124A (1)
38 (2)	50A (3)	67	124A (2)
39 (1)	51 (1)	68	124A (3)
39 (2)	52 (except	69	146 (1) (5)
39 (3)	paragraph (a))	70 (1)	146 (1) (20)
40	53	70 (2)	147A (1)
41 (1)	54	70 (3)	147A (2) (a)
41 (3)	55	70 (4)	148 (1)
42	56	103 (1)	148 (2)
43 (1)	57	105B	148 (3)
43 (2)	58 (1)	109	148 (4)
45 (2)	58 (2)	110	148 (5)
45 (3)	59 (1)	113 (1)	148 (6)
45 (4)	59 (2)	113 (2)	148 (7)
45 (5)	59 (3)	114 (1)	150
45 (6)	61 (1)	114 (4)	151
45 (7)	61 (3)	114 (5)	152 (2)
45 (8)	61A (1)	114 (6)	152 (3)
45 (9)	61A (2)	115 (2)	152 (4)
45 (11)	63 (1)	116	154
45 (12)	64 (1)	117	

**Various references to “Authority” changed to “Commission or the Corporation”**

**110.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Commission or the Corporation ”.

Table

15	158
153	159
156	160
157	161

**References to “Water Authority Act 1984” or “*Water Authority Act 1984*” changed to “*Water Agencies (Powers) Act 1984*”**

**111.** The principal Act is amended by deleting “Water Authority Act 1984” or “*Water Authority Act 1984*”, as the case requires, where it occurs in the provisions referred to in the table to this section and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”.

Table

5 (1) (definitions of “prescribed” and “water charge”)	5 (5) 36 146 (1)
5 (3)	165
5 (4)	

**PART 8 — RIGHTS IN WATER AND IRRIGATION  
ACT 1914**

**Principal Act**

**112.** In this Part the *Rights in Water and Irrigation Act 1914*\* is referred to as the principal Act.

[\* *Reprinted as at 23 October 1986.*  
*For subsequent amendments see 1994 Index to  
Legislation of Western Australia, Table 1, pp. 184-5.*]

**Section 2 amended**

**113.** Section 2 of the principal Act is amended —

- (a) by deleting the definition of “Authority”;
- (b) by inserting, in their appropriate alphabetical positions, the following definitions —

“

**“Commission”** means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995*;

**“Corporation”** means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

**“former Authority”** means the Water Authority of Western Australia under the *Water Authority Act 1984* before the commencement of Part 2 of the

*Water Agencies Restructure  
(Transitional and Consequential  
Provisions) Act 1995;*

”;

- (c) in the definition of “former Minister” by inserting after “1984, the” the following —

“ former ”; and

- (d) by deleting the definition of “water-course” and substituting the following —

“

**“water-course”** means —

- (a) any river, creek, stream or brook, whether artificially improved or altered or not;
- (b) any conduit that wholly or partially diverts a river, creek, stream or brook from its natural course and forms part of the river, creek, stream or brook;
- (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).

”.

**Part II repealed**

**114.** Part II of the principal Act is repealed.

**Section 12 amended**

**115.** Section 12 (4) of the principal Act is amended by deleting “as he thinks fit” and substituting the following —

“ as it thinks fit ”.

**Section 13 amended**

**116.** Section 13 (1) of the principal Act is amended by inserting after “take,” the following —

“ divert, ”.

**Section 26J amended**

**117.** Section 26J of the principal Act is amended by deleting “Authority’s” and substituting the following —

“ Commission’s ”.

**Section 26K inserted**

**118.** After section 26J of the principal Act the following section is inserted —

“

**This Part binds the Crown and statutory undertakers**

**26K.** (1) Except so far as a provision of this Part may be inconsistent with a Government agreement this Part binds the Crown and a statutory undertaker.

(2) The Governor may by order published in the *Gazette* provide for exemptions for the Crown or a statutory undertaker from any provision of this Part.

(3) Section 43 (4) and (7) to (9) of the *Interpretation Act 1984* applies to an order under subsection (2) as though the order were subsidiary legislation.

(4) In this section —

“**Government agreement**” has the same meaning as it has in the *Government Agreements Act 1979*;

“**statutory undertaker**” means a person performing a function that is authorized or provided for by or under a written law.

”.

#### **Section 27 amended**

**119.** (1) After section 27 (1) (g) of the principal Act the following paragraph is inserted —

“

(ga) charges that are to be paid by the holder of an operating licence (water supply services) or an operating licence (irrigation services) under the *Water Services Coordination Act 1995* in respect of water taken under the licence;

”.

(2) After section 27 (1) of the principal Act the following subsection is inserted —

“

(2) Without limiting the generality of paragraph (ga) of subsection (1) —

(a) the charges referred to in that paragraph may be in the form of a royalty for water taken under a licence; and

- (b) the volume of water so taken may be measured —
  - (i) at the point where it is taken; or
  - (ii) at a point that is as close as is practicable to the point at which it is diverted from its source and where measuring facilities can practicably be located.

”.

**Part V repealed**

**120.** Part V of the principal Act is repealed.

**Section 35 amended**

**121.** Section 35 of the principal Act is amended —

- (a) by deleting “or the Authority” in both places where it occurs and substituting the following —
  - “ , the Commission or the Corporation ”; and
- (b) by deleting “of the Authority” and substituting the following —

“ of the Commission or the Corporation ”.

**Section 36 amended**

**122.** Section 36 of the principal Act is amended by deleting “the Authority” and substituting the following —

“ the Commission or the Corporation ”.



**Section 37 amended**

**123.** Section 37 of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission or the Corporation ”.

**Section 38 amended**

**124.** Section 38 of the principal Act is amended —

(a) in paragraphs (a) and (c) by deleting “Authority” and substituting the following —

“ Commission or the Corporation ”;

(b) in paragraph (d) by deleting “Authority” in the first and second places where it occurs and substituting the following —

“ Commission or the Corporation ”.

**Section 39 amended**

**125.** Section 39 of the principal Act is amended by inserting after “supply may” the following —

“ , subject to that Part, ”.

**Section 39A amended**

**126.** Section 39A of the principal Act is amended by deleting “water supply, which in accordance with section 39 the Authority has appropriated for irrigation” and substituting the following —

“ irrigation works ”.

**Section 39E and 42A amended**

**127.** Sections 39E (6) and 42A (2) of the principal Act are amended by deleting “Authority’s” and substituting the following —

“ Corporation’s ”.

**Section 45 repealed**

**128.** Section 45 of the principal Act is repealed.

**Section 62 repealed**

**129.** Section 62 of the principal Act is repealed.

**Section 66 amended**

**130.** Section 66 (3) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission or the Corporation, as the case requires ”.

**Section 69 amended**

**131.** Section 69 of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission, the Corporation ”.

**Section 70 amended**

**132.** Section 70 of the principal Act is amended —

- (a) by deleting “Authority” in the first and fourth places where it occurs and substituting the following —

“ Commission, the Corporation ”; and

- (b) by deleting “Authority” in the second and third places where it occurs and substituting the following —

“ Commission or the Corporation ”.

**Section 71 amended**

**133.** Section 71 of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission or the Corporation ”.

**Section 73 amended**

**134.** Section 73 of the principal Act is amended by deleting “Authority” and substituting the following —

“ Commission or the Corporation ”.

**Section 75 amended**

**135.** Section 75 of the principal Act is amended —

- (a) by deleting “Authority” in the first place where it occurs and substituting the following —

“ Commission or the Corporation ”; and

- (b) by deleting “Authority” in the second place where it occurs and substituting the following —

“ Commission or the Corporation respectively ”.

**Section 79A amended**

**136.** Section 79A of the principal Act is amended by deleting “Managing Director of the Authority” and substituting the following —

“  
chief executive officer of the Commission or the Corporation, as the case requires,  
”.

**Section 80 repealed**

**137.** Section 80 of the principal Act is repealed.

**Various references to “Authority” changed to “Commission”**

**138.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section (except in a reference to the Water Authority Act 1984) and substituting the following —

“ Commission ”.

Table

12 (1)	13 (3)	25 (4)	26G (2)
12 (4)	16 (2)	25 (5)	26G (4)
12 (5)	16 (3)	26D (1)	26H (1)
12 (6)	17 (4)	26D (2)	26H (1a)
12 (7)	17 (6)	26D (4)	26H (2)
12 (8)	17 (7)	26E (1)	26J (1)
12 (10)	22 (1)	26E (2)	26J (2)
12 (11)	22 (2)	26F (1)	27 (1) (a)
12 (12)	22 (3)	26F (2)	
13 (1)	22 (4)	26G (1)	

**Various references to “Authority” changed to  
“Corporation”**

**139.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section (except in a reference to the Water Authority Act 1984) and substituting the following —

“ Corporation ”.

Table

33	39F (2)	42 (2)
39	39G (1)	42A (1)
39E (1)	39G (2)	42A (2)
39E (4)	39I (1)	43
39E (5)	39I (2)	44
39E (6)	41 (1)	63
39E (7)	41 (2)	
39F (1)	42 (1)	

**Various references to “Water Authority Act 1984” changed to  
“Water Agencies (Powers) Act 1984”**

**140.** The principal Act is amended by deleting “Water Authority Act 1984” or “Water Authority Act 1984”, as the case requires, wherever it occurs in the provisions referred to in the table to this section and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”.

Table

2 (1) (in definition of “prescribed” and “water charge”)	35 36 38 (d)
2 (2)	39E (1)
26H (1a)	59 (1)
27 (1)	79
33	

**PART 9 — WATER BOARDS ACT 1904**

**Principal Act**

**141.** In this Part the *Water Boards Act 1904*\* is referred to as the principal Act.

[\* *Reprinted as at 18 August 1971.*  
*For subsequent amendments see 1994 Index to  
Legislation of Western Australia, Table 1, pp. 228-9  
and Act No. 14 of 1995.*]

**Section 3 amended**

**142.** Section 3 of the principal Act is amended —

- (a) by deleting the definitions of “the Authority” and “stream”;
- (b) by inserting, in their appropriate alphabetical positions, the following definitions —

“

“**Commission**” means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995*;

“**Coordinator**” means the Coordinator of Water Services referred to in section 4 of the *Water Services Coordination Act 1995*;

“**Corporation**” means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

”;

- (c) by deleting the definition of “watercourse” and substituting the following —

“

**“watercourse”** means —

- (a) any river, creek, stream or brook, whether artificially improved or altered or not;
- (b) any conduit that wholly or partially diverts a river, creek, stream or brook from its natural course and forms part of the river, creek, stream or brook;
- (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).

”;

and

- (d) by deleting “Water Authority Act 1984” and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”.



**Section 3A inserted**

**143.** After section 3 of the principal Act the following section is inserted —

“

**Application of *Water Services Coordination Act 1995***

**3A.** Where the performance of any function of a Water Board requires that the board hold a licence under the *Water Services Coordination Act 1995*, the board may only perform that function in accordance with the terms and conditions of such a licence.

”.

**Section 5 amended**

**144.** (1) Section 5 (1) of the principal Act is amended —

(a) in paragraph (b) by deleting “Authority” and substituting the following —

“ Minister as mentioned in paragraph (a) ”; and

(b) by deleting “Authority” in the other places where it occurs and substituting the following —

“ Coordinator ”.

(2) Section 5 (2) of the principal Act is amended —

(a) by deleting “Authority” where it first occurs and substituting the following —

“ Coordinator ”; and

- (b) by deleting “Authority” where it occurs for the second time and substituting the following —

“ State ”.

**Section 36 amended**

**145.** (1) Section 36 (1) of the principal Act is amended in paragraphs (c) and (d) by deleting “a water board” in each place where it occurs and substituting the following —

“ the Commission ”.

(2) Section 36 (2) of the principal Act is repealed and the following subsection is substituted —

“

(2) The power conferred by section 34 of the *Water Agencies (Powers) Act 1984* may be exercised by the Minister to make by-laws for the prevention of pollution of water within any water reserve or catchment area.

”.

(3) Section 36 (3) of the principal Act is amended by deleting “, and any water reserve or catchment area” in both places where it occurs.

**Section 37 amended**

**146.** Section 37 of the principal Act is amended by deleting “which has been placed under the management or control of or vested in a water board, such Water Board” and substituting the following —

“ the Commission ”.

**Section 38 repealed**

**147.** Section 38 of the principal Act is repealed.

**Section 40 amended**

**148.** Section 40 (2) (b) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Water Board ”.

**Section 41 amended**

**149.** Section 41 (b) of the principal Act is amended by deleting “in the office of the Authority and also”.

**Section 43 repealed**

**150.** Section 43 of the principal Act is repealed.

**Section 44 amended**

**151.** (1) Section 44 (2) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Water Board ”.

(2) Section 44 (3) of the principal Act is repealed and the following subsection is substituted —

“  
(3) The Water Board is to consider any objections made under subsection (1) and then prepare a report on the proposal.  
”.

**Section 45 amended**

**152.** (1) Section 45 (1) of the principal Act is amended —

(a) by deleting “Authority” in the first 2 places where it occurs and substituting the following —

“ Water Board ”; and

(b) by deleting “, the report prepared on the proposals, and the recommendations of the Authority, and shall obtain from the Water Board” and substituting the following —

“ and the report prepared on the proposals ”.

(2) Section 45 (3) of the principal Act is amended by deleting “Authority” and substituting the following —

“ Water Board ”.

**Section 46 amended**

**153.** Section 46 (5) of the principal Act is amended —

(a) by inserting after “It may” the following —

“  
 , subject to Part III of the *Rights in Water  
and Irrigation Act 1914*,  
”;

(b) by deleting “the streams” and substituting the following —

“ any watercourse ”; and

(c) by deleting “stream” and substituting the following —

“ watercourse ”.

**Section 52 amended**

**154.** Section 52 (3) (b) of the principal Act is amended by deleting “as agent of the Crown in the right of the State”.

**Section 65 repealed**

**155.** Section 65 of the principal Act is repealed.

**Section 110 amended**

**156.** Section 110 of the principal Act is amended by deleting “Authority” and substituting the following —

“ Coordinator ”.

**Section 113 amended**

**157.** Section 113 (1) (b) of the principal Act is amended by deleting “constructed by the Minister or the Authority or”.

**Section 141 amended**

**158.** Section 141 of the principal Act is amended by deleting paragraph (3).

**Various references to “Authority” changed to “Corporation”**

**159.** The principal Act is amended by deleting “Authority” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Corporation ”.

Table

51A (3)	53 (1)
52 (1)	53 (4)
52 (2)	54
52 (3)	161

**PART 10 — WATER SUPPLY, SEWERAGE AND DRAINAGE  
ACT 1912**

**Principal Act**

**160.** In this Part the *Water Supply, Sewerage and Drainage Act 1912*\* is referred to as the principal Act.

[\* *Act No. 67 of 1912.*

*For subsequent amendments see 1994 Index to  
Legislation of Western Australia, Table 1, p. 229.]*

**Section 4 amended**

**161.** Section 4 (1) of the principal Act is amended by deleting “Water Authority of Western Australia pursuant to either section 8 of the Water Authority Act 1984 or any relevant Act or otherwise acquired by that Authority” and substituting the following —

“ Commission or the Corporation ”.

**Various references to “Water Authority Act 1984” changed  
to “Water Agencies (Powers) Act 1984”**

**162.** The principal Act is amended by deleting “Water Authority Act 1984” wherever it occurs in the provisions referred to in the table to this section and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”.

Table

2 (4) (definition of “relevant Act”)  
4 (2)  
8

No. 73] *Water Agencies Restructure (Transitional  
s. 163 and Consequential Provisions) Act 1995*

**PART 11 — WESTERN AUSTRALIAN WATER RESOURCES  
COUNCIL ACT 1982**

**Act repealed**

**163.** The *Western Australian Water Resources Council Act 1982* is repealed.

**PART 12 — WATERWAYS CONSERVATION ACT 1976**

**Principal Act**

**164.** In this Part the *Waterways Conservation Act 1976*\* is referred to as the principal Act.

[\* *Act No. 131 of 1976.*  
*For subsequent amendments see 1994 Index to  
Legislation of Western Australia, Table 1, p. 230.*]

**Long title amended**

**165.** The long title to the principal Act is amended by deleting “**Waterways Commission**” and substituting the following —

“ **Rivers and Estuaries Council** ”.

**Section 3 amended**

**166.** Section 3 (1) of the principal Act is amended —

- (a) by deleting the definitions of “Commission”, “Commissioner” and “the Account”; and
- (b) by inserting, in their appropriate alphabetical positions, the following definitions —

“  
“**Commission**” means the Water and  
Rivers Commission established by  
section 4 of the *Water and Rivers  
Commission Act 1995*;



**“Council”** means the Rivers and Estuaries  
Council established by section 11;

”.

**Section 4 amended**

**167.** Section 4 (2) of the principal Act is repealed.

**Section 10 amended**

**168.** Section 10 (2) of the principal Act is amended by deleting  
“Commissioner” and substituting the following —

“ Commission ”.

**Section 11 repealed and substituted**

**169.** Section 11 of the principal Act is repealed and the  
following sections are substituted —

“

**Rivers and Estuaries Council**

**11.** (1) There is to be a body called the Rivers and  
Estuaries Council.

(2) The Council is to consist of —

- (a) a member of the board of management of  
the Commission appointed by the  
Commission;
- (b) the chief executive officer for the time being  
of the Commission;

- (c) the chairman for the time being of the Swan River Trust under the *Swan River Trust Act 1988*;
  - (d) the chairman for the time being of each Management Authority; and
  - (e) not more than 2 other persons appointed by the Commission.
- (3) The person appointed under subsection (2) (a) is to be the chairperson of the Council.
- (4) The Commission may determine —
- (a) the term of appointment of a member of the Council appointed under subsection (2) (a) and (e) (“**appointed member**”);
  - (b) the provisions that are to govern —
    - (i) the removal and resignation of appointed members; and
    - (ii) the attendance at meetings of representatives of *ex officio* members who are unable to attend.
- (5) The Schedule has effect in respect of proceedings at Council meetings.
- (6) The Minister may determine that an appointed member of the Council is to receive remuneration or an allowance and, if the Minister so determines, he or she is to fix the remuneration or allowance on the recommendation of the Minister for Public Sector Management.

(7) The Commission is to provide the Council with such support services as it may reasonably require.

### **Functions of the Council**

**11A.** (1) The functions of the Council are to provide advice to the Commission on —

- (a) the performance of the Commission's functions under this Act;
- (b) any other matter relating to the operation of this Act that is referred to it by the Commission.

(2) The Council may, with the approval of the Commission, obtain assistance and advice from any person to enable it to provide advice under subsection (1).

”.

### **Section 13 repealed**

**170.** Section 13 of the principal Act is repealed.

### **Section 14 amended**

**171.** (1) Section 14 (2a) (b) of the principal Act is amended by deleting “Waterways Commission” and “Commission” and substituting in both places the following —

“ Council ”.

(2) Section 14 (6) of the principal Act is amended by deleting “Commissioner” and substituting the following —

“  
chairperson of the board of the Commission, or a  
person acting with his written authority,  
”.

**Section 18 amended**

**172.** Section 18 (1) and (3) of the principal Act is amended by deleting “Commission” and substituting the following —

“ Council ”.

**Section 19 amended**

**173.** Section 19 (2) (c) of the principal Act is amended by deleting “Commission” and substituting the following —

“ Council ”.

**Section 20 amended**

**174.** Section 20 of the principal Act is amended by deleting “Commission” and substituting the following —

“ Council ”.

**Section 21 amended**

**175.** (1) Section 21 (1) of the principal Act is amended by deleting “The Commission or a” and substituting the following —

“ A ”.

(2) Section 21 (2) of the principal Act is amended by deleting “Commission or the Authority, as the case may be,” and substituting the following —

“ Authority ”.

(3) Section 21 (3) of the principal Act is amended by deleting “the Commission or” in both places where it occurs.

### **Section 22 amended**

**176.** Section 22 (2) of the principal Act is repealed.

### **Section 24 amended**

**177.** After section 24 (2) of the principal Act the following subsection is inserted —

“  
(2a) In the performance of its functions the Commission is to have regard to any advice given to it by the Council.  
”.

### **Section 28 amended**

**178.** Section 28 (2) of the principal Act is amended by inserting after paragraph (b) the following paragraph —

“ (ba) the Council; ”.

**Section 30 amended**

**179.** Section 30 of the principal Act is amended by deleting “Commissioner” and substituting the following —

“ Commission ”.

**Section 39 amended**

**180.** (1) Section 39 (1) of the principal Act is repealed.

(2) Section 39 (2) of the principal Act is amended —

(a) by deleting “Commissioner” and substituting the following —

“ Commission ”; and

(b) by deleting “with him”.

(3) Section 39 (3) of the principal Act is amended by deleting “the Commission or”.

(4) Section 39 (4) of the principal Act is repealed.

(5) Section 39 (5) of the principal Act is amended by deleting “Minister, the Commission or” and substituting the following —

“ Commission, ”.

(6) Section 39 (6) of the principal Act is amended —

(a) by deleting “the Commission or”;

(b) by deleting “Minister, after consultation with the Commission and” and substituting the following —

“ Commission, after consultation with ”; and

- (c) by deleting “Minister considers” and substituting the following —

“ Commission considers ”.

#### **Sections 40 and 41 repealed**

**181.** Sections 40 and 41 of the principal Act are repealed.

#### **Section 43 amended**

**182.** Section 43 of the principal Act is amended —

- (a) by repealing subsection (1); and  
(b) in subsection (2) by inserting after “*Act 1985*” the following —

“ in respect of the operation of this Act ”.

#### **Section 45 amended**

**183.** Section 45 of the principal Act is amended by deleting “occupies or has occupied the office of Minister or Commissioner or member of the Commission or of a Management Authority or otherwise”.

#### **Section 48 amended**

**184.** Section 48 (4) (c) is amended by deleting “Commissioner” in both places where it occurs and substituting the following —

“ Commission ”.

**Section 66 amended**

**185.** Section 66 of the principal Act is amended by deleting “One thousand dollars” and substituting the following —

“ \$10 000 or 12 months imprisonment. ”.

**Section 75 amended**

**186.** (1) Section 75 (4) (b) of the principal Act is amended by deleting “Commissioner” and substituting the following —

“ chief executive officer of the Commission ”.

(2) Section 75 (5) of the principal Act is amended by deleting “Commissioner” and substituting the following —

“ chief executive officer of the Commission ”.

(3) Section 75 (7) of the principal Act is amended by deleting “the Commissioner,”.

**Schedule amended**

**187.** The heading to the Schedule is amended by deleting “*Commission*” and substituting the following —

“ *Council* ”.



**PART 13 — AMENDMENT OF VARIOUS ACTS**

**Consequential amendments**

**188.** The Acts specified in the table to this section are amended as set out in that table.

TABLE

***Conservation and Land Management Act 1984***

1. Section 26 (b) (vii) is amended by deleting “Resources Council” and substituting the following —

“  
and Rivers Commission established by the *Water and Rivers Commission Act 1995*  
”.

2. Clause 2 (d) of the Schedule is amended —

- (a) by deleting “(i)” and substituting the following —

“ (vii) ”; and

- (b) by deleting “Resources Council” and substituting the following —

“ and Rivers Commission ”.

***Constitution Acts Amendment Act 1899***

Part 3 of Schedule V is amended —

- (a) by deleting the following items —

“  
Any advisory committee for an irrigation district appointed under by-laws under the *Rights in Water and Irrigation Act 1914*.  
”.

- “  
The Board of management of the Metropolitan  
Water Authority constituted under the  
*Metropolitan Water Authority Act 1982*.  
”;
- “  
The Board of management of the Water  
Authority of Western Australia  
constituted under the *Water Authority  
Act 1984*.  
”;
- “  
Any honorary advisory committee appointed  
under regulation 3 of the *Rights in Water  
and Irrigation Act Regulations 1941*.  
”;
- “  
Any irrigation board constituted under the  
*Rights in Water and Irrigation Act 1914*.  
”;
- “  
Any Regional Advisory Committee appointed  
under section 21 of the *Water Authority  
Act 1984*.  
”;
- “  
The Western Australian Water Resources  
Council established under the *Western  
Australian Water Resources Council  
Act 1982*.  
”;

- (b) by deleting “the *Country Areas Water Supply Act 1947* or”  
in the item commencing with the words “Any water board”;  
and

*Water Agencies Restructure (Transitional  
and Consequential Provisions) Act 1995*

- (c) by inserting, in their appropriate alphabetical positions, the following items —

“

The board of directors of the Water Corporation established by the *Water Corporation Act 1995*.

The board of management of the Water and Rivers Commission established by the *Water and Rivers Commission Act 1995*.

Any committee established by the Minister under section 60 of the *Water Services Coordination Act 1995*.

The Rivers and Estuaries Council established by the *Waterways Conservation Act 1976*.

”.

***Energy Corporations (Powers) Act 1979***

Section 42 is amended —

- (a) by deleting “*Water Authority Act 1984*” in both places where it occurs and substituting the following —

“ *Water Agencies (Powers) Act 1984* ”; and

- (b) in subsection (2) (a) by deleting “Authority or” in the first place where it occurs and substituting the following —

“

Water Corporation established by the *Water Corporation Act 1995*, the Water and Rivers Commission established by the *Water and Rivers Commission Act 1995*,

”.

***Environmental Protection Act 1986***

1. Sections 57 (2) (b) (ii) and (3) are amended by deleting “Authority” and substituting the following —

“ and Rivers Commission ”.

2. Section 57 (5) is amended by deleting the definition of “Water Authority” and substituting the following —

“  
“**Water and Rivers Commission**” means the body established by section 4 (1) of the *Water and Rivers Commission Act 1995*.  
”.

***Financial Administration and Audit Act 1985***

Schedule 1 is amended —

- (a) by deleting the following items —

“ Water Authority of Western Australia ”

“ Waterways Commission ”

“ Western Australian Water Resources Council ”; and

- (b) by inserting, in the appropriate alphabetical position, the following item —

“ Water and Rivers Commission ”.

***Fire Brigades Act 1942***

1. After section 54 (3) (c) of the principal Act the following paragraph is inserted —

“  
(ca) Such a request may only be made to a water supply authority in respect of a particular location if that location is within a controlled

area for which that authority holds an operating licence (water supply services) under the *Water Services Coordination Act 1995*.

”.

2. The Table to section 54 (3) (c) is amended by deleting the entries in column 2 of item 1 and column 2 of item 3 and substituting in each case the following —

“

The Water Corporation established by the *Water Corporation Act 1995*

”.

3. Section 54 (3) (d) of the principal Act is amended by deleting “Act pursuant to the provisions of which it is constituted, which Act is” and substituting the following —

“ relevant Act ”.

***Fluoridation of Public Water Supplies Act 1966***

Section 5 (2) (b) is repealed and the following paragraph is substituted —

“

- (b) one shall be a member of staff of the Water Corporation established by the *Water Corporation Act 1995* nominated by the chief executive officer of that corporation;

”.

***Government Employees Superannuation Act 1987***

Schedule 1 is amended in Part B —

- (a) by deleting the following items —

“ Water Authority of Western Australia ”

“ Waterways Commission ”; and

- (b) by inserting the following items in their appropriate alphabetical positions —

“ Water Corporation ”  
“ Water and Rivers Commission ”.

***Health Act 1911***

Section 63A is amended by deleting “Metropolitan Water Supply, Sewerage and Drainage Board” and substituting the following —

“  
Water Corporation established by the *Water Corporation Act 1995* ”.

***Heritage of Western Australia Act 1990***

Section 36 (2) (d) is amended by deleting “for the Water Authority of Western Australia” and substituting the following —

“  
to whom the administration of the *Water Agencies (Powers) Act 1995* is for the time being committed by the Governor ”.

***Home Building Contracts Act 1991***

1. Section 9 (1) (d) is amended —

- (a) by deleting “by the Water Authority”; and  
(b) by inserting after “Water Act” the following —

“  
by the Water Corporation (established by the  
*Water Corporation Act 1995*) ”.

2. Section 9 (6) is amended by deleting “to the Water Authority” and inserting after “any work” the following —

“  
to the Water Corporation (established by the *Water Corporation Act 1995*)  
”.

***Housing Act 1980***

Section 38 (2) is amended in the definition of “local authority” by deleting “Metropolitan Water Supply, Sewerage and Drainage Board established under the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*, a water board constituted under the *Country Areas Water Supply Act 1947* or” and substituting the following —

“  
Minister within the meaning of the *Water Agencies (Powers) Act 1984* acting under section 34 of that Act, a water board constituted under  
”.

***Local Government Act 1960***

1. Section 297A (3) is amended by deleting paragraph (a) and substituting the following paragraph —

“  
(a) the Water Corporation established by the *Water Corporation Act 1995*;  
”.

2. Section 297B (2) (b) is amended by deleting subparagraph (iii) and substituting the following subparagraph —

“  
(iii) the Water Corporation established by the *Water Corporation Act 1995*;  
”.

3. Section 372 (2) (b) is amended —
- (a) by deleting “Minister for Metropolitan Water Supply” and substituting the following —
- “  
the Water Corporation established by the *Water Corporation Act 1995*  
”;
- and
- (b) by deleting “that Minister” and substituting the following —
- “ that corporation ”.
4. Section 512 (n) is amended —
- (a) by deleting “Metropolitan Water Authority established under the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*” and substituting the following —
- “  
Water Corporation established by the *Water Corporation Act 1995*  
”;
- and
- (b) by deleting “the Authority” and substituting the following —
- “ the Water Corporation ”.

***Metropolitan Region Town Planning Scheme Act 1959***

The Second Schedule is amended by deleting item 6 and substituting the following item —

- “ 6. Water Services, including sewerage and drainage. ”.



***Mining Act 1978***

Section 24 (1) (e) is amended by deleting “*Water Authority*” and substituting the following —

“ *Water Agencies (Powers)* ”.

***Morley Shopping Centre Redevelopment Agreement Act 1992***

Section 7 (1) is amended by deleting “*Water Authority*” and substituting the following —

“ *Water Agencies (Powers)* ”.

***Parliamentary Commissioner Act 1971***

The Schedule is amended —

- (a) by deleting the following item —

“  
Water Authority of Western Australia  
established under the *Water Authority Act 1984*  
”;

- (b) by deleting “*Waterways Commission*” in the item where it appears; and

- (c) by inserting, in their appropriate alphabetical positions, the following items —

“  
Water Corporation established by the *Water Corporation Act 1995*.  
  
Water and Rivers Commission established by  
the *Water and Rivers Commission Act 1995*.  
”.

***Public Authorities (Contributions) Act 1974***

Section 2 is amended in the definition of “public authority” by deleting paragraph (b).

***Public Sector Management Act 1994***

1. Schedule 1 is amended by inserting, after item 18, the following item —

“

19. Water Corporation established by the *Water Corporation Act 1995*

”.

2. Schedule 2 is amended by deleting items 56 and 57 and substituting the following item —

“

56. Water and Rivers Commission established by the *Water and Rivers Commission Act 1995*

”.

***Public Works Act 1902***

1. In section 5A, paragraph (e) is deleted and the following paragraphs are substituted —

“

(e) the Minister of the Crown to whom the administration of the *Water Corporation Act 1995* is for the time being committed by the Governor;

(ea) the Minister of the Crown to whom the administration of the *Water and Rivers Commission Act 1995* is for the time being committed by the Governor;

”.

2. In section 5B (1), paragraph (d) is deleted and the following paragraphs are substituted —

“

(d) in the case of the Minister of the Crown referred to in section 5A (e), to the Water Corporation established by the *Water Corporation Act 1995* or an officer of that corporation;

(da) in the case of the Minister of the Crown referred to in section 5A (ea) to the Water and Rivers Commission established by the *Water and Rivers Commission Act 1995* or an officer of that commission; or

”.

3. Section 124 is repealed.

***Rates and Charges (Rebates and Deferments) Act 1992***

1. Section 3 (1) is amended —

- (a) by inserting after the definition of “child” the following definition —

“

**“Coordinator of Water Services”** means the officer referred to in section 4 of the *Water Services Coordination Act 1995*;

”;

and

- (b) by deleting the definition of “Water Authority”.

2. Sections 16 (2) (b) (ii), 16 (3) and 17 (1) (a) and (c) are amended by deleting “Water Authority” in each place where it occurs and substituting the following —

“ Coordinator of Water Services ”.

3. The Act is amended by deleting “*Water Authority*” where it occurs in the sections referred to in the table to this item and substituting the following —

“ *Water Agencies (Powers)* ”.

Table

s. 3 (1) (definition of “prescribed charge”)  
s. 34 (1) (b)

4. Section 17 (1) (a) (i) is amended by deleting “*Authority Act 1984* or the *Land Drainage Act 1925*” and substituting the following —

“ *Services Coordination Act 1995* ”.

***Residential Tenancies Act 1987***

Section 48 (c) is amended by deleting “*Water Authority*” and substituting the following —

“ *Water Agencies (Powers)* ”.

***Soil and Land Conservation Act 1945***

Section 4 is amended in the definition of “Public Authority” by deleting paragraph (e) and substituting the following paragraph —

“  
(e) the Water and Rivers Commission established by the  
*Water and Rivers Commission Act 1995*;  
”.

***Strata Titles Act 1985***

Section 60 is amended by deleting “*Water Authority*” and substituting the following —

“ *Water Agencies (Powers)* ”.

***Superannuation and Family Benefits Act 1938***

Section 6 (1) is amended in the definition of “department” by deleting “Metropolitan Water Authority” and substituting the following —

“ Water Corporation ”.

***Swan River Trust Act 1988***

1. Section 3 (1) is amended —

- (a) by deleting the definition of “Commissioner”; and
- (b) by deleting the definition of “Waterways Commission” and substituting the following definition —

“  
“**Water and Rivers Commission**” means the  
body established by section 4 of the *Water  
and Rivers Commission Act 1995*;  
”.

2. Section 12 (1) is amended —

- (a) by deleting paragraph (b) and substituting the following paragraph —

“  
(b) an appointed member of the board of the  
Water and Rivers Commission  
established by the *Water and Rivers  
Commission Act 1995* nominated from  
time to time by that Commission;  
”;

and

- (b) by deleting paragraph (e) and substituting the following paragraph —

“  
    (e) the Coordinator of Water Services referred to in section 4 of the *Water Services Coordination Act 1995* or his nominee;  
”.

3. Section 18 is amended by deleting “Commissioner” and substituting the following —

“ person referred to in section 12 (1) (b) ”.

4. Section 19 (3) is amended —

- (a) by deleting “Commissioner” in the first place where it occurs and substituting the following —

“ person referred to in section 12 (1) (b) ”; and

- (b) by deleting “the Commissioner” in the second place where it occurs and substituting the following —

“ he ”.

5. Sections 31 (1) and 64 (1) are amended by deleting “Waterways” and substituting the following —

“ Water and Rivers ”.

***Town Planning and Development Act 1928***

1. Section 20D (a) (ii) is amended —

- (a) by deleting “Water Authority of Western Australia established by the *Water Authority Act 1984*” and substituting the following —

“  
    Water Corporation established by the *Water Corporation Act 1995*”; and

- (b) by deleting “that Authority” and substituting the following —

“ that Corporation ”.

2. Section 27A (1) (b) is amended —

- (a) in subparagraph (ii) by deleting “Minister for Water Resources” and substituting the following —

“  
Water Corporation established by the *Water Corporation Act 1995*”;

and

- (b) by deleting subparagraph (iii).

***Western Australian Planning Commission Act 1985***

1. Section 5 (1) (c) is amended by deleting paragraph (ii) and substituting the following paragraph —

“  
(ii) the person holding or acting in the office of chief executive officer of the Water and Rivers Commission established by the *Water and Rivers Commission Act 1995*;

2. Section 19 (1g) (a) is amended —

- (a) in subparagraph (ii) by deleting “, (ii)”; and

- (b) by inserting after subparagraph (ii) the following subparagraph —

“  
(ia) the Coordinator of Water Services referred to in section 4 of the *Water Services Coordination Act 1995* or a person nominated by him or her and approved by the Minister;

**PART 14 — TRANSITIONAL PROVISIONS**

***Division 1 — Preliminary***

**Definitions**

**189.** In this Part, unless the contrary intention appears —

**“assets”** means property of every kind whether tangible or intangible, real or personal, corporeal or incorporeal and includes without limitation —

- (a) choses in action;
- (b) goodwill;
- (c) rights, interests and claims of every kind in or to property,

whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent or prospective;

**“Authority”** means the Authority under the principal Act as in force before the commencement day;

**“commencement day”** means the day on which Part 2 comes into operation;

**“Commission”** means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995*;

**“Coordinator”** means the Coordinator of Water Services referred to in section 4 of the *Water Services Coordination Act 1995*;



“**Corporation**” means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

“**liability**” means any liability, duty or obligation whether actual, contingent or prospective, liquidated or unliquidated, or whether owed alone or jointly or jointly and severally with any other person;

“**principal Act**” means the *Water Authority Act 1984*;

“**right**” means any right, power, privilege or immunity whether actual, contingent or prospective;

“**transfer order**” means the order and any amendments to it made by the Minister under section 190, and includes any order made under section 191;

“**Water Resources Council**” means the council established by section 4 of the *Western Australian Water Resources Council Act 1982*;

“**Waterways Commission**” means the body established by section 11 of the *Waterways Conservation Act 1976*.

***Division 2 — Devolution of Water Authority’s assets,  
liabilities etc.***

**Minister to make order for allocation of assets and liabilities**

**190.** (1) As soon as is practicable after this section comes into force the Minister is to make and publish in the *Gazette* an order specifying —

- (a) how assets, rights and liabilities of the Authority are to be allocated to the Corporation and the Commission; and

- (b) any proceedings in which the Corporation or the Commission is to be, or both of those bodies are to be, substituted for the Authority as a party or parties.
- (2) An allocation under subsection (1) (a) may be made to —
- (a) the Corporation;
  - (b) the Commission; or
  - (c) both of those bodies either jointly or as tenants in common in equal or unequal shares.
- (3) Without limiting subsection (1), an order under that subsection may —
- (a) provide for the allocation of income in respect of any asset;
  - (b) in respect of a particular liability, allocate a specified share of the liability to each of the Corporation and the Commission;
  - (c) provide for the transfer, debiting, crediting, closing or otherwise dealing with any account, reserve, fund, provision, profit or liability for any levy; and
  - (d) contain such incidental or supplementary provisions as the Minister thinks fit.
- (4) The transfer order may allocate particular assets, rights or liabilities or classes of assets, rights or liabilities by reference to schedules in which they are specified; and those schedules —
- (a) need not be published in the *Gazette*; but
  - (b) must be available for inspection by the public at a place identified in the order.

(5) The transfer order may be amended by the Minister, by further order published in the *Gazette*, but no such amendment may be made after the commencement day.

#### **Power to make subsequent order**

**191.** (1) Where for any reason it is not practicable to allocate any asset, right or liability to the Corporation or the Commission, or to both of those bodies, under section 190 before the commencement day —

- (a) the transfer order is to specify that the asset, right or liability is to be allocated under this section; and
- (b) the Minister may make a further order under section 190 in respect of that asset, right or liability not later than 90 days after the commencement day.

(2) An order under subsection (1) is to have effect from the commencement day.

(3) The Authority is to be taken to continue to hold an asset or right, and to be liable for a liability, to which subsection (1) applies until the further order is made.

#### **Transfer of assets and liabilities to the Corporation**

**192.** (1) On and after the commencement day —

- (a) the assets and rights of the Authority allocated to the Corporation by the transfer order vest in the Corporation by force of this section;
- (b) the liabilities of the Authority (including a share of a liability) allocated to the Corporation by the transfer order become, by force of this section, the liabilities of the Corporation;

- (c) without limiting section 214, any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the Corporation were substituted for the Authority in the agreement or instrument;
- (d) the Corporation is a party to any proceedings by or against the Authority commenced before the commencement day in accordance with any provision of the transfer order to that effect made under section 190 (1) (b);
- (e) any proceedings or remedy that might have been commenced by or available against or to the Authority in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to the Corporation;
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the commencement day by, to or in respect of the Authority (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the Corporation;
- (g) the Authority is to deliver to the Corporation all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
  - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
  - (ii) proceedings referred to in paragraph (d);

and

(h) all provisions of the transfer order relevant to this section have effect.

(2) Subsection (1) (c) and (e) has effect subject to any provision of the transfer order made under section 190 (3) (b).

### **Transfer of assets and liabilities to the Commission**

**193.** (1) On and after the commencement day —

- (a) the assets and rights of the Authority allocated to the Commission by the transfer order vest in the Commission by force of this section;
- (b) the liabilities of the Authority (including a share of a liability) allocated to the Commission by the transfer order become, by force of this section, the liabilities of the Commission;
- (c) subject to section 214, any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the Commission were substituted for the Authority in the agreement or instrument;
- (d) the Commission is a party to any proceedings by or against the Authority commenced before the commencement day in accordance with any provision of the transfer order to that effect made under section 190 (1) (b);
- (e) any proceedings or remedy that might have been commenced by or available against or to the Authority in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to the Commission;
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to

in paragraphs (a) and (b) before the commencement day by, to or in respect of the Authority (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the Commission;

- (g) the Authority is to deliver to the Commission all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
    - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
    - (ii) proceedings referred to in paragraph (d);
- and
- (h) all of the provisions of the transfer order relevant to this section have effect.

(2) Subsection (1) (c) and (e) has effect subject to any provision of the transfer made under section 190 (3) (b).

**Transfer of assets and liabilities to both the Corporation and the Commission**

**194.** On and after the commencement day —

- (a) the assets and rights of the Authority allocated to the Corporation and the Commission jointly by the transfer order vest in those bodies jointly by force of this section;
- (b) the assets and rights of the Authority allocated to the Corporation and the Commission as tenants in common by the transfer order vest in those bodies as tenants in common in the shares specified in the transfer order by force of this section;

- (c) the liabilities of the Authority allocated to the Corporation and the Commission jointly by the transfer order become, by force of this section, the liabilities of those bodies jointly;
- (d) subject to section 214, any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a), (b) and (c) has effect, by force of this section, as if the Corporation and the Commission were substituted for the Authority in the agreement or instrument;
- (e) the Corporation and the Commission jointly are parties to any proceedings by or against the Authority commenced before the commencement day in accordance with any provision of the transfer order to that effect made under section 190 (1) (b);
- (f) any proceedings or remedy that might have been commenced by or available against or to the Authority in relation to the assets, rights and liabilities referred to in paragraphs (a), (b) and (c), may be commenced and are available, by or against or to the Corporation and the Commission jointly or severally in accordance with the transfer order;
- (g) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a), (b) and (c) before the commencement day by, to or in respect of the Authority (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the Corporation and the Commission jointly or severally in accordance with the transfer order;
- (h) the Authority is to deliver to the Corporation and the Commission all registers, papers, documents, minutes,

receipts, books of account and other records (however compiled, recorded or stored) relating to —

- (i) the assets, rights and liabilities referred to in paragraphs (a), (b) and (c); and
- (ii) proceedings referred to in paragraph (e);

and

- (i) all of the provisions of the transfer order relevant to this section have effect.

### **Unallocated assets and liabilities**

**195.** Subject to section 191, on and after the commencement day —

- (a) any assets and rights of the Authority that do not vest in the Corporation or the Commission under section 192, 193 or 194 are to be dealt with as the Minister directs;
- (b) any liability of the Authority that does not become a liability of the Corporation or the Commission under section 192, 193 or 194 is, so far as it is properly payable, to be discharged in such manner and from such source as the Minister, with the approval of the Treasurer, directs;
- (c) subject to section 214, any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the State were substituted for the Authority in the agreement or instrument;
- (d) any proceedings or remedy that might have been commenced by or available against or to the Authority in relation to the assets, rights and liabilities referred



to in paragraphs (a) and (b), may be commenced and are available, by or against or to the State;

- (e) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the commencement day by, to or in respect of the Authority (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the State; and
- (f) the Authority is to deliver to the Minister all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to the assets, rights and liabilities referred to in paragraphs (a) and (b).

### **Debt paper**

**196.** (1) Without limiting section 192, 193 or 194 any debt paper which devolves under any of those sections, and the determination of rights and obligations in respect of the same, continue to be governed by section 54 of the principal Act and by-laws made under section 55 of that Act, despite the repeal of those sections, as if —

- (a) those sections and by-laws remained in force; and
- (b) references in those sections and by-laws to the Authority were references to the Corporation or the Commission either individually, jointly or severally in accordance with the transfer order.

(2) The Minister may, by further by-laws, amend by-laws that are made applicable by subsection (1).

**Guarantees in respect of Authority**

**197.** (1) A guarantee under section 52 (1) or 54 (4) of the principal Act as in force immediately before the commencement day is not affected by —

- (a) any provision of this Act, including without limitation the transfer of any liability of the Authority under section 192, 193 or 194 to the Corporation or the Commission individually or to those bodies jointly; or
- (b) any transfer, vesting or assumption of any liability of the Authority to, in or by the Corporation or the Commission, or those bodies jointly, by any other means.

(2) Any guarantee referred to in subsection (1) is to continue in force and is to be read and construed, on and from —

- (a) the commencement day; or
- (b) the day on which the transfer, vesting or assumption by any other means referred to in subsection (1) is effective,

as if it were a guarantee in respect of the body to, in or by which the liabilities have been transferred, vested or assumed.

(3) Despite its repeal by section 26 of this Act, section 52 (4) of the principal Act is to be taken to continue to apply for the purposes of subsection (2).

(4) The Treasurer may enter into any instrument confirming the continued liability of the State under a guarantee referred to in subsection (1).

(5) Subject to subsection (7), sections 83 and 84 of the *Water Corporation Act 1995* are to be taken to apply to a liability of the Corporation referred to in subsection (1) if a guarantee of that liability cannot be preserved under this section (whether because

the guarantee is governed otherwise than by the law of the State or for any other reason).

(6) Subject to subsection (7), sections 29 and 30 of the *Water and Rivers Commission Act 1995* are to be taken to apply to a liability of the Commission referred to in subsection (1) if a guarantee of that liability cannot be preserved under this section (whether because the guarantee is governed otherwise than by the law of the State or for any other reason).

(7) If a guarantee (“**the original guarantee**”) cannot be preserved as mentioned in subsection (5) or (6) and the lender requests the Treasurer to exercise powers referred to in that subsection to give a guarantee in the same terms as the original guarantee, the Treasurer is to comply with that request.

(8) By virtue of this subsection, any sum paid by the Treasurer under a guarantee referred to in subsection (1) in respect of the Corporation constitutes a charge on the assets of the Corporation.

#### **Authority to complete necessary transactions**

**198.** (1) Where any asset, right or liability of the Authority cannot be properly vested in or succeeded to by the Corporation or the Commission, or by both of those bodies, by the operation of this Part (whether because the matter is governed otherwise than by the law of the State, or for any other reason) —

- (a) the Authority is to be taken to continue to hold or be liable for that asset, right or liability until the same is effectively vested in or succeeded to by the Corporation or the Commission, or by both of those bodies, in accordance with the transfer order; and
- (b) the Authority is to take all practicable steps for the purpose of securing that such asset, right or liability is effectively vested in or succeeded to by the

Corporation or the Commission, or by both of those bodies, in accordance with the transfer order.

(2) The fact that subsection (1) (a) applies to an asset, right or liability that is allocated to the Corporation or the Commission, or to both of those bodies, under this Part does not affect the duty of the Corporation or the Commission, or both of those bodies, to account for and report on that asset, right or liability under the written law by which the body is established.

### **Exemption from State taxation**

**199.** (1) In this section —

“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.

(2) State tax is not payable in relation to —

- (a) anything that occurs by the operation of this Part; or
- (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Part, or to give effect to this Part, or for a purpose connected with or arising out of, giving effect to this Part.

(3) The Treasurer or a person authorized by the Treasurer may, on request by the Corporation or the Commission, certify in writing that —

- (a) a specified thing occurred by the operation of this Part; or
- (b) a specified thing was done under this Part, or to give effect to this Part, or for a purpose connected with or arising out of giving effect to this Part.

(4) For all purposes and in all proceedings, a certificate under subsection (3) is conclusive evidence of the matters it certifies, except so far as the contrary is shown.

### **Registration of documents**

**200.** (1) The relevant officials are to take notice of the provisions of this Part and are empowered to record and register in the appropriate manner the necessary documents, and otherwise to give effect to this Part.

(2) Without limiting subsection (1), a statement in an instrument executed by the Corporation or the Commission that any estate or interest in land or other property has become vested in it or in those bodies jointly or in specified shares under section 192, 193 or 194 is evidence of that fact, and the relevant official is entitled to rely on that statement without making further enquiry.

(3) In subsection (1) —

“**relevant officials**” means the Registrar of Titles, the Registrar of Deeds, the Ministers respectively administering the *Land Act 1933* and the *Mining Act 1978* and any other person authorized by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or any other property.

### ***Division 3 — Water and Rivers Commission, succession to Waterways Commission and Water Resources Council***

#### **Definitions**

**201.** In this Division, unless the contrary intention appears —

“**former body**” means —

- (a) the Waterways Commission; or
- (b) the Water Resources Council.

**Devolution of former bodies' assets, liabilities etc.**

**202.** On and after the commencement day —

- (a) the assets and rights of a former body that were immediately before that day vested in that body vest in the Commission by force of this section;
- (b) the liabilities of a former body immediately before that day become, by force of this section, the liabilities of the Commission;
- (c) any proceedings or remedy that immediately before that day might have been brought or continued by or available against or to a former body, may be brought or continued and are available, by or against or to the Commission;
- (d) any act, matter or thing done or omitted to be done before the commencement day by, to or in respect of a former body (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the Commission; and
- (e) each former body is to deliver to the Commission all papers, documents, minutes, books of account and other records (however compiled, recorded or stored) relating to its operations.

***Division 4 — Staff, transition of employment***

**Transition to staff of Corporation**

**203.** Any agreement made at any time between the Authority and a person for the employment of that person on the staff of the Corporation has effect after the commencement of section 15

of the *Water Corporation Act 1995* as if the person had been engaged by the board of the Corporation under that section.

**Transition to staff of Commission**

**204.** (1) Any agreement made at any time between a person and —

- (a) the employing authority of the department of the Public Service designated as the Water and Rivers Commission (or as it may be redesignated); or
- (b) the Commission,

for the employment of that person on the staff of the Commission has effect after the commencement of Part 5 of the *Water and Rivers Commission Act 1995* as if the person had been appointed in accordance with section 23 (1) or engaged under section 23 (2) of that Act, as the case may require.

(2) A person who immediately before the commencement day was engaged under section 39 (5) (b) of the *Waterways Conservation Act 1976* is to be taken after that day to be engaged by the Commission under the power referred to in section 23 (5) of the *Water and Rivers Commission Act 1995*.

(3) A person who immediately before the commencement day —

- (a) was employed on the staff of the Water Resources Division of the Authority and does not come within subsection (1), section 203 or 205; or
- (b) was employed on the staff of the Waterways Commission and does not come within subsection (1) or (2) or section 203 or 205,

is to be taken after that day to have been appointed in accordance with section 23 (1), or engaged under section 23 (2), of

the *Water and Rivers Commission Act 1995*, as the case may require.

### **Transition to staff of Coordinator**

**205.** Any agreement made at any time between the employing authority of the department of the Public Service designated as the Office of Water Regulation (or as it may be redesignated) and a person for the employment of that person on the staff of that Office has effect after the commencement of Part 2 of the *Water Services Coordination Act 1995* as if the person had been appointed in accordance with section 6 of that Act.

### **Corporation may be constituted an SES organization**

**206.** (1) Despite sections 5 and 6 of the *Water Corporation Act 1995* the Minister for Public Sector Management (in this section called “**the Minister**”) may by order published in the *Gazette* (“**an order**”) constitute the Corporation as an SES organization within the meaning in the *Public Sector Management Act 1994* (“**the PSMA**”).

(2) An order is only to be made if the Minister is satisfied that it is necessary to do so to make temporary provision for the employment of persons who before the commencement day were employed on the staff of the Authority but whose employment is not otherwise covered by this Division after that day.

(3) An order —

- (a) is to provide for the expiry of the order on a specified day; and
- (b) may contain such incidental and supplementary provisions as the Minister thinks fit.



(4) Subsection (3) (a) does not prevent the amendment of an order to extend its operation or the making of a new order on the expiry of an order.

(5) The effect of an order is that while the order is in force, and subject to its terms —

- (a) the board of the Corporation is to perform the functions of an employing authority under the PSMA in respect of persons referred to in subsection (2); and
- (b) the chief executive officer of the Corporation is to perform the functions of a chief executive officer under the PSMA in respect of those persons, but only to the extent that he or she would be required to do so if he or she were deemed to be a chief executive officer under section 4 (6) of the PSMA.

(6) The Minister may amend an order by further order published in the *Gazette*, and is to revoke an order in like manner as soon as the Minister is satisfied that the need referred to in subsection (2) no longer applies.

### **Saving**

**207.** A person who comes within section 204 (3) or 206 may be party to an agreement referred to in section 204 or 205 after the commencement day, in which case the agreement has effect under that section on the day provided for in the agreement.

### **Employees' rights preserved**

**208.** Except as otherwise agreed by an employee, the operation of this Division does not —

- (a) affect the employee's pay, as that term is defined in regulation 3 of the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*;

- (b) prejudice the employee's existing or accruing rights in respect of annual leave, long service leave or sick leave;
- (c) affect any rights under a superannuation scheme; or
- (d) interrupt continuity of service.

***Division 5 — General transitional provisions***

**Definitions**

**209.** In this Division, unless the contrary intention appears —

**“former body”** means —

- (a) the Authority;
- (b) the Waterways Commission;
- (c) the Water Resources Council;

**“relevant successor”** means —

- (a) the Corporation in relation to any function of the Authority that after the commencement day is a function of the Corporation;
- (b) the Commission in relation to any function of —
  - (i) the Authority;
  - (ii) the Waterways Commission; or
  - (iii) the Water Resources Council,

that after the commencement day is a function of the Commission;

- (c) the Coordinator in relation to any function of the Authority that after the commencement day is a function of the Coordinator.

### **Annual report for part of a year**

**210.** The accountable authority, within the meaning in the *Financial Administration and Audit Act 1985*, of a former body is to report in respect of that body as required by section 66 of that Act, but limited to the period from the preceding 1 July to the commencement day, and Division 14 of Part II of that Act applies as if that period were a full financial year.

### **Completion of things commenced**

**211.** Anything commenced to be done by a former body under any written law before the commencement day may be continued by the relevant successor so far as the doing of that thing is within the functions of the relevant successor after the commencement day.

### **Continuing effect of things done**

**212.** Any act, matter or thing done or omitted to be done before the commencement day by, to or in respect of a former body, to the extent that that act, matter or thing —

- (a) has any force or significance after that day; and
- (b) where the former body is the Authority, is not governed by section 192 (1) (f), 193 (1) (f), 194 (g) or 195 (e),

is to be taken to have been done or omitted by, to or in respect of the relevant successor.

### **Immunity to continue**

**213.** Despite any repeal effected by Part 2, where the Authority had the benefit of any immunity in respect of an act, matter or thing done or omitted before the commencement day, that immunity continues in that respect for the benefit of the relevant successor.

### **References to Authority in Government agreements**

**214.** (1) A Government agreement which contains a reference to —

- (a) the Authority;
- (b) the Metropolitan Water Authority;
- (c) the Metropolitan Water Supply, Sewerage and Drainage Department; or
- (d) the Metropolitan Water Supply, Sewerage and Drainage Board,

has effect after the commencement day as if the reference were to the Corporation.

(2) Subsection (1) does not apply to a provision of a Government agreement that is spent or has had its effect.

(3) In this section —

**“Government agreement”** has the same meaning as it has in the *Government Agreements Act 1979*.

### **Agreements and instruments generally**

**215.** (1) This section applies to any agreement or instrument subsisting immediately before the commencement day that does not come within the provisions of section 192 (1) (c), 193 (1) (c), 194 (d), 195 (c) or 214.

(2) Any agreement or instrument to which this section applies —

- (a) to which a former body was a party; or
- (b) which contains a reference to a former body,

has effect after that day as if —

- (c) the relevant successor to the former body were substituted for the former body as a party to the agreement or instrument; and
- (d) any reference in the agreement or instrument to the former body were (unless the context otherwise requires) amended to be or include a reference to the relevant successor.

(3) In this section —

- “**instrument**” includes subsidiary legislation.

#### **Performance of necessary transitional functions**

**216.** (1) Despite the repeals effected by sections 14, 163 and 169, a former body continues in existence for the purpose of —

- (a) reporting as required by section 210; and
- (b) performing the functions described in sections 191 (3), 192 (1) (g), 193 (1) (g), 194 (h), 195 (f) and 198.

(2) The accountable authority, within the meaning in the *Financial Administration and Audit Act 1985*, of a former body also continues in existence for the purpose described in subsection (1) (a).

(3) Despite the provisions of the relevant written laws —

- (a) the members of each of the former bodies immediately before the commencement day cease to hold office on that day; and

- (b) each of the former bodies is to —
- (i) be constituted by a person appointed by the Minister; and
  - (ii) perform the functions referred to in subsection (1) through that person.

(4) The person referred to in subsection (3) (b) holds office at the pleasure of the Minister and on such terms and conditions as the Minister determines.

(5) The former bodies as constituted under this section have the powers that are necessary or convenient for the purposes of subsection (1).

(6) The relevant successor to a former body is to provide the clerical or other assistance that the former body reasonably requires for the purposes of subsection (1) in respect of the functions that after the commencement day are functions of that successor.

#### **Corporation, time to obtain certain licences**

**217.** Where before the commencement day the Authority was doing anything and after that day the Corporation in continuing to do that thing is required to hold a licence under the *Rights in Water and Irrigation Act 1914*, the Corporation is to be treated as if it were the holder of such a licence until the expiry of 120 days after the commencement day.

#### **Further transitional provision may be made**

**218.** (1) If there is no sufficient provision in this Part for any matter or thing necessary or convenient to give effect to the transition from a former body to the relevant successor the Minister may make that provision by order published in the *Gazette*.

(2) The Minister may by order published in the *Gazette* make any provision that is necessary to rectify any omission from the transfer order.

(3) An order under this section may be made so as to have effect from the commencement day.

(4) To the extent that a provision of any such order has effect on a day that is earlier than the day of its publication in the *Gazette*, the provision does not operate so as —

- (a) to affect, in a manner prejudicial to any person (other than the State, the Corporation, the Commission, the Coordinator or any authority of the State), the rights of that person existing before the day of its publication; or
- (b) to impose liabilities on any person (other than the State, the Corporation, the Commission, the Coordinator or any authority of the State), in respect of anything done or omitted to be done before the day of publication.

### **Saving**

**219.** The operation of any provision of this Part is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability;

- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.