

# ACTS AMENDMENT (WATER AUTHORITIES) ACT 1985.

(No. 110 of 1985.)

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## ARRANGEMENT.

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### PART I—PRELIMINARY.

Section.

1. Short title.
2. Commencement.

### PART II—WATER AUTHORITY ACT 1984.

3. Principal Act.
4. Section 3 amended.
5. Section 8 amended.
6. Section 27 amended.
7. Section 28 amended.
8. Section 34 amended.
9. Section 35 amended.
10. Section 69A inserted.
11. Section 103 amended.
12. Parts X and XI inserted.
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### PART III—METROPOLITAN WATER AUTHORITY ACT 1982.

14. Principal Act.
15. Divisional headings to Part I repealed.
16. Section 4 amended.
17. Section 40 repealed and substituted.
18. Section 102 amended.
19. Section 105 amended.
20. Section 107 amended.
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PART IV—METROPOLITAN WATER SUPPLY, SEWERAGE,  
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Section.

22. Principal Act.
23. Section 34 repealed.
24. Section 36 amended.
25. Section 41 amended.
26. Section 48 repealed.
27. Section 50A inserted.
28. Section 56 amended.
29. Section 62 repealed.
30. Section 64 repealed.
31. Section 100 amended.
32. Section 121 amended.
33. Section 146 amended.
34. Section 148 inserted.
35. Various penalties increased.

PART V—COUNTRY AREAS WATER SUPPLY ACT 1947.

36. Principal Act.
37. Section 5 amended.
38. Section 12A amended.
39. Section 12ED amended.
40. Section 28 amended.
41. Section 29 amended.
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43. Section 41 repealed.
44. Sections 43A and 43B inserted.
45. Section 45 amended.
46. Section 46 amended.
47. "*Rate Books*" amended to "*Rating Records*" in Part VI.
48. "rate books" amended to "rating records" in Part VI.
49. "a rate book" amended to "the rating records" in Part VI.
50. "rate book" amended to "rating records" in Part VI.
51. Section 47 repealed.
52. Section 50 amended.
53. Section 54 further amended.
54. Section 55 further amended.
55. Section 56 further amended.
56. Section 57 repealed.
57. Section 58 amended.
58. Section 63A further amended.
59. Section 66 amended.
60. Section 70 amended.
61. Section 72 amended.
62. Section 72A inserted.
63. Section 73 amended.
64. Section 76 amended.
65. Section 77 repealed and substituted.
66. Section 78 amended.
67. Section 80 amended.
68. Section 105 amended.

PART VI—COUNTRY TOWNS SEWERAGE ACT 1948.

Section.

69. Principal Act.
70. Section 3 amended.
71. Section 35 amended.
72. Section 38 repealed.
73. Section 40 repealed.
74. Section 41A inserted.
75. Section 42 amended.
76. Section 45 amended.
77. "Rate Books" amended to "Rating Records" in Part VII.
78. "rate book" amended to "rating records" in Part VII.
79. "a rate book" amended to "the rating records" in Part VII.
80. Section 48 repealed and substituted.
81. Section 52 amended.
82. Section 57 repealed and substituted.
83. Section 58 further amended.
84. Section 60 repealed.
85. Section 61 further amended.
86. Section 62 amended.
87. Section 69 amended.
88. Section 73 amended.
89. Section 73A amended.
90. Section 75 amended.
91. Section 77 amended.
92. Section 78A inserted.
93. Section 80 amended.
94. Section 102 amended.
95. First Schedule deleted.
96. Various penalties increased.

PART VII—LAND DRAINAGE ACT 1925.

97. Principal Act.
98. Section 72 amended.
99. "rate-books" amended to "rating records" in Part VII.
100. "rate-book" and "ratebook" amended to "rating records" in Part VII.
101. Section 81 repealed and substituted.
102. Sections 82, 83 and 84 repealed.
103. Section 89 amended.
104. Section 90A amended.
105. Section 91 further amended.
106. Section 92 amended.
107. Section 93 further amended.
108. Section 98 amended.
109. Section 99 amended.
110. Section 99C amended.
111. Section 100 further amended.
112. Sections 100A and 100B inserted.
113. Section 103 amended.
114. Section 105 amended.
115. Section 108 amended.
116. Heading to Division 6 of Part VII repealed.
117. Section 148 amended.
118. Various penalties increased.

PART VIII—RIGHTS IN WATER AND IRRIGATION  
ACT 1914.

Section.

119. Principal Act.
120. Section 12 amended.
121. Section 16 amended.
122. Section 17 amended.
123. "a rate book" amended to "the rating records" in Part VII.
124. Section 39C amended.
125. Section 39D amended.
126. Section 39E further amended.
127. Section 39F amended.
128. Section 40B amended.
129. Section 40C amended.
130. Section 41 repealed and substituted.
131. Section 42AA amended.
132. Section 42AB inserted.
133. Section 59 amended.
134. Section 80 inserted.

PART IX—WATER BOARDS ACT 1904.

135. Principal Act.
136. Section 3 amended.
137. Section 36 amended.
138. Section 55 amended.
139. Section 63 amended.
140. Section 75 amended.
141. "rate books" amended to "rating records" in Part VI.
142. "rate book" amended to "rating records" in Part VI.
143. "a rate book" amended to "the rating records" in Part VI.
144. Section 77 amended.
145. Section 79 repealed and substituted.
146. Section 86 repealed.
147. Section 87 amended.
148. Section 88 amended.
149. Section 92 further amended.
150. Section 94 amended.
151. Section 99 amended.
152. Section 135 amended.
153. Section 143 inserted.
154. Section 162 inserted.
155. First Schedule deleted.
156. Various penalties increased.

PART X—PARLIAMENTARY COMMISSIONER ACT 1971.

157. Principal Act.
158. Schedule amended.

# ACTS AMENDMENT (WATER AUTHORITIES).

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No. 110 of 1985.

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AN ACT to amend the Water Authority Act 1984, the Metropolitan Water Authority Act 1982, the Metropolitan Water Supply, Sewerage, and Drainage Act 1909, the Country Areas Water Supply Act 1947, the Country Towns Sewerage Act 1948, the Land Drainage Act 1925, the Rights in Water and Irrigation Act 1914, the Water Boards Act 1904 and the Parliamentary Commissioner Act 1971.

[Assented to 17 December 1985.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment* Short title.  
*(Water Authorities) Act 1985.*

No. 110.]      *Acts Amendment (Water Authorities)*.      [1985.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

PART II—WATER AUTHORITY ACT 1984.

Principal  
Act.  
Act No. 3 of  
1984 as  
amended by  
Act No. 25  
of 1985.

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

Section 3  
amended.

4. Section 3 of the principal Act is amended in subsection (1), by inserting, in their appropriate alphabetical positions, the following definitions—

“ “gross rental value”, in relation to rateable land, means the gross rental value of that land in force under the Valuation of Land Act 1978;

“rateable land” means all land that is rateable land under the provisions of a relevant Act;

“unimproved value”, in relation to rateable land, means the unimproved value of that land in force under the Valuation of Land Act 1978;

“valuation”, in relation to rateable land, means a valuation of that land in force under the Valuation of Land Act 1978; ”.

Section 8  
amended.

5. Section 8 of the principal Act is amended—

(a) in paragraph (c) of subsection (1), by inserting after “authority” the following—

“ , the Crown ”; and

(b) in subsection (3), by inserting after “authority” the following—

“ , the Crown ”.

6. Section 27 of the principal Act is amended in subsection (2), by deleting "Arbitration" and substituting the following—

Section 27  
amended.

" Relations ".

7. Section 28 of the principal Act is amended—

Section 28  
amended.

(a) in paragraph (b) of subsection (2), by deleting "under the Industrial Arbitration Act 1979 or any relevant award or agreement under the Public Service Arbitration Act 1966" and substituting the following—

" or agreement under the Industrial Relations Act 1979 "; and

(b) in subsection (3), by deleting "Public Service Arbitration Act 1966" and substituting the following—

" Industrial Relations Act 1979 ".

8. Section 34 of the principal Act is amended in subsection (3)—

Section 34  
amended.

(a) by deleting "and" after paragraph (i);

(b) in paragraph (j), by deleting "services." and substituting the following—

" services; "; and

(c) by inserting after paragraph (j) the following—

" (k) regulate the inspection, testing, stamping, marking and authorization of materials, fittings and fixtures intended to be connected with the Authority's works;

- (l) prescribe the kinds of work that shall be taken to be of the nature of plumbing work, specify whether and to what extent and in what circumstances the by-laws shall apply to and in relation to any such work, prescribe, by reference to the nature of that work, different classes of plumbing work and in relation to those classes, make provision for different kinds of permit, notification, certification, inspection and authorization procedures; and
- (m) make provision for—
- (i) the administration of a scheme to license, control and regulate persons to carry out plumbing work connected or to be connected with the Authority's works;
  - (ii) examinations and qualifications required of a person desiring to obtain a licence under Part X, and for the conduct of examinations (including the practical testing of applicants) for such a licence;
  - (iii) systems of authorization, certification, inspection and supervision of plumbing work;
  - (iv) the hearing of inquiries, disciplinary proceedings, and appeal procedures in relation to licences under Part X. ”.

9. Section 35 of the principal Act is amended in subsection (11), by deleting "1918 in general, and those of sections 36 and 38" and substituting the following—

Section 35  
amended.

“ 1984 in general, and those of Part VI ”.

10. After section 69 of the principal Act the following section is inserted—

Section 69A  
inserted.

“ 69A. (1) Where the provisions of a relevant Act so require, the Authority shall compile, from time to time amend, and maintain rating records in respect of all rateable land within the meaning of that term in and for the relevant Act concerned showing—

Rating  
records.

- (a) the description and situation of the land rated;
- (b) the name and address of the owner;
- (c) the assessment number;
- (d) the gross rental value, the unimproved value, or the area of the land, as the case requires;
- (e) the class, classification or grade of the land, as the case requires;
- (f) the amount payable in respect of rates under the relevant Act concerned that is levied for the current rating year; and
- (g) such other information as may be prescribed or as the Authority requires.

(2) Where the name or address of the owner of any land liable to be rated under the relevant Act concerned is not known to the Authority or the Authority is otherwise authorized by or on behalf of the owner, the Authority may—

- (a) record the fact that the name or address is unknown in the rating record;
- (b) record the name and address of a person occupying, or responsible for the management of, the land or authorized to accept service of notices or demands on behalf of the owner; and
- (c) rate the land, and in respect of the rate, serve notice and make demand upon either—
  - (i) the owner or occupier, by that designation pursuant to this Act or a relevant Act; or
  - (ii) a person authorized to accept service on behalf of the owner.

(3) The rating record for any rateable land shall at all reasonable times be made available for inspection by any ratepayer without payment, and the Authority shall, on request by any person who satisfies the Authority that he has a material interest in any portion of the records, furnish a copy of that portion of the records to that person on payment of the prescribed amount.

(4) For the purposes of this Act or a relevant Act, a person authorized in writing by the Authority may at any reasonable time without any fee or charge inspect any valuation, rate book or other valuation or

rating records maintained by or in the possession of a municipality and shall be permitted access thereto and to take copies or copies of extracts, and the town clerk or the shire clerk of the municipality shall on the request of the Authority—

- (a) furnish to the Authority, on payment of such amount, if any, as may be prescribed, pursuant to the Local Government Act 1960, a copy of any such record verified by him by statutory declaration; and
- (b) notify the Authority in writing of any amendment or alteration made thereto. ”.

11. Section 103 of the principal Act is amended in subsection (4), by deleting “or a rate book kept under” and substituting the following—

Section 103 amended.

“ kept for the purposes of ”.

12. After section 103 of the principal Act the following headings and Parts are inserted—

Parts X and XI inserted.

“                      PART X—LICENSING OF PLUMBERS.

104. In this Part—

Interpretation.

“prescribed” means prescribed by the by-laws.

105. (1) Where the Authority is satisfied that a person is qualified in accordance with the by-laws and has paid the prescribed fee, it shall issue to that person a licence authorizing him, for the duration of the licence, to supervise and perform plumbing work in connection with water supply or sewerage which is connected or is intended to connect directly or indirectly to the Authority's works.

Plumbing licences.

(2) A licence under subsection (1) may be issued or renewed subject to prescribed conditions or subject to such special conditions as the Authority considers appropriate.

(3) The Authority may by by-law prescribe different classes of licence and may prescribe the work which may be carried out by the holder of a particular class of licence.

(4) The Authority may in the manner, in the circumstances and subject to the conditions prescribed, suspend, cancel or refuse to renew any licence issued under subsection (1) or under the provisions of a relevant Act.

*Offences.*

106. (1) A person shall not commence or perform any plumbing work in connection with water supply or sewerage, which connects or is intended to connect directly or indirectly with the Authority's works unless he is, or is under the immediate supervision of, the holder of a licence under this Part authorizing him to perform that work.

Penalty: \$2 000.

(2) A person who knowingly employs another to commence or perform work referred to in subsection (1) in contravention of this section is guilty of an offence.

Penalty: \$2 000.

*Appeal to  
Local Court.*

107. (1) A person who is aggrieved by a decision of the Authority to—

(a) suspend, cancel or refuse to renew his licence pursuant to section 105 (4); or

(b) impose a condition on his licence under section 105 (2),

may within the period and in the manner prescribed, appeal to a Local Court against that decision.

(2) A Local Court hearing an appeal under subsection (1) may make an order directing the Authority to take such action with respect to the licence as the court thinks fit and the decision of the Local Court is final.

PART XI—GENERAL.

108. (1) The Minister shall carry out a review of the operations of—

Review of Committees.

- (a) any committee of the Authority appointed under section 17; and
- (b) any Regional Advisory Committee appointed under section 21,

as soon as practicable after 1 January 1991 and every fifth anniversary of that date and in the course of such review the Minister shall consider and have regard to—

- (c) the effectiveness of the operations of the committee concerned;
- (d) the need for the continuation of the committee concerned; and
- (e) such other matters as appear to him to be relevant.

(2) The Minister shall prepare a report based on his review under subsection (1) and shall, as soon as practicable after its preparation, cause the report to be laid before each House of Parliament. ”.

Validation of Order in Council.

13. The transfer of functions from a statutory authority to the Authority by the Governor by Order in Council made, before the coming into operation of this section, under section 4 (1) of the principal Act shall not be invalid by reason only of the fixing of a day earlier than 28 days after the making of that Order as the day on which, in respect of that statutory authority, the provisions of subsection (2) of section 7 of the principal Act have effect.

PART III—METROPOLITAN WATER AUTHORITY  
ACT 1982.

Principal Act.  
Act No. 36 of 1982 as amended by Acts Nos 101 of 1982 and 25 of 1985.

14. In this Part the Metropolitan Water Authority Act 1982 is referred to as the principal Act.

Divisional headings to Part I repealed.

15. Part I of the principal Act is amended by repealing the divisional headings to Divisions 1 and 2.

Section 4 amended.

16. Section 4 of the principal Act is amended—

(a) in subsection (1), in the definition of “Authority” by deleting “Metropolitan Water Authority preserved and continued pursuant to section 8 of this Act” and substituting the following—

“ Water Authority of Western Australia established pursuant to the Water Authority Act 1984 ”; and

(b) by repealing subsection (3).

Section 40 repealed and substituted.

17. Section 40 of the principal Act is repealed and the following section is substituted—

Rating records.

“ 40. The Authority shall, for the purposes of this Act, compile rating records under section 69A of the Water Authority Act 1984. ”.

1985.]            *Acts Amendment (Water Authorities)*.            [No. 110.

18. Section 102 of the principal Act is amended in subsection (6), by deleting “38” and substituting the following—

Section 102 amended.

“ 67 of the Water Authority Act 1984 ”.

19. Section 105 of the principal Act is amended by deleting “38” and substituting the following—

Section 105 amended.

“ 67 of the Water Authority Act 1984 ”.

20. Section 107 of the principal Act is amended—

Section 107 amended.

(a) in subsections (1) and (4), by deleting “III” and substituting the following—

“ IV of the Water Authority Act 1984 ”;  
and

(b) in subsection (2), by deleting “37” and substituting the following—

“ 66 of the Water Authority Act 1984 ”.

21. Section 108 of the principal Act is amended by inserting after “VIII” the following—

Section 108 amended.

“ of the Water Authority Act 1984 ”.

PART IV—METROPOLITAN WATER SUPPLY,  
SEWERAGE, AND DRAINAGE ACT 1909.

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

Principal Act.  
Reprinted as approved 13 December 1977 and amended by Acts Nos. 19, 76 and 105 of 1978, 3, 42 and 109 of 1979, 3 of 1980, 41, 63 and 72 of 1981, 37 and 100 of 1982 and 25 of 1985.

23. Section 34 of the principal Act is repealed.

Section 34 repealed.

No. 110.] *Acts Amendment (Water Authorities)*. [1985.

Section 36  
amended.

24. Section 36 of the principal Act is amended by inserting after "of water" the following—

" , if any, ”.

Section 41  
amended.

25. Section 41 of the principal Act is amended in subsection (1)—

(a) in paragraph (b), by deleting "seven" and substituting the following—

" 30 ”; and

(b) in paragraph (e), by deleting "thereunder".

Section 48  
repealed.

26. Section 48 of the principal Act is repealed.

Section 50A  
inserted.

27. After section 50 of the principal Act the following section is inserted—

Construction  
over water  
mains  
prohibited  
without  
consent of  
Authority.

" 50A. (1) A person shall not, without the prior consent of the Authority, erect, construct or place any building, wall, fence or obstruction in, upon, under or within the prescribed proximity to a main or reticulation pipe of the Authority used for the purposes of water supply and then only upon and subject to such terms and conditions as the Authority thinks fit to impose for the protection of the pipe from interference or damage.

Penalty: \$2 000 and in the case of a continuing offence, a further penalty not exceeding \$200 for each day the offence continues after the Authority serves notice of the offence on the offender.

(2) The Authority may demolish and remove any building, wall, fence or obstruction which is erected, constructed or placed in contravention of subsection (1) and which interferes with or injuriously affects a pipe in the supply of water, and perform any works necessary for restoring or reinstating the pipe.

(3) In addition to any penalty that may be imposed on an offender under subsection (1) the offender shall also pay to the Authority the expense incurred by it in removing any building, wall, fence or obstruction or in re-opening, restoring, repairing or reinstating a pipe pursuant to subsection (2). ”.

28. Section 56 of the principal Act is amended by deleting “misdemeanour, and liable to imprisonment for any term not exceeding two years.” and substituting the following—

Section 56 amended.

“ misdemeanour.

Penalty: \$2 000 or imprisonment for a term of 2 years, or both. ”.

29. Section 62 of the principal Act is repealed.

Section 62 repealed.

30. Section 64 of the principal Act is repealed.

Section 64 repealed.

31. Section 100 of the principal Act is amended by inserting after “prescribed quantity” the following—

Section 100 amended.

“ , if any, ”.

32. Section 121 of the principal Act is amended by deleting “are sufficient” and substituting the following—

Section 121 amended.

“ are not sufficient ”.

Section 146  
amended.

33. Section 146 of the principal Act is amended by repealing paragraphs (24) and (25).

Section 148  
inserted.

34. After the heading to Part XII of the principal Act the following section is inserted—

Notification  
of building  
or alteration.

“ 148. (1) Subject to subsection (6), the owner or occupier of any land within the Area in or on which it is proposed to construct or alter any building shall give to the Authority the prescribed notice thereof and submit to the Authority a plan of the proposed construction or alteration, together with the prescribed fee for examining the plan and for making or modifying connections to the water services provided by the Authority.

(2) The Authority shall, within 7 days after the receipt of the plan and prescribed fee, return a copy of the plan with such written directions in relation to water services as may be thought fit.

(3) If the owner or occupier of any land—

(a) commences or causes to be commenced the construction or alteration of any building without giving the notice or without furnishing the plan referred to in subsection (1);

(b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the building before the expiration of the 7 days mentioned in subsection (2) or before the plan has been returned by the Authority whichever is the earlier; or

(c) fails to follow the directions given by the Authority under subsection (2), he shall be liable to a penalty of \$2 000.

(4) Where any building has been or is being constructed or altered in contravention of subsection (1) or contrary to or not in accordance with the directions given by the Authority under subsection (2) the Authority may, by notice in writing served on the owner or occupier, as the case requires, of the land, direct him within a specified time and in any specified manner to—

- (a) cease any construction or alteration being carried out;
- (b) remove, pull down, take up or alter the building or part thereof.

(5) If a person on whom a notice is served under subsection (4) fails or refuses to comply with the notice the Authority may—

- (a) in accordance with the notice, remove, pull down, take up or alter the building or the part which has been constructed or altered; and
- (b) recover the expenses of so doing from the owner or occupier of the land.

(6) This section shall not apply in a case where the Authority declares, in writing, that it is satisfied that an emergency had arisen which rendered it necessary or desirable that the building should be constructed or altered before the directions of the Authority could be obtained, and that notice was given, the fee paid and a plan was furnished as soon as practicable.

(7) The fee referred to in subsection (1) may be prescribed by reference to the cost of the construction or alteration of the building concerned as assessed by the Authority. ”.

Various penalties increased.

35. The principal Act is amended by deleting in the provisions referred to in column 1 hereunder the penalties respectively set out in column 2 and substituting in each case the corresponding penalty set out in column 3.

<i>Column 1. Provision.</i>	<i>Column 2. Deleted penalty.</i>	<i>Column 3. New penalty.</i>
section 52	"two hundred dollars"	"\$2 000"
section 53	"forty dollars"	"\$1 000"
section 53	"five dollars"	"\$100"
section 54	"two hundred dollars"	"\$2 000"
section 55	"two hundred dollars"	"\$1 500"
section 63 (1)	"forty dollars"	"\$1 000"
section 66 (1)	"Eighty dollars"	"\$2 000"
section 66 (1)	"twenty dollars"	"\$200"
section 67	"forty dollars"	"\$1 500"
section 68	"forty dollars"	"\$1 000"
section 69	"two hundred dollars"	"\$2 000"

PART V—COUNTRY AREAS WATER SUPPLY ACT 1947.

Principal Act.  
Reprinted as approved 18 April 1980 and amended by Acts Nos. 75 of 1980, 63 and 97 of 1981, 14 of 1982, 41 of 1984 and 25 of 1985. Section 5 amended.

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

37. Section 5 of the principal Act is amended—

(a) in the definition of "by-laws" by inserting after "under" the following—

" or for the purposes of ";

(b) in the definition of "ratepayer" by deleting "books" and substituting the following—

" rating records ";

(c) by inserting after the definition of "ratepayer" the following definition—

" "stream" means a river, creek, brook, spring, aqueduct, conduit, tunnel, sluice or other running water; ";

and

(d) by deleting the definitions of "gross rental value" and "unimproved value".

38. Section 12A of the principal Act is amended in subsection (1b), by deleting “section thirty-six of the Interpretation Act, 1918,” and substituting the following—

Section 12A amended.

“ sections 41 and 42 of the Interpretation Act 1984 ”.

39. Section 12ED of the principal Act is amended—

Section 12ED amended.

(a) in subsection (2), by deleting “that land the” and substituting the following—

“ that land ”; and

(b) in subsection (4), by deleting “authorise the” and substituting the following—

“ authorize ”.

40. Section 28 of the principal Act is amended in subsection (1), by inserting after “of water” the following—

Section 28 amended.

“ , if any, ”.

41. Section 29 of the principal Act is amended by deleting “sections 28 (2), and 35B” and substituting the following—

Section 29 amended.

“ section 28 (2) of this Act and Part IV of the Water Authority Act 1984 ”.

42. Section 33 of the principal Act is amended in paragraph (da) of subsection (1), by deleting “section 35B” and substituting the following—

Section 33 amended.

“ section 67 of the Water Authority Act 1984 ”.

Section 41  
repealed.

43. Section 41 of the principal Act is repealed.

Sections 43A  
and 43B  
inserted.

44. After section 43 of the principal Act the following sections are inserted—

Notification  
of building  
or alteration.

“ 43A. (1) Subject to subsection (7), this section applies to land in a country water area other than land which is farm land.

(2) The owner or occupier of any land to which this section applies in or on which it is proposed to construct or alter any building shall give to the Authority the prescribed notice thereof and submit to the Authority plans of the proposed construction or alteration, together with the prescribed fee for examining the plans and for making or modifying connections to the water supply services provided by the Authority.

(3) The Authority shall, within 7 days after the receipt of the plan and prescribed fee, return a copy of the plan with such written directions in relation to water services as may be thought fit.

(4) If the owner or occupier of any land—

(a) commences or causes to be commenced the construction or alteration of any building without giving the notice or without furnishing the plan referred to in subsection (2);

(b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the building before the expiration of the 7 days mentioned in subsection (3) or before the plan has been returned by the Authority whichever is the earlier; or

(c) fails to follow the directions given by the Authority under subsection (3),

he shall be liable to a penalty of \$2 000.

(5) Where any building has been or is being constructed or altered in contravention of subsection (2) or contrary to or not in accordance with the directions given by the Authority under subsection (3) the Authority may by notice in writing served on the owner or occupier, as the case requires, of the land direct him within a specified time and in any specified manner to—

- (a) cease any construction or alteration being carried out;
- (b) remove, pull down, take up or alter the building or part thereof.

(6) If a person on whom a notice is served under subsection (5) fails or refuses to comply with the notice the Authority may—

- (a) in accordance with the notice, remove, pull down, take up or alter the building or the part which has been constructed or altered; and
- (b) recover the expenses of so doing from the owner or occupier of the land.

(7) This section shall not apply in a case where the Authority declares, in writing, that it is satisfied that an emergency had arisen which rendered it necessary or desirable that the building should be constructed or altered before the directions of the Authority could be obtained, and that notice was given, the fee paid and a plan was furnished as soon as practicable.

(8) The fee referred to in subsection (2) may be prescribed by reference to the cost of the construction or alteration of the building concerned as assessed by the Authority.

Construction  
over water  
mains  
prohibited  
without  
consent of  
Authority.

43B. (1) A person shall not, without the prior consent of the Authority, erect, construct or place any building, wall, fence or obstruction in, upon, under or within the prescribed proximity to a main or reticulation pipe of the Authority used for the purposes of water supply and then only upon and subject to such terms and conditions as the Authority thinks fit to impose for the protection of the pipe from interference or damage.

Penalty: \$2 000 and in the case of a continuing offence, a further penalty not exceeding \$200 for each day the offence continues after the Authority serves notice of the offence on the offender.

(2) The Authority may demolish and remove any building, wall, fence or obstruction which is erected, constructed or placed in contravention of subsection (1) and which interferes with or injuriously affects a pipe in the supply of water and perform any works necessary for restoring or reinstating the pipe.

(3) In addition to any penalty that may be imposed on an offender under subsection (1) the offender shall also pay to the Authority the expense incurred by it in removing any building, wall, fence or obstruction or in re-opening, restoring, repairing or reinstating a pipe pursuant to subsection (2). ”.

Section 45  
amended.

45. Section 45 of the principal Act is amended in subsection (1), by deleting “\$1 000” and substituting the following—

“ \$2 000 ”.

46. Section 46 of the principal Act is amended in subsection (1), by deleting "Penalty—Imprisonment with or without hard labour for two years." and substituting the following—

Section 46 amended.

“ Penalty: \$2 000 or imprisonment for a term of 2 years, or both. ”.

47. The heading to Division 1 of Part VI of the principal Act is amended by deleting "*Rate Books*" and substituting the following—

"*Rate Books*" amended to "*Rating Records*" in Part VI.

“ *Rating Records* ”.

48. Sections 54 and 55 of the principal Act are amended by deleting "rate books" and substituting the following—

"rate books" amended to "rating records" in Part VI.

“ rating records ”.

49. Sections 54, 55, 60, 61, 62 and 62A of the principal Act are amended by deleting "a rate book" wherever it occurs and substituting the following—

"a rate book" amended to "the rating records" in Part VI.

“ the rating records ”.

50. Sections 55, 56, 59, 63, 63A and 69 of the principal Act are amended by deleting "rate book" wherever it occurs and substituting the following—

"rate book" amended to "rating records" in Part VI.

“ rating records ”.

51. Section 47 of the principal Act is repealed.

Section 47 repealed.

52. Section 50 of the principal Act is amended—

Section 50 amended.

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) The Authority shall, for the purposes of this Act, compile rating records under section 69A of the Water Authority Act 1984. ”; and

(b) by repealing subsections (2) and (4).

Section 54  
further  
amended.

53. Section 54 of the principal Act is further amended in subsections (1) and (2), by deleting “under” and substituting the following—

“ for the purposes of ”.

Section 55  
further  
amended.

54. Section 55 of the principal Act is further amended in subsection (1), by deleting “under” and substituting the following—

“ for the purposes of ”.

Section 56  
further  
amended.

55. Section 56 of the principal Act is further amended by deleting “amendment of a” and substituting the following—

“ amendment of the ”.

Section 57  
repealed.

56. Section 57 of the principal Act is repealed.

Section 58  
amended.

57. Section 58 of the principal Act is amended—

(a) in subsections (1) and (2), by deleting “entry in a rate book” and substituting the following—

“ entry in the rating records ”;

(b) in subsection (3), by deleting “rate book” and substituting the following—

“ rating records ”; and

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(c) in subsection (7), by deleting “rate book entry” and substituting the following—

“ entry in the rating records ”.

58. Section 63A of the principal Act is further amended in subsection (1), by deleting from “to the purposes” to the end of the subsection and substituting the following—

Section 63A  
further  
amended.

“ to—

(a) the purposes for which water may be used or primarily used by owners or occupiers of holdings or parts of holdings; or

(b) the nature or quality of the water supplied to the owners or occupiers of holdings or parts of holdings,

and may classify holdings or parts of holdings by reference to one or more of the prescribed classes. ”.

59. Section 66 of the principal Act is amended—

Section 66  
amended.

(a) in subsection (1), by deleting “by entering, on a vacant page of the rate book to be left blank for the purpose, a memorandum of the order”; and

(b) in subsection (2), by deleting “occupier or owner” and substituting the following—

“ owner or occupier ”.

60. Section 70 of the principal Act is amended by inserting after “rates” the following—

Section 70  
amended.

“ and service charges in lieu of water rates ”.

Section 72 amended.

61. Section 72 of the principal Act is amended by inserting after "prescribed quantity" the following—

" , if any, ".

Section 72A inserted.

62. After section 72 of the principal Act the following section is inserted—

Interest on rates and charges.

" 72A. Where any rates, moneys due for water supplied, service charges in lieu of rates or other prescribed charges made by the Authority have remained unpaid for the period prescribed by the by-laws in relation thereto after they became due and payable the amount then unpaid shall thereafter bear interest at the rate and in the manner prescribed in the by-laws and such interest may be recovered in the same manner as rates are recoverable. "

Section 73 amended.

63. Section 73 of the principal Act is amended—

(a) by inserting after "rates" the following—

" , service charges in lieu of water rates ";

(b) by deleting "for the space of fourteen days after demand therefor in writing by the Authority" and substituting the following—

" within the time prescribed ";

(c) by deleting "occupation or ownership" and substituting the following—

" ownership or occupation "; and

(d) by deleting "occupier or owner" and substituting the following—

" owner or occupier ".

64. Section 76 of the principal Act is amended— Section 76 amended.

(a) by deleting “rate book duly produced” and substituting the following—

“ rating records verified ”;

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

“ the rating records ”; and

(c) by inserting after “this Act” the following—

“ or the Water Authority Act 1984 ”.

65. Section 77 of the principal Act is repealed and the following section is substituted— Section 77 repealed and substituted.

“ 77. (1) The amount of any rates made and levied, moneys due for water supplied, or service charges in lieu of water rates made, is payable to the Authority, by the owner of the land rated, the land in respect of which the water is supplied, or the land in respect of which the charge is made, as the case may be. Recovery of rates and charges paid by owner from occupier.

(2) The amount of the rates, moneys or service charges referred to in subsection (1) may instead in the first instance, at the option of the Authority, be recovered from the occupier of the land rated, the land in respect of which the water is supplied, or the land in respect of which the charge is made, as the case may be.

(3) Unless the Crown is the owner, any amount of such rates or service charges paid by an occupier shall, in the absence of special agreement to the contrary, be afterwards recoverable by the occupier from the owner and any receipt for rates or service charges so paid may be tendered to and shall be accepted by the owner in satisfaction, to the extent of the amount specified in the receipt, of any rent due to the owner.

(4) Any amount of such moneys due for water supplied and paid by an owner shall, in the absence of special agreement to the contrary, be deemed to be rent due and owing by the occupier to the owner in respect of the land, in addition to any other rent so due and owing, and shall be recoverable as such. ”.

Section 78  
amended.

66. Section 78 of the principal Act is amended—

(a) by deleting “occupier or owner” wherever it occurs and substituting the following—

“ owner or occupier ”; and

(b) in subsection (3), by deleting “occupation or ownership” and substituting the following—

“ ownership or occupation ”.

Section 80  
amended.

67. Section 80 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “or for water supplied by measure” and substituting the following—

“ , for water supplied by measure, for service charges in lieu of water rates or for other prescribed charges ”;

(ii) in paragraph (b), by inserting after “such” the following—

“ interest or ”; and

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(iii) in paragraph (c), by inserting after “such” the following—

“ interest or ”; and

(b) by repealing subsection (2) and substituting the following subsections—

“ (2) Any additional charge, interest or penalty imposed under this section in respect of moneys due for water rates, for water supplied by measure, for service charges in lieu of water rates or for other prescribed charges shall be payable and recoverable as though it were a water rate lawfully levied by the Authority.

(3) The Authority is authorized at discretion to waive or reduce any additional charge or interest imposed in relation to the payment of an account where the Authority is satisfied that there is proper cause so to do. ”.

68. Section 105 of the principal Act is amended in subsection (1)— Section 105 amended.

(a) by deleting paragraphs (xx) and (xxi);  
and

(b) in paragraph (xxiia)—

(i) by inserting after “charges,” the following—

“ interest, ”; and

(ii) by inserting after “rates” the following—

“ , service charges in lieu of water rates ”.

PART VI—COUNTRY TOWNS SEWERAGE ACT 1948.

Principal Act.  
Reprinted as approved 11 March 1980 and amended by Acts Nos. 63 and 104 of 1981, 14 of 1982, 16 of 1984 and 25 of 1985.

69. In this Part the Country Towns Sewerage Act 1948 is referred to as the principal Act.

Section 3 amended.

70. Section 3 of the principal Act is amended in subsection (1)—

(a) in the definition of “by-laws” by inserting after “under” the following—

“ or for the purposes of ”;

(b) in the definition of “ratepayer” by deleting “books” and substituting the following—

“ rating records ”; and

(c) by deleting the definitions of “gross rental value”, “unimproved value” and “valuation”.

Section 35 amended.

71. Section 35 of the principal Act is amended in subsection (1), by deleting “drained into” and substituting the following—

“ served by ”.

Section 38 repealed.

72. Section 38 of the principal Act is repealed.

Section 40 repealed.

73. Section 40 of the principal Act is repealed.

Section 41A inserted.

74. After section 41 of the principal Act the following section is inserted—

Notification of building or alteration.

“ 41A. (1) Subject to subsection (6), the owner or occupier of any land in a sewerage area in or on which it is proposed to construct or alter any building shall give to the

Authority the prescribed notice thereof and submit to the Authority a plan of the proposed construction or alteration, together with the prescribed fee for examining the plan and for making or modifying connections to the sewerage services provided by the Authority.

(2) The Authority shall, within 7 days after the receipt of the plan and prescribed fee, return a copy of the plan with such written directions in relation to water services as may be thought fit.

(3) If the owner or occupier of any land—

- (a) commences or causes to be commenced the construction or alteration of any building without giving the notice or without furnishing the plan referred to in subsection (1);
- (b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the building before the expiration of the 7 days mentioned in subsection (2) or before the plan has been returned by the Authority whichever is the earlier; or
- (c) fails to follow the directions given by the Authority under subsection (2),

he shall be liable to a penalty of \$2 000.

(4) Where any work has been or is being constructed or altered in contravention of subsection (1) or contrary to or not in accordance with the directions given by the Authority under subsection (2) the Authority may

by notice in writing served on the owner or occupier, as the case requires, of the land direct him within a specified time and in any specified manner to—

- (a) cease any construction or alteration being carried out;
- (b) remove, pull down, take up or alter the work or part thereof.

(5) If a person on whom a notice is served under subsection (4) fails or refuses to comply with the notice the Authority may—

- (a) in accordance with the notice, remove, pull down, take up or alter the work or the part which has been constructed or altered; and
- (b) recover the expenses of so doing from the owner or occupier of the land.

(6) This section shall not apply in a case where the Authority declares, in writing, that it is satisfied that an emergency had arisen which rendered it necessary or desirable that the building should be constructed or altered before the directions of the Authority could be obtained, and that notice was given, the fee paid and a plan was furnished as soon as practicable.

(7) The fee referred to in subsection (1) may be prescribed by reference to the cost of the construction or alteration of the building concerned as assessed by the Authority. ”.

Section 42  
amended.

75. Section 42 of the principal Act is amended—

- (a) in subsection (1), by deleting “or under” and substituting the following—

“ , under or within the prescribed proximity to ”; and

(b) in subsection (2)—

(i) by deleting “or under” and substituting the following—

“ , under or within the prescribed proximity to ”; and

(ii) by deleting “or drainage”.

76. Section 45 of the principal Act is amended by deleting “drained” and substituting the following—

Section 45 amended.

“ served ”.

77. The heading preceding section 48 of the principal Act is amended by deleting “*Rate Books*” and substituting the following—

“*Rate Books*” amended to “*Rating Records*” in Part VII.

“ *Rating Records* ”.

78. Sections 58, 59, 61, 66A and 72 of the principal Act are amended by deleting “rate book” wherever it occurs and substituting the following—

“rate book” amended to “rating records” in Part VII.

“ rating records ”.

79. Sections 63, 64, 65 and 65A of the principal Act are amended by deleting “a rate book” wherever it occurs and substituting the following—

“a rate book” amended to “the rating records” in Part VII.

“ the rating records ”.

Section 48  
repealed and  
substituted.

80. Section 48 of the principal Act is repealed and the following section is substituted—

Rating  
records.

“ 48. The Authority shall, for the purposes of this Act, compile rating records under section 69A of the Water Authority Act 1984. ”.

Section 52  
amended.

81. Section 52 of the principal Act is amended by repealing subsections (1), (2) and (4).

Section 57  
repealed and  
substituted.

82. Section 57 of the principal Act is repealed and the following section is substituted—

Rateable  
value.

“ 57. (1) Subject to subsections (2), (3) and (4) and to sections 65A and 72, the gross rental value or unimproved value set against rateable land in the rating records kept by the Authority shall be the rateable value of that land for the current year.

(2) Notwithstanding subsection (1) but subject to subsections (3) and (4), the Authority may determine in respect of a financial year that the gross rental value set against rateable land in the rating records kept by the Authority for the purposes of this Act, other than rateable land the value of which has been altered for that financial year pursuant to a general valuation under the Valuation of Land Act 1978, shall be increased by such factor as the Authority may determine and the gross rental value as so increased shall, subject to any adjustments which may be necessary by virtue of section 65A or 72, from the beginning of that year constitute the rateable value of that land for the purposes of this Act.

(3) Where the gross rental value of rateable land has been increased under subsection (2), any further increase under that subsection shall be made in relation to the rateable value as so increased.

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(4) Where any rateable land within the meaning of this Act is, at 30 June 1986, also rateable land within the meaning of the Country Areas Water Supply Act 1947 and the gross rental value set against that land in the rating records kept by the Authority for the purposes of that Act has been increased under section 54 of that Act, any increase under subsection (2) in respect of the financial year commencing on 1 July 1986 shall be made in relation to the rateable value as so increased for the financial year ending 30 June 1986. ”.

83. Section 58 of the principal Act is further amended—

Section 58  
further  
amended.

(a) in subsection (1)—

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

“ for the purposes of ”; and

(ii) by inserting after “substituting” the following—

“ for ”; and

(b) in subsection (2)—

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

“ amend the ”; and

(ii) by deleting “rate books” and substituting the following—

“ rating records ”.

84. Section 60 of the principal Act is repealed.

Section 60  
repealed.

85. Section 61 of the principal Act is further amended in subsections (1) and (2), by deleting “entry in a” and substituting the following—

Section 61  
further  
amended.

“ entry in the ”.

Section 62  
amended.

86. Section 62 of the principal Act is amended in subsection (1), by deleting “rate book entry” and substituting the following—

“ entry in the rating records ”.

Section 69  
amended.

87. Section 69 of the principal Act is amended—

(a) in subsection (1), by deleting “by entering on a vacant page of the rate book, to be left blank for the purpose a memorandum of such order,”; and

(b) in subsection (2), by deleting “occupier or owner” and substituting the following—

“ owner or occupier ”.

Section 73  
amended.

88. Section 73 of the principal Act is amended by deleting “shall be payable in advance” and substituting the following—

“ and charges for sewerage or other services shall be payable ”.

Section 73A  
amended.

89. Section 73A of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (b), by inserting after “such” the following—

“ interest or ”; and

(ii) in paragraph (c), by inserting after “such” the following—

“ interest or ”; and

(b) by repealing subsection (2) and substituting the following subsections—

“ (2) Any additional charge, interest or penalty imposed under this section in respect of moneys due for rates or charges for sewerage or other services shall be payable and recoverable as though it were a rate lawfully levied by the Authority.

(3) The Authority is authorized at discretion to waive or reduce any additional charge or interest imposed in relation to the payment of an account where the Authority is satisfied that there is proper cause so to do. ”.

90. Section 75 of the principal Act is amended— Section 75 amended.

(a) in subsection (1), by deleting “occupier” and substituting the following—

“ owner ”; and

(b) in subsection (2), by deleting “owner” and substituting the following—

“ occupier ”.

91. Section 77 of the principal Act is amended— Section 77 amended.

(a) by deleting “occupier or owner” wherever it occurs and substituting the following—

“ owner or occupier ”;

(b) in subsection (2), by deleting “occupation or ownership” and substituting the following—

“ ownership or occupation ”.

92. After section 78 of the principal Act the following section is inserted— Section 78A inserted.

“ 78A. Where any rates or charges for sewerage or other services made by the Authority have remained unpaid for the period prescribed by the by-laws in relation thereto after the same became due and payable, the amount then unpaid shall thereafter bear interest at the rate and in the manner prescribed in the by-laws and such interest may be recovered in the same manner as rates are recoverable. ”. Rates and charges to carry interest.

Section 80 amended.

93. Section 80 of the principal Act is amended—

(a) by deleting “rate book produced” and substituting the following—

“ rating records verified ”;

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

“ the rating records ”; and

(c) by inserting after “this Act” the following—

“ or the Water Authority Act 1984 ”.

Section 102 amended.

94. Section 102 of the principal Act is amended by—

(a) deleting paragraphs (20) and (22); and

(b) in paragraph (22a), by inserting after “charges,” the following—

“ interest, ”.

First Schedule deleted.

95. The First Schedule to the principal Act is deleted.

Various penalties increased.

96. The principal Act is amended by deleting in the provisions referred to in column 1 hereunder the penalties respectively set out in column 2 and substituting in each case the corresponding penalty set out in column 3.

<i>Column 1. Provision.</i>	<i>Column 2. Deleted penalty.</i>	<i>Column 3. New penalty.</i>
section 32	“\$200”	“\$2 000”
section 33	“\$200”	“\$1 000”
section 33	“\$50”	“\$100”
section 34	“\$1 000”	“\$2 000”
section 39 (1)	“\$200”	“\$1 000”
section 42 (2)	“\$500”	“\$2 000”
section 42 (2)	“\$100”	“\$200”
section 43	“\$200”	“\$1 500”
section 44	“\$200”	“\$1 000” .

PART VII—LAND DRAINAGE ACT 1925.

97. In this Part the Land Drainage Act 1925 is referred to as the principal Act.

Principal Act.  
Reprinted as approved in Vol. 21 of Reprinted Acts 22 May 1967 and amended by Acts Nos. 73 of 1972, 14 of 1977, 38 and 76 of 1978, 63 of 1981, 41 of 1983 and 25 of 1985.

98. Section 72 of the principal Act is amended in paragraph (1)—

Section 72 amended.

(a) by inserting after “Land” the following—

“ , from time to time, ”; and

(b) by deleting “for any year”.

99. Section 85 of the principal Act is amended by deleting “rate-books” and substituting the following—

“rate-books” amended to “rating records” in Part VII.

“ rating records ”.

100. Sections 81A, 85, 91, 93, 94, 97, 99A, 99B, 99D, 99E and 100 of the principal Act are amended by deleting “rate-book” or “ratebook” wherever either term occurs and substituting the following—

“rate-book” and “ratebook” amended to “rating records” in Part VII.

“ rating records ”.

101. Section 81 of the principal Act is repealed and the following section is substituted—

Section 81 repealed and substituted.

“ 81. The Authority shall, for the purposes of this Act, compile rating records under section 69A of the Water Authority Act 1984. ”.

Rating records.

102. Sections 82, 83 and 84 of the principal Act are repealed.

Sections 82, 83 and 84 repealed.

Section 89  
amended.

103. Section 89 of the principal Act is amended—

- (a) in paragraph (a) of subsection (3)—
  - (i) by inserting after “the grading” the following—  
“ or gradings ”; and
  - (ii) by inserting after “that grading” the following—  
“ or those gradings ”;
- (b) in subsection (4), by inserting after “grading” the following—  
“ or gradings ”; and
- (c) in subsection (5), by inserting after “grading” the following—  
“ or gradings ”.

Section 90A  
amended.

104. Section 90A of the principal Act is amended in subsection (1), by deleting “it” and substituting the following—

“ he ”.

Section 91  
further  
amended.

105. Section 91 of the principal Act is further amended in subsection (1), by deleting “(but without obliterating existing entries)”.

Section 92  
amended.

106. Section 92 of the principal Act is amended—

- (a) in subsection (1), by deleting “by entering, on a vacant page of the rate-book to be left blank for the purpose, a memorandum of the order”; and
  - (b) in subsection (2)—
    - (i) by inserting after “notice shall” the following—  
“ , subject to any by-law as to the time and mode of payment, ”;
- and

- (ii) by deleting “from the date of service of the notice of assessment pursuant to section 93” and substituting the following—

“ after demand therefor in writing by the Authority ”.

107. Section 93 of the principal Act is further amended in subsection (1)— Section 93 further amended.

- (a) by deleting “in the prescribed form”; and  
(b) by deleting “every owner” and substituting the following—

“ the owner or occupier ”.

108. Section 98 of the principal Act is amended— Section 98 amended.

- (a) in subsection (1), by deleting “rate-book” and substituting the following—

“ rating records ”; and

- (b) in subsection (6), by deleting “rate book entry” and substituting the following—

“ entry in the rating records ”.

109. Section 99 of the principal Act is amended in subsection (1), by deleting “rate-book entry” and substituting the following— Section 99 amended.

“ entry in the rating records ”.

110. Section 99C of the principal Act is amended by deleting “a rate-book” and substituting the following— Section 99C amended.

“ the rating records ”.

111. Section 100 of the principal Act is further amended— Section 100 further amended.

- (a) by inserting after the section designation “100” the subsection designation “(1)”; and

(b) by inserting the following subsections—

“ (2) The amount of the rates referred to in subsection (1) may instead in the first instance, at the option of the Authority, be recovered from the occupier of the land rated.

(3) Unless the Crown is the owner, any amount of such rates paid by an occupier shall, in the absence of special agreement to the contrary, be afterwards recoverable by the occupier from the owner and any receipt for rates so paid may be tendered to and shall be accepted by the owner in satisfaction, to the extent of the amount specified in the receipt, of any rent due to the owner. ”.

Sections 100A  
and 100B  
inserted.

112. After section 100 of the principal Act the following sections are inserted—

Payment of  
rates.

“ 100A. Drainage rates shall be payable in accordance with the by-laws.

Interest on  
rates.

100B. Where any rates imposed by the Authority under this Act have remained unpaid for the period prescribed by the by-laws in relation thereto after they became due and payable the amount then unpaid shall thereafter bear interest at the rate and in the manner prescribed in the by-laws and such interest may be recovered in the same manner as rates are recoverable. ”.

Section 103  
amended.

113. Section 103 of the principal Act is amended—

(a) by inserting after “owners” where it twice occurs the following—

“ or occupiers ”; and

(b) by inserting after “owner” the following—

“ or occupier ”.

114. Section 105 of the principal Act is amended— Section 105 amended.

(a) in subsection (1)—

(i) in paragraph (b), by inserting after “such” the following—

“ interest or ”; and

(ii) in paragraph (c), by inserting after “such” the following—

“ interest or ”; and

(b) by repealing subsection (2) and substituting the following subsections—

“ (2) Any additional charge, interest or penalty imposed under this section in respect of moneys due for drainage rates, shall be payable and recoverable as though it were a drainage rate lawfully levied by the Authority.

(3) The Authority is authorized at discretion to waive or reduce any additional charge or interest imposed in relation to the payment of an account where the Authority is satisfied that there is proper cause so to do. ”.

115. Section 108 of the principal Act is amended in subsection (1)— Section 108 amended.

(a) by deleting “rate-book, produced” and substituting the following—

“ rating records verified ”;

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

“ the rating records ”; and

(c) by inserting after “of this Act” the following—

“ or the Water Authority Act 1984 ”.

Heading to Division 6 of Part VII repealed.

116. The heading to Division 6 of Part VII of the principal Act is repealed.

Section 148 amended.

117. Section 148 of the principal Act is amended in paragraph (1), by inserting after "charges," the following—

" interest ".

Various penalties increased.

118. The principal Act is amended by deleting in the provisions referred to in column 1 hereunder the penalties respectively set out in column 2 and substituting in each case the corresponding penalty set out in column 3.

<i>Column 1. Provision</i>	<i>Column 2. Deleted penalty.</i>	<i>Column 3. New penalty.</i>
section 64 (12)	"Fifty dollars"	"\$100"
section 71 (1)	"Five hundred dollars"	"\$1 000"
section 152	"two hundred dollars"	"\$500"
section 153	"two hundred dollars"	"\$500"
section 154	"two hundred dollars"	"\$500"
section 155	"one thousand dollars"	"\$2 000"
section 157	"two hundred dollars"	"\$2 000"

PART VIII—RIGHTS IN WATER AND IRRIGATION ACT 1914.

Principal Act.  
Reprinted as approved 12 August 1974 and amended by Acts Nos. 48 of 1974, 100 of 1976, 76 and 98 of 1978, 63 of 1981, 119 of 1984 and 25 of 1985.

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

Section 12 amended.

120. Section 12 of the principal Act is amended in subsection (7), by deleting "he" and substituting the following—

" it ".

Section 16 amended.

121. Section 16 of the principal Act is amended in subsection (2), by deleting "as the Authority may, with the approval of the Minister," and substituting the following—

" as the Authority may ".

122. Section 17 of the principal Act is amended in subsection (7), by deleting "he" and substituting the following—

Section 17 amended.

" the Authority ".

123. Sections 39D, 39E, 39G and 39 I of the principal Act are amended by deleting "a rate book" wherever it occurs and substituting the following—

"a rate book" amended to "the rating records" in Part VII.

" the rating records ".

124. Section 39C of the principal Act is amended—

Section 39C amended.

(a) by repealing subsection (1) and substituting the following subsection—

" (1) The Authority shall, for the purposes of this Act, compile rating records under section 69A of the Water Authority Act 1984 and shall enter therein all rateable land which is irrigable land. "; and

(b) by repealing subsections (2) and (4).

125. Section 39D of the principal Act is amended—

Section 39D amended.

(a) by deleting "rate book" wherever it occurs and substituting the following—

" rating records ";

(b) in subsection (3), by deleting "amendment of a" and substituting the following—

" amendment of the " ; and

(c) by repealing subsection (4).

Section 39E  
further  
amended.

126. Section 39E of the principal Act is further amended—

(a) in subsection (3), by deleting “rate book” and substituting the following—

“ rating records ”; and

(b) in subsection (7), by deleting “rate book entry” and substituting the following—

“ entry in the rating records ”.

Section 39F  
amended.

127. Section 39F of the principal Act is amended in subsection (1), by deleting “rate book entry” and substituting the following—

“ entry in the rating records ”.

Section 40B  
amended.

128. Section 40B of the principal Act is amended in subsection (1), by deleting “by entering, on a vacant page of the rate-book to be left blank for the purpose, a memorandum of the order”.

Section 40C  
amended.

129. Section 40C of the principal Act is amended—

(a) by deleting “and 80” and substituting the following—

“ , 72A and 80 ”;

(b) by deleting “and” after paragraph (a);

(c) in paragraph (b), by deleting “Act.” and substituting the following—

“ Act; and ”; and

(d) by inserting after paragraph (b) the following paragraph—

“ (c) prescribed charges imposed under this Act. ”.

1985.]            *Acts Amendment (Water Authorities)*            [No. 110.]

130. Section 41 of the principal Act is repealed and the following section is substituted—

Section 41  
repealed and  
substituted.

“ 41. (1) A ratepayer shall, as far as is practicable, and subject to the provisions of this Act, be entitled to receive from the Authority such quantity of water, if any, for irrigation of the land rated as may be determined from time to time by the Authority.

Supply of  
water for  
irrigation.

(2) Notice of a determination of the Authority under subsection (1) shall be published in a newspaper circulating in the irrigation district to which the determination relates.

(3) Water supplied by the Authority under subsection (1) shall be supplied at such times, in such quantities, at such charges and on such conditions as may be prescribed by by-law. ”.

131. Section 42AA of the principal Act is amended—

Section 42AA  
amended.

(a) in subsection (1)—

(i) by deleting “or for water supplied” and substituting the following—

“ , for water supplied or for prescribed charges ”;

(ii) in paragraph (b), by inserting after “such” the following—

“ interest or ”; and

(iii) in paragraph (c), by inserting after “such” the following—

“ interest or ”; and

(b) by repealing subsection (2) and substituting the following subsections—

“ (2) Any additional charge, interest or penalty imposed under this section in respect of moneys due for irrigation rates, for water supplied by measure or for prescribed charges shall be payable and recoverable as though it were an irrigation rate lawfully levied by the Authority.

(3) The Authority is authorized at discretion to waive or reduce any additional charge or interest imposed in relation to the payment of an account where the Authority is satisfied that there is proper cause so to do. ”.

Section 42AB inserted.

132. After section 42AA of the principal Act the following section is inserted—

Rates and charges.

“ 42AB. Where any rates, moneys due for water supplied or prescribed charges made by the Authority have remained unpaid for the period prescribed by the by-laws in relation thereto after they became due and payable the amount then unpaid shall thereafter bear interest at the rate and in the manner prescribed in the by-laws and such interest may be recovered in the same manner as rates are recoverable. ”.

Section 59 amended.

133. Section 59 of the principal Act is amended in subsection (1)—

(a) by repealing paragraph (6); and

(b) in paragraph (7b)—

(i) by inserting after “charges,” the following—

“ interest ”; and

- (ii) by deleting “water rates” and substituting the following—  
“ irrigation rates ”.

134. After section 79A of the principal Act the following section is inserted—

Section 80 inserted.

“ 80. (1) The Minister shall carry out a review of the operations of the Commissioners appointed under section 4 as soon as practicable after 1 January 1991 and every fifth anniversary of that date and in the course of such review the Minister shall consider and have regard to—

Review of Commissioners' role.

- (a) the effectiveness of the Commissioners;
- (b) the need for the continuation of the functions of the Commissioners; and
- (c) such other matters as appear to him to be relevant.

(2) The Minister shall prepare a report based on his review under subsection (1) and shall, as soon as practicable after its preparation, cause the report to be laid before each House or Parliament. ”.

#### PART IX—WATER BOARDS ACT 1904.

135. In this Part the Water Boards Act 1904 is referred to as the principal Act.

Principal Act.  
Reprinted as approved 18 August 1971 and amended by Acts Nos. 94 of 1972 (as amended by Act No. 19 of 1973), 51, 76 and 97 of 1978, 44 of 1979, 63 of 1981, 14 of 1982 and 25 of 1985.

136. Section 3 of the principal Act is amended in subsection (1) in the definition of “ratepayer” by deleting “books” and substituting the following—

Section 3 amended.

“ records ”.

Section 36  
amended.

137. Section 36 of the principal Act is amended in subsection (2)—

(a) by deleting “an irrigation board constituted under” and substituting the following—

“ the Authority in the exercise of its powers and functions under ”;

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

“ the water board concerned and the Authority ”; and

(c) by deleting “right of the irrigation board” and substituting the following—

“ right of the Authority ”.

Section 55  
amended.

138. Section 55 of the principal Act is amended by inserting after “of water” the following—

“ , if any, ”.

Section 63  
amended.

139. Section 63 of the principal Act is amended by inserting after subsection (12) the following subsections—

“ (13) A local authority or any person authorized in that behalf by a local authority may, for the purpose of extinguishing any fire, or for the purpose of drills, competitions, and practice conducted under the authority of the local authority, take water free of charge from a fire hydrant that is in the district of the local authority elsewhere than in a fire district.

(14) Subsection (13) does not affect any right conferred by section 61 of the Fire Brigades Act.

(15) Notwithstanding that the property in a fire hydrant is, under subsection (10), vested in the Board or a local authority, the Water Board may, in writing, permit a person to take water from a fire hydrant subject to such conditions as the Water Board specifies in the permit but shall, upon request, provide to the Board or the local authority, as the case may be, in which the property in the fire hydrant is vested particulars of the person to whom, and conditions subject to which, any such permit has been given.

(16) A person shall not take water from a fire hydrant unless—

- (a) he is authorized so to do by section 61 of the Fire Brigades Act or subsection (13); or
- (b) he takes the water pursuant to and in accordance with the conditions specified in a permit given under subsection (15).

Penalty: \$1 000. ”.

140. Section 75 of the principal Act is amended by deleting “misdemeanour, and liable to imprisonment, with or without hard labour, for any term not exceeding two years.” and substituting the following—

Section 75  
amended.

“ misdemeanour.

Penalty: \$2 000 or imprisonment for a term of 2 years, or both. ”.

141. Sections 80 and 81 of the principal Act are amended by deleting “rate books” and substituting the following—

“rate books”  
amended to  
“rating  
records” in  
Part VI.

“ rating records ”.

"rate book"  
amended to  
"rating  
records" in  
Part VI.

142. The sub-heading preceding section 76A and sections 82, 83, 84, 85, 92, 93A and 105 of the principal Act are amended by deleting "rate book" and substituting the following—

" rating records ".

"a rate book"  
amended to  
"the rating  
records" in  
Part VI.

143. Sections 89, 90, 91 and 91A of the principal Act are amended by deleting "a rate book" wherever it occurs and substituting—

" the rating records ".

Section 77  
amended.

144. Section 77 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

" (1) A Water Board shall, for the purposes of this Act, compile, from time to time amend, and maintain rating records in respect of all rateable land showing—

- (a) the description and situation of the land rated;
- (b) the name and address of the owner and the person rated;
- (c) the assessment number;
- (d) the gross rental value, the unimproved value or the area of the land, as the case requires;
- (e) the amount payable in respect of rates that is levied for the current rating year of that Water Board;
- (f) the class of the land; and
- (g) such other information as is prescribed or the Water Board requires. ";

1985.]            *Acts Amendment (Water Authorities)*.            [No. 110.

- (b) in subsection (2), by deleting “rate book” and substituting the following—
  - “ rating records ”; and
- (c) by repealing subsection (3).

145. Section 79 of the principal Act is repealed and the following section is substituted—

Section 79 repealed and substituted.

- “ 79. The rating record for any rateable land shall at all reasonable times be made available for inspection by any ratepayer without payment, and a Water Board shall, on request by any person who satisfies the Water Board that he has a material interest in any portion of the records, furnish a copy of that portion of the records to that person. ”.

Inspection of rating records.

146. Section 86 of the principal Act is repealed.

Section 86 repealed.

147. Section 87 of the principal Act is amended—

Section 87 amended.

- (a) in subsections (1), (2) and (3), by deleting “rate book” or “ratebook” wherever either term occurs and substituting the following—
  - “ rating records ”; and
- (b) in subsection (7), by deleting “rate book entry” and substituting the following—
  - “ entry in the rating records ”.

148. Section 88 of the principal Act is amended in subsection (1), by deleting “rate book entry” and substituting the following—

Section 88 amended.

- “ entry in the rating records ”.

149. Section 92 of the principal Act is further amended in subsection (4), by deleting “area prescribed” and substituting the following—

Section 92 further amended.

- “ area prescribe ”.

Section 94  
amended.

150. Section 94 of the principal Act is amended in subsection (1), by deleting “, on a vacant page of the rate book, to be left blank for the purpose, enter a memorandum of such order, and shall sign the same, and”.

Section 99  
amended.

151. Section 99 of the principal Act is amended by inserting after “prescribed quantity” the following—

“ , if any, ”.

Section 135  
amended.

152. Section 135 of the principal Act is amended by inserting after “thereof, and” the following—

“ if ”.

Section 143  
inserted.

153. After section 142 of the principal Act the following section is inserted—

Regulations.

“ 143. (1) The Governor may make regulations under or for the purposes of this Act prescribing all matters as are required or permitted to be prescribed or as may be necessary or convenient to be prescribed for the purposes of this Act or to facilitate the operations of Water Boards.

(2) Regulations made under or for the purposes of this Act may prescribe penalties not exceeding \$2 000 in respect of any contravention of any of the regulations. ”.

Section 162  
inserted.

154. After section 161 of the principal Act the following heading and Part are inserted—

“ PART XI—INFRINGEMENT NOTICES.

Infringement  
notices.

162. (1) In this section—

“alleged offence”, in relation to an infringement notice, means offence to which the infringement notice relates;

“alleged offender”, in relation to an infringement notice, means the person to whom the infringement notice is given;

“authorized person” means a person authorized under subsection (10) to give infringement notices;

“designated person” means a person designated, or of a class designated, under subsection (10);

“infringement notice” means a notice given under subsection (2);

“modified penalty”, in respect of an offence to which an infringement notice relates, means the amount of money specified in the notice as being the modified penalty for that offence;

“prescribed” means prescribed by the regulations;

“prescribed person” means a person whom the regulations prescribe to be a prescribed person for the purposes of this section.

(2) An authorized person who has reason to believe that a person has committed an offence against this Act that is prescribed to be an offence that may be dealt with under this section may give to that person a notice in the prescribed form informing him that if he does not wish to have a complaint of the alleged offence heard and determined by a court he may, within a period of 21 days after the giving of the notice, pay to a person specified in the notice, other than the person giving the notice, the amount of money specified in the notice as being the modified penalty for that offence.

(3) In an infringement notice—

- (a) the amount of money specified as being the modified penalty for an offence to which the infringement notice relates shall be the amount that is, when the infringement notice is given, for the time being prescribed to apply in respect of the offence if it is dealt with under this section; and
- (b) the persons specified as being persons to whom the modified penalty may be paid shall be designated persons.

(4) An infringement notice may be given to an alleged offender personally at or about the time the alleged offence is believed to have been committed or, where the offence is one that is committed by the owner or occupier of land in relation to which the offence is committed, by posting it to him at his address as shown in rating records kept under this Act.

(5) A person to whom an infringement notice is given may decline to be dealt with under this section and, if the modified penalty is not paid within the period specified in the notice or within such further time as may, whether before or after the expiry of that period, be allowed by a prescribed person, is deemed to have declined to be so dealt with.

(6) A prescribed person may, whether or not the modified penalty has been paid, withdraw an infringement notice, other than an infringement notice given by that person, at any time within a period of 28 days after it was given by sending to the alleged offender a notice in the prescribed form, signed by the prescribed person, advising the alleged offender that the infringement notice has been withdrawn.

(7) Any amount paid by way of modified penalty pursuant to an infringement notice that has been withdrawn under subsection (6) shall be refunded.

(8) Where, pursuant to an infringement notice, the modified penalty has been paid in accordance with the notice within the period specified therein or within such further time as is allowed and the infringement notice has not been withdrawn under subsection (6), no proceedings shall be brought or penalty shall be imposed that could not be brought or imposed if the person to whom the infringement notice was given had been convicted by a court of, and punished for, the alleged offence.

(9) The amount of any modified penalty paid pursuant to an infringement notice shall, subject to subsection (7), be dealt with as if it were a penalty imposed summarily under the Justices Act 1902.

(10) A Water Board may—

- (a) by resolution, authorize persons, or classes of persons, who are officers of the Water Board to give infringement notices; and
- (b) by notice published in the *Government Gazette*, designate the persons, or classes of persons, to whom payment may be made of any modified penalty,

and may, in like manner, revoke any such authorization or notice.

(11) A Water Board shall issue to each authorized person a certificate in the prescribed form which that person shall produce whenever required to do so by a person to whom he has given or is about to give an infringement notice. ”.

First  
Schedule  
deleted.

155. The First Schedule to the principal Act is deleted.

Various  
penalties  
increased.

156. The principal Act is amended by deleting in the provisions referred to in column 1 hereunder the penalties respectively set out in column 2 and substituting in each case the corresponding penalty set out in column 3.

<i>Column 1. Provision.</i>	<i>Column 2. Deleted penalty.</i>	<i>Column 3. New penalty.</i>
section 10 (4)	"one hundred dollars"	"\$1 000"
section 20	"one hundred dollars"	"\$1 000"
section 28	"ten dollars"	"\$100"
section 33	"two hundred dollars"	"\$2 000"
section 38	"ten dollars"	"\$100"
section 51	"one hundred dollars"	"\$1 000"
section 71	"one hundred dollars"	"\$2 000"
section 72	"twenty dollars"	"\$1 000"
section 73	"one hundred dollars"	"\$2 000"
section 74	"one hundred dollars"	"\$1 500"
section 82	"forty dollars"	"\$500"
section 130	"ten dollars"	"\$100"
section 142 (1)	"forty dollars"	"\$2 000"
section 142 (1)	"ten dollars"	"\$200"
section 151	"forty dollars"	"\$500"
section 152	"four hundred dollars"	"\$4 000"

PART X—PARLIAMENTARY COMMISSIONER  
ACT 1971.

Principal  
Act.  
Reprinted as  
approved  
19 July 1983  
and amended  
by Act No.  
124 of 1984.

157. In this Part the Parliamentary Commissioner Act 1971 is referred to as the principal Act.

Schedule  
amended.

158. The Schedule to the principal Act is amended—

- (a) by deleting "Benger Drainage Board constituted under the Land Drainage Act 1925.";
- (b) by deleting "Metropolitan Water Authority preserved and continued by the Metropolitan Water Authority Act 1982."; and

1985.]            *Acts Amendment (Water Authorities)*.            [No. 110.

- (c) by inserting after “University of Western Australia established under the University of Western Australia Act 1911.” the following—

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

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