### WESTERN AUSTRALIA.

# ACTS AMENDMENT AND REPEAL (WATER AUTHORITIES) ACT 1985.

(No. 25 of 1985.)

# ARRANGEMENT.

## PART I-PRELIMINARY.

# Section.

- 1. Short title.
- 2. Commencement.

### PART II-WATER AUTHORITY ACT 1984.

- 3. Principal Act.
- 4. Section 3 amended.
- 5. Section 5 amended.
- Section 6 amended.
- 7. Section 7 amended.
- 8. Section 26 amended.
- 9. Section 33 amended.
- 10. Section 34 amended.
- 11. Section 36 amended.
- 12. Section 39 amended.
- 13. Section 40 amended.
- 14. Section 62 amended.
- 15. Part IV added.

  PART IV—AGREEMENTS RELATING TO WORKS AND WATER SERVICES.
- 16. Part V added.

  PART V—ACCESS TO LAND AND INFORMATION FOR RATING PURPOSES.
- 17. Part VI added.
  PART VI—ENTRY ONTO LAND BY THE AUTHORITY.
- 18. Part VII added.

  PART VII—ACQUISITION OF LAND OR INTERESTS IN LAND BY
  THE AUTHORITY.
- Part VIII added.
   PART VIII—WORKS.

20. Part IX added.

PART IX-INFRINGEMENT NOTICES.

# PART III—WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT 1912.

- 21. Principal Act.
- 22. Long title amended.
- 23. Sections 3, 6, 7, 10, 12, 13, 14, 18 and 19 repealed.
- 24. Section 2 amended.
- 25. Section 4 amended.
- 26. Section 8 amended.
- 27. Consequential repeals.

### PART IV-METROPOLITAN WATER AUTHORITY ACT 1982.

- 28. Principal Act.
- 29. Long title amended.
- 30. Section 3 repealed.
- 31. Section 4 amended.
- 32. Section 5 amended.
- 33. Section 6 repealed.
- 34. Section 7 repealed.
- 35. Divisional headings of Part II deleted.
- 36. Section 8 amended.
- 37. Section 9 repealed.
- 38. Section 10 amended.
- 39. Sections 11 to 17 repealed.
- 40. Section 18 amended.
- 41. Section 19 amended.
- 42. Sections 20 to 27 repealed.
- 43. Section 28 amended.
- 44. Sections 29 to 34 repealed.
- 45. Part III repealed.
- 46. Section 42 repealed.
- 47. Part V repealed.
- 48. Part VI repealed.
- 49. Part VII repealed.
- 50. Part VIII repealed.
- 51. Part X repealed.

# PART V-METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT 1909.

- 52. Principal Act.
- 53. Section 3 repealed.
- 54. Section 4 amended.
- 55. Section 5 amended.
- 56. Section 8 amended.
- 57. "Board" amended to "Authority" in Part IV.
- 58. "Board" amended to "Authority" in Part V.
- 59. "Board" amended to "Authority" in Part VI other than section 45.
- 60. Section 40A further amended.
- 61. Section 41 further amended.
- 62. Section 45 amended.
- 63. Section 55 further amended.
- 64. Section 56 further amended.
- 65. "Board" amended to "Authority" in Part VII.

- 66. Section 90A amended.
- Sections 103 and 107 amended.
- 68. Sections 109 and 110 amended.
- 69. Section 113 amended.
- 70. Section 115 amended.
- 71. Section 118 amended.
- 72. Section 124A amended.
- 73. Section 126 repealed.
- 74. Section 146 amended.
- 75. Section 146A amended. 76. Section 147 repealed.
- 77. Section 147A amended.
- 78. Section 148A repealed.
- 79. Sections 153 and 154 amended.
- 80. Sections 155 and 157 amended.
- 81. Sections 156, 158, 158A, 159, 160 and 165 amended.
- 82. Schedules amended.
- 83. Consequential repeal.

### PART VI—COUNTRY AREAS WATER SUPPLY ACT 1947.

- 84. Principal Act.
- 85. Section 3 repealed.
- 86. Section 5 amended.
- 87. Section 7 amended.
- "Minister" amended to "Authority" in Part II. 88.
- 89. Sections 12B, 12BA, 12C and 12D amended.
- 90. Section 12BA further amended.
- 91. Section 12BD amended.
- 92. Section 12BE amended.
- 93. Section 12C further amended.
- 94. Section 12E amended. 95.
- Section 12EB amended.
- Section 12ED amended. 96.
- 97. Section 12EE amended. 98. Section 12G amended.
- 99. Section 13 amended.
- 100. Section 14 amended.
- 101. Sections 15, 16, 17, 18 and 18A repealed.
- 102. Section 19 amended.
- 103. Sections 20 to 25 repealed.
- "Minister" amended to "Authority" in Part V. 104.
- Section 28 further amended. 105.
- 106. Section 30 further amended.
- 107. Section 32 further amended.
- 108. Section 34 repealed.
- 109. Sections 35 further amended.
- 110. Sections 35A to 35C repealed.
- 111. Section 38 further amended.
- 112. Section 39A further amended.
- 113. Section 40 amended.
- 114. Section 45 further amended.
- "Minister" amended to "Authority" in Part VI. 115.
- 116. Section 47 further amended.
- 117. Section 49 amended.
- 118. Section 50 further amended.
- 119. Sections 51 and 52 repealed.

- 120. Section 53 repealed.
- 121. Section 54 further amended.
- 122. Section 55 further amended.
- 123. Section 58 further amended.
- 124. Section 60 further amended.
- 125. Section 63 further amended.
- 126. Section 63A further amended.
- 127. Section 64 amended.
- 128. Section 65 amended.
- 129. Section 66 amended.
- 130. Section 68 repealed.
- 131. Section 69 further amended.
- 132. "Minister" amended to "Authority" in Part VII.
- 133. Section 71 amended.
- 134. Section 73 further amended.
- 135. Section 76 amended.
- 136. Section 85 further amended.
- 137. Section 86 further amended.
- 138. Section 87 further amended.
- 139. Section 91 amended.
- 140. Section 94 further amended.
- 141. Section 96 amended.
- 142. Section 97 amended.
- 143. Section 99 amended.
- 144. Section 100 amended.
- 145. Section 102 amended.
- 146. Section 105 amended.
- 147. Sections 106 and 107 repealed.
- 148. "Minister" amended to "Authority" in Part IX.
- 149. Section 110 repealed,
- 150. Section 112 amended.
- 151. Section 114 further amended.
- 152. Section 115 further amended.
- 153. Sections 118 and 119 repealed,
- 154. Section 120 amended.
- 155. Section 121 amended.
- 156. Consequential repeals.

# PART VII-COUNTRY TOWNS SEWERAGE ACT 1948.

- 157. Principal Act.
- 158. Long title amended.
- 159. Section 2 repealed.
- 160. Section 3 amended.
- 161. Section 5 amended.
- 162. Sections 6, 7 and 8 repealed.
- 163. Section 10 repealed.
- 164. Section 11 amended.
- 165. Sections 12 to 22 repealed.
- 166. "Minister" amended to "Authority" and "drain" amended to "property sewer" in Part IV.
- 167. Section 23 further amended.
- 168. Section 23A amended.
- 169. Section 24 further amended.
- 170. Section 26 repealed.
- 171. "Minister" amended to "Authority" in Part V.
- 172. "Drain" amended to "property sewer" in Part V.

- 173. Section 32 further amended.
- 174. Heading to Part VI substituted.
- 175. "Minister" amended to "Authority" in Part VI.
- 176. "Drain" amended to "property sewer" in Part VI.
- 177. "Drains" amended to "property sewers" in Part VI.
- 178. Sections 36 and 38 further amended.
- 179. Section 40 further amended.
- 180. Section 46 further amended.
- 181. Sections 46A, 46B and 46C repealed.
- 182. "Minister" amended to "Authority" in Part VII.
- 183. Section 52 further amended.
- 184. Sections 53, 54 and 55 repealed.
- 185. Section 56 repealed.
- 186. Section 58 further amended.
- 187. Section 61 further amended.
- 188. Section 66 further amended.
- 189. Section 66A further amended.
- 190. Section 67 amended.
- 191. Section 68 amended.
- 192. Section 69 amended.
- 193. Section 70 amended.
- 194. Section 71 repealed.
- 195. Section 72 further amended.
- 196. Section 72A amended.197. Section 72B amended.
- 197. Section 72B amended.
- 198. Section 80 amended.
- 199. Section 85 amended.
- 200. Section 88 further amended.
- 201. Section 90 amended.
- 202. Section 91 amended.
- 203. Section 94 amended.204. Section 96 amended.
- 205. Part VIII repealed.
- 206. Section 102 amended.
- 207. Section 103 repealed.
- 208. "Minister" amended to "Authority" in Part X.
- 209. Section 107 repealed.
- 210. Section 110 amended.
- 211. Section 112 further amended.
- 212. Section 113 further amended.
- 213. Sections 116 and 117 repealed.
- 214. Section 118 amended.
- 215. Section 119 amended.
- 216. Consequential repeals.

# PART VIII-LAND DRAINAGE ACT 1925.

- 217. Principal Act.
- 218. Long title amended.
- 219. Sections 2 to 5 repealed.
- 220. Section 6 amended.
- 221. Section 7 substituted.
- 222. Section 8 repealed.
- 223. Section 9 amended.
- 224. Section 10 repealed.
- 225. Section 14 substituted.
- 226. Part IV repealed.

# Section. 227.

- Section 60 substituted.
- 228. Sections 61 to 63 repealed.
- 229. Section 64 amended.
- 230. Section 65 repealed.
- 231. Section 65A amended.
- 232. Sections 66 to 69 repealed. 233.Section 70 amended.
- 234. Section 71 amended.
- "Board" amended to "Authority" in Part VII. 235.
- 236. Section 73 amended.
- 237. Section 81 further amended.
- 238. Section 84 further amended.
- 239. Section 85 further amended.
- 240. Sections 86 and 87 repealed. 241. Section 88 amended.
- 242 Section 89 further amended.
- 243. Section 90 amended.
- 244. Section 90A amended,
- Section 91 further amended. 245.
- Section 92 substituted. 246.
- 247. Section 95 further amended.
- 248. Section 98 further amended. 249. Section 100 further amended.
- 250. Section 104 further amended.
- Section 105 substituted. 252. Sections 106 and 107 repealed.
- 253. Section 108 amended.

251.

- 254. Section 110 repealed.
- 255. Section 113 substituted and section 114 repealed.
- 256. Sections 114A and 114B repealed.
- 257. Part VIII repealed.
- 258. Part IX repealed.
- 259. Section 148 amended.
- 260. Sections 149, 150 and 151 repealed.
- 261. "Board" amended to "Authority" in Part XI.
- 262. Section 152 amended.
- 263. Sections 156, 157 and 158 amended.
- 264. Section 159 repealed.
- 265. Section 161 amended.
- 266. Section 162 further amended,
- 267. Sections 164 and 164A repealed.
- Section 167 further amended. 268.
- 269. Sections 169 and 170 repealed.
- 270. Section 172 repealed.
- Section 173 amended. 271.
- Sections 174, 175 and 176 repealed. 272.
- 273. The Schedule repealed.

# PART IX-RIGHTS IN WATER AND IRRIGATION ACT 1914.

- 274. Principal Act.
- Section 2 amended. 275.
- 276. Section 3 amended.
- 277. Section 4 amended.
- 278. Section 5 repealed.
- "Minister" amended to "Authority" in Part III. 279.
- 280. Section 12 further amended.

- 281. Section 16 further amended.
- 282. Section 22 further amended.
- 283. Section 25 further amended.
- 284. Section 26D amended.
- 285. Section 26G further amended.
- 286. Section 26H amended.
- 287. Section 26J further amended.
- 288. Section 27 further amended.
- 289. "Minister" amended to "Authority" in Part IIIA.
- 290. Section 27A further amended.
- 291. Section 27F amended.
- 292. Section 27H amended.
- 293. Section 30 substituted.
- 294. Sections 31 and 32 repealed.
- 295. Section 33 substituted.
- 296. Section 34 repealed.
- 297. Section 35 amended.
- 298. Section 36 amended.
- 299. Section 37 amended.
- 300. Section 38 amended.
- 301. Heading to Part VII amended.
- 302. "Minister" amended to "Authority" in Part VII.
- 303. "Board" amended to "Authority" in Part VII.
- 304. Sections 39B, 39C, 39D, 39E, 39F, 39G, 39H and 39I inserted.
- 305. Section 40 amended.
- 306. Sections 40A, 40B and 40C inserted.
- 307. Section 41 amended.
- 308. Section 42 further amended.
- 309. Section 42A further amended.
- 310. Section 42AA amended.
- 311. Section 45 amended.
- \$12. Part VIII repealed.
- 313. Part IX repealed.
- 314. Section 59 amended.
- 315. Section 60 repealed.
- 316. "Board" amended to "Authority" in Part XI.
- 317. Section 62 amended.
- 318. Section 63 amended.
- 319. Section 65 repealed.
- 320. Section 66 further amended.
- 321. Section 68 repealed.
- 322. Section 70 amended.
- 323. Section 73 further amended.
- 324. Section 74 amended.
- 325. Section 75 further amended.
- 326. Sections 76, 77 and 78 repealed.
- 327. Section 79 amended.
- 328. Section 79A amended.

### PART X-WATER BOARDS ACT 1904.

- 329. Principal Act.
- 330. Section 2 repealed.
- 331. Section 3 amended.
- 332. Heading preceding section 5 amended.
- 333. Section 5 amended.
- 334. Section 6 amended.

- 335. Section 40 amended.
- 336. Section 41 amended.
- 337. Section 43 amended.
- 338. Section 44 amended.
- 339. Section 45 amended.
- 340. Section 45A amended.
- 341. Section 51A inserted.
- 342. Section 52 amended.
- 343. Section 53 amended.
- 344. Sections 54 amended.
- 345. Sections 57, 62 and 62A amended.
- 346. Section 72 amended.
- 347. Section 76A amended.
- 348. Section 77 amended.
- 349. Section 79 amended.
- 350. Section 83 amended.
- 351. Section 87 amended.
- 352. Sections 92, 92A and 93 repealed and sections 92 and 93 substituted.
- 353. Section 94 amended.
- 354. Section 96 repealed.
- 355. Section 99A inserted.
- 356. Section 110 amended.
- 357. Section 111 amended.
- 358. Section 113 amended.
- 359. Section 141 amended.
- 360. Section 161 amended.
- 361. Consequential repeals.

# PART XI—WESTERN AUSTRALIAN WATER RESOURCES COUNCIL ACT 1982.

- 362. Principal Act.
- 363. Section 4 amended.

# PART XII—FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1966.

- 364. Principal Act.
- 365. Section 5 amended.

### PART XIII-PUBLIC WORKS ACT 1902.

- 366. Principal Act.
- 367. Section 63 amended.
- 368. Sections 125 and 126 repealed.

# PART XIV—PENSIONERS (RATES REBATES AND DEFERMENTS) ACT 1966.

- 369. Principal Act.
- 370. Section 10 amended.
- 371. Section 10A inserted.

# PART XV—PUBLIC AUTHORITIES (CONTRIBUTIONS) ACT 1974.

- 372. Principal Act.
- 373. Section 2 substituted.
- 374. Section 3 amended.

# PART XVI-REPEAL.

375. Scheduled Acts repealed.

# ACTS AMENDMENT AND REPEAL (WATER AUTHORITIES).

No. 25 of 1985.

AN ACT to amend the Water Authority Act 1984, the Water Supply, Sewerage, and Drainage Act 1912, 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, the Western Australian Water Resources Council Act 1982. the Fluoridation of Public Water Supplies Act 1966, the Public Works Act 1902, the Pensioners (Rates Rebates and Deferments) Act 1966 and the Public Authorities (Contributions) Act 1974 and to repeal the City of Perth Sanitation Act 1945, the Special License (Waroona Irrigation District) Act 1932, the Agricultural Areas, Great Southern Towns and Goldfields Water Supply Act 1947, the Coolgardie Goldfields Water Supply Construction Act 1898, the Water Supply, Sewerage, and Drainage Act Amendment Act 1913, section 8 of the Water Supply, Sewerage, and Drainage Amendment and Validation Act 1981, section 3 of the Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 2) 1981, sections 4 (2), 15 and 16 of the Country Areas Water Supply Amendment Act 1984, sections 6 and 7 of the Country Towns Sewerage Amendment Act 1918 and the Water Boards Amendment Act 1918 and for related purposes.

[Assented to 6 May 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.

Short title.

1. This Act may be cited as the Acts Amendment and Repeal (Water Authorities) Act 1985.

Commencement. 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. 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—
  - (a) by deleting "In this Act," and substituting the following—
    - " (1) In this Act and in and for the purposes of any relevant Act, unless that term is otherwise defined in that relevant Act, ";

- (b) by inserting in appropriate alphabetical sequence the definitions following—
  - "a former Minister" means a Minister of the Crown who has at any time been charged with the administration of a relevant Act;

"conduit" includes a pipe or culvert;

"district", in relation to a municipality, has the meaning assigned in the Local Government Act 1960;

# "drain" means-

- (a) a conduit on or under any land; or
- (b) a channel,

whether natural or constructed, which was or is used or intended to be used to carry surplus water, and includes any part of such a conduit or channel;

- "fittings" includes all pipes, meters, or other apparatus used for or in connection with the supply of water, and all pipes, cisterns, traps, syphons, manholes, ventilators, and all other apparatus connected with and requisite to secure the safe and proper working of any drain, sewer or property sewer;
- "fixtures", in relation to sewerage, includes all apparatus that may be attached to the plumbing system of a property for the collection, pumping or retention of any wastewater for ultimate discharge into the sewerage system and

includes closet pans, urinals, baths, sinks, basins, troughs and pumps connected with the sewerage system;

- "Metropolitan Water, Sewerage, and Drainage Area" means the area constituted under section 6 of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909;
- "occupier" means the person in actual occupation of land, or if there is no person in actual occupation, the person entitled to possession of the land;
- "officer of the Authority" includes-
  - (a) a person holding or acting in the office of Managing Director of the Authority;
  - (b) a person appointed pursuant to section 27 or 28; and
  - (c) a person the services of whom are made use of by the Authority pursuant to section 26:
- "owner" has the meaning assigned in the Local Government Act 1960;
- "pipe" means a main, reticulation, or service pipe used for water services, and includes any plug, stop-cock, water-cock, syphon, branch or apparatus used in connection with such pipe and any part of a pipe;
- "plant" includes machinery, equipment, vehicles, boats or other apparatus utilised in the provision of water services;

- "premises" means any land, street, structure or other place;
- "property sewer" means a conduit, through, on or under any street or other land, whether public or private, laid wholly or partly by or at the expense of the owner or occupier of any premises for the carriage therefrom of any sewage or wastewater to any sewer, and any part of such a conduit;
- "ratepayer" means a person named in the rating records of the Authority as a person liable to pay rates;
- "reservoir" means a reservoir, dam, tank or cistern;
- "road" has the same meaning as street;
- "sewage" has the same meaning as wastewater:
- "sewer" means a conduit through, on or under any street or other land, whether public or private, for the carriage of any sewage or wastewater, and includes any part of such a conduit but does not include a conduit that is a property sewer;
- "street" includes any highway, thoroughfare, lane, alley, square, court, place of public passage, public wharf, jetty or bridge and any private road maintained by a council or other public authority;
- "surplus water" means storm water, surface water or underground water which accumulates or may accumulate to the detriment or disadvantage of any person;

- "the former Authority" means the Metropolitan Water Authority established pursuant to the Metropolitan Water Authority Act 1982;
- "waste" includes solid, liquid and gaseous waste;
- "wastewater" means liquid waste, whether domestic or otherwise, and includes faecal matter and urine;
- "watercourse" means a river, stream or creek in which water flows in a natural channel, whether permanently or intermittently and includes any natural collection of water into, through, or out of which, any such river, stream or creek so flows;
- "water services" means water supply, sewerage, drainage or irrigation provided under or pursuant to this Act or a relevant Act;
- "well" means a pit, excavation, shaft, hole, bore or other opening made for the purpose of obtaining a suppy of underground water;
- "works" includes waterworks, sewerage works, drainage works and irrigation works including surveys, excavations, structures, buildings and plant provided by or used or intended to be used by the Authority for the purposes of water services or for the assessment, control or management of water resources and the term may be construed as including the land upon which works are constructed or provided. ";

- (c) by deleting the definitions of "Division", "Part", "section" and "subsection";
- (d) in the definition "government department", by inserting after "Act", at the end of paragraph (b), the following—
  - " or a relevant Act ";
- (e) by deleting the definition "land" and substituting the definition following—
  - "land" includes any building or other structure on, over or under the land, and any tenement or hereditament of any tenure related to the land; ";
- (f) in the definition "local authority", by inserting after "1904", at the end of paragraph (c), the following—
  - " or section 13 of the Country Areas Water Supply Act 1947";

and

- (g) by adding the subsections following—
  - " (2) For the purpose of construing regulations or by-laws made under a relevant Act prior to the coming into operation of this Act, whether or not subsequently amended—
    - (a) any reference therein to a term assigned a meaning by subsection (1) shall have that meaning, unless the context otherwise requires; and
    - (b) any reference in a regulation or by-law to the Act under which it was made shall be deemed to include a reference to this Act.

(3) Where a provision of this Act or a relevant Act authorises the Authority to enter upon, carry out works in, on, over or under, or exercise any other power in relation to, any land, premises or thing for any purpose the provision shall be deemed as also to authorise an officer of the Authority or other person acting on behalf of the Authority, together with such workmen and other persons, vehicles, vessels or plant as may be necessary for the purpose, to exercise that power and to occupy the land so far as is necessary for the purposes of this Act and any reference to a power of, or to an obligation or liability of, the Authority may, where the context so requires, be construed accordingly. ".

# Section 5 amended.

- 5. Section 5 of the principal Act is amended in subsection (1)—
  - (a) by inserting after "Rights in Water and Irrigation Act 1914." the following—
    - " Water Supply Act 1893."; and
  - (b) by deleting "Agricultural Areas, Great Southern and Goldfields Water Supply Act 1947." and "Coolgardie Goldfields Water Supply Construction Act 1898.".

# Section 6 amended.

- 6. Section 6 of the principal Act is amended—
  - (a) in subsections (1) and (2), by deleting "1918" and substituting the following—
    - " 1984 "; and
  - (b) by adding the subsections following—
    - " (3) For the purpose of the administration of subsidiary legislation made under a relevant Act prior to the

coming into operation of this Act, whether ornot subsequently amended-

- (a) where pursuant to this Act or a relevant Act the Authority is authorised to administer, or to carry out on behalf of the Crown in right of the State, function previously administered or carried out by a statutory authority under the relevant Act, any reference in subsidiary legislation made under that relevant Act to the statutory authority shall be construed as a reference to the Authority:
- (b) a reference to a Minister, otherwise than when acting in capacity of a corporate, shall, where amendments to the relevant Act made for the purposes of this Act a reference in the relevant Act is changed from a reference to the Minister to a reference to the Authority, construed by reference to the amended provisions of the relevant Act so as to give effect to the purposes of this Act;
- (c) where a reference relates to a right of appeal to a Minister, or the context appears to require that the reference be not construed as a reference to the Authority (any question as to which may be determined by the Minister), the reference shall be construed as a reference to the Minister:

- (d) the provisions of this Act applicable to regulations or by-laws shall be deemed to have effect in relation to that subsidiary legislation.
- (4) Where any provision of a relevant Act or subsidiary legislation made under a relevant Act is inconsistent with the operation of this Act the Governor may, by Order in Council published in the Government Gazette, make—
  - (a) such modification to that provision as appears to him necessary for preventing anomalies arising by the operation of this Act; or
  - (b) such consequential or supplementary provision as appears to him necessary or expedient for the purpose of giving full effect to this Act,

and any such modification or provision has the same force and effect as if it were enacted by way of amendment and the relevant Act or subsidiary legislation affected is, on publication of of the Order, thereby amended. ".

# Section 7 amended.

- 7. Section 7 of the principal Act is amended—
  - (a) in subsection (1), by adding after "State", at the end of the subsection, the following—
    - ", of assessing, developing, utilizing and conserving water resources and of planning, managing and co-ordinating throughout the State the provision of water services "; and

- (b) by adding the subsections following—
  - " (7) Any power exercisable by a statutory authority under a relevant Act immediately prior to the appointed day fixed pursuant to section 4 in relation to that statutory authority shall thereafter be exercisable by the Authority.
    - (8) Without prejudice to the generality of subsections (5) and (7), and subject to the particular provisions of any relevant Act, where the power is exercised for the purposes of that Act, the Authority may—
      - (a) enter upon land and carry out inspections or works in, on, under or over any land for the purposes of this Act or any relevant Act;
      - (b) acquire, lease or otherwise deal in and dispose of real and personal property, either as to the whole of the interest of the grantor or by way of an estate or interest less than the estate or interest of the grantor—
        - (i) by agreement; or
        - (ii) compulsorily, under and subject to the Public Works Act 1902 as read with this Act;
      - (c) make and levy rates, impose charges and require the payment of interest on moneys in respect of water services;

- (d) raise fees or charges with respect to the issue or renewal of licences, the provision of services, the supply of equipment or the performance of any work by the Authority;
- (e) compound and settle disputes, breaches of contract and actions, enter into arbitration, guarantee or give indemnities for the payment of money or the performance of contracts or obligations by any other person;
- (f) by agreement with the owner or occupier of any land, undertake any works related to water services in respect of that land on such terms as are agreed;
- (g) supply or acquire water in bulk;
- (h) subject to the requirements of any other written law relating thereto, cause any wastewater to be disposed of—
  - (i) onto land acquired by, vested in or subject to the control of, the Authority for that purpose;
  - (ii) into the sea or any river or watercourse; or
  - (iii) onto any land by agreement with the owner of that land;
- (i) provide offices, stores, warehouses, depots and other works necessary for the purposes of this Act and any relevant Act;

- (j) purchase or otherwise obtain such materials, supplies and plant as may be required for the purposes of this Act and any relevant Act;
- (k) conduct or promote relevant research and investigations, compile and provide information relating to, and give advice and prepare designs in respect of, water services and water resources, for the purposes of the Authority or, at the request of, or with the approval of, the Minister, for other purposes;
- establish standards and criteria and methods of testing relevant to water services and water resources;
- (m) carry out works related to water services or water resources for the purposes of the Authority or, at the request, of or with the approval of, the Minister, for other purposes; or
- (n) conduct prosecutions related to water services or water resources.
- (9) Subject to the provisions of this Act and of any relevant Act where the function is undertaken for the purposes of that Act, the duties of the Authority include—
  - (a) the treatment, supply and distribution of water for any purpose, the control of water catchments and the management of water usage generally;

- (b) the collection, treatment and disposal of wastewater;
- (c) the provision of drainage and the disposal of surplus water generally;
- (d) the formulation and maintenance of the Arterial Drainage Scheme compiled pursuant to Part IX of the Metropolitan Water Authority Act 1982;
- (e) operating, maintaining and repairing all works relating to water services and water resources; and
- (f) providing new, additional, or supplementary works relating to water services and water resources, including, in so far as is appropriate, works to extend water services to places which have not previously been served or adequately served. ".

Section 26 amended.

- 8. Section 26 of the principal Act is amended by adding the subsection following—
  - "(5) For the purposes of this Act, a person authorised 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 local authority and shall be permitted access thereto and to take copies or copies of extracts, and the town clerk or the shire clerk of a 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

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - 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. ".
- 9. Section 33 of the principal Act is amended in subsection (3), by deleting "section 36 of the Interpretation Act 1918" and substituting the following—
  - " section 42 of the Interpretation Act 1984".
- 10. Section 34 of the principal Act is amended by amended adding the subsection following—
  - " (3) Without prejudice to the generality of the powers conferred by subsection (1), by-laws made under this Act may—
    - (a) amend by-laws made under a relevant Act; or provide that those by-laws shall be deemed to have been made under this Act, or do both;
    - (b) provide for the due management and use of works, water resources and water services, and of the other property of the Authority and of water under its jurisdiction or control or subject to its authority;
    - (c) include measures for the protection of works, water services or water resources under the jurisdiction or control of the Authority, and for preventing or remedying the waste, misuse, undue consumption, fouling or contamination of, water under its jurisdiction or control or subject to its authority;

- (d) regulate or prohibit the deposit of anything likely to cause fouling or contamination in, or within a prescribed distance of, any works, water services, watercourse, surface water or underground water;
- (e) provide for the construction, provision, maintenance, repair and cleansing of works and water services;
- (f) control or limit the use of, or interference with, any watercourse, water or the flow of water under the Authority's jurisdiction or control or subject to its authority;
- (g) regulate the flow or require the disinfection, cleansing or other treatment of wastewater or other substances, discharged into or otherwise entering any works, water services or watercourse;
- (h) regulate, require or prohibit, the construction, provision, use, alteration, arrangement or repair of any drains, pipes, property sewers, fixtures or fittings, and make provision for the purposes for which, and the extent to which, they may be used, and prohibit interference therewith:
- (i) empower the Authority to effect repairs to pipes, drains, property sewers, fixtures and fittings—
  - (i) so as to prevent waste or fouling; or
  - (ii) in the case of damage to property of the Authority,

and to recover the cost thereof from the owner or occupier of the land;

- Acts Amendment and Repeal [No. 25. 1985.] (Water Authorities).
  - (j) provide for the inspection of premises and things provided with, or used for the purposes of, water services.
  - 11. Section 36 of the principal Act is amended— Section 36 amended.

- (a) in paragraph (c) of subsection (4), by inserting after "expense" the following-
  - , loss or damage "; and
- (b) by adding the subsections following—
  - (6) The court, when convicting a person for an offence constituted by a contravention of a regulation or by-law which provides that any expense, loss or damage incurred by the Authority in consequence of the offence shall be payable by the offender shall, if requested by an officer of the Authority or a person authorised by the Authority, assess the amount of the expense, loss or damage so incurred and payable by the person convicted and make an order for payment of the total amount assessed, and the amount specified in the order is recoverable in the same manner as it would be recoverable if it were a fine.
    - (7) Nothing in subsection prejudices or affects the right of the Authority to institute any civil action or proceeding for the recovery of damages in any of other court competent jurisdiction against the person convicted. ".
- 12. Section 39 of the principal Act is amended—Section 39 amended.
  - (a) in paragraph (a) of subsection (5), by deleting "have" and substituting the following
    - has "; and

- No. 25.] Acts Amendment and Repeal [1985. (Water Authorities).
  - (b) by inserting after subsection (8) the subsection following—
    - (9) The Authority may, subject to the Act in question, exercise any power to make and levy rates and impose charges, to recover moneys, and as to finance and investment conferred on a Minister former or $\mathbf{a}$ statutory authority by a relevant Act on that Minister or statutory authority ceasing to be responsible for the function, pursuant to section 8 or otherwise, in accordance with this Act or a relevant Act. ".

### Section 40 amended.

- 13. Section 40 of the principal Act is amended in subsection (1) by inserting after "operation of" the following—
  - "the Acts Amendment and Repeal (Water Authorities) Act 1985 or ".

# Section 62 amended.

- 14. Section 62 of the principal Act is amended in subsection (1) by deleting "exericse" and substituting the following—
  - " exercise ".

### Part IV added.

- 15. The principal Act is amended by adding the sections and heading following—
  - " PART IV—AGREEMENTS RELATING TO WORKS AND WATER SERVICES.

Application.

64. The provisions of this Part apply to and in relation to any land in relation to which the Authority provides, proposes to provide, or is or may be requested to provide, water services.

# 65. For the purposes of this Part—

Interpretation of this Part.

- (a) unless the context otherwise requires—
  - "development" has the meaning given under and for the purposes of the Town Planning and Development Act 1928;
  - "headworks" means all works necessary to provide and maintain water services, not being reticulation works;
  - "proposal" includes a plan, specification or design, and any amended proposal, for the development or subdivision of any land;
  - "planning condition" means a condition affixed—
    - (a) pursuant to Part III of the Town Planning and Development Act 1928 to the granting of approval of a plan of subdivision;

or

- (b) pursuant to Part XV of the Local Government Act 1960 to the granting of a building licence;
- "reticulation" means the system of works necessary to provide services to particular land, being works connecting headworks to the point at which the service is provided;

# (b) a reference to—

- "development" includes a reference to, a re-development, or a proposed development or redevelopment;
- "subdivision" includes a reference to re-subdivision or amalgamation;
- "the provision of works" includes a reference to the construction, extension, addition, alteration or improvement of headworks or reticulation,
- as the case may require, and cognate expressions shall be construed accordingly; and
- (c) any question as to what constitutes headworks or reticulation may be determined by the Authority, and effect shall be given to that determination.

# Advice and guidelines.

- 66. For the guidance of planning authorities, land developers and persons interested the Authority may—
  - (a) give advice, whether general or specific, in relation to a proposal; or
  - (b) issue guidelines as to the works or water services appropriate to specified kinds of development,

and where the whole or any part of that advice or a relevant guideline is capable of being sufficiently identified it may be incorporated by reference in a planning condition as though it were set out in the text of the condition affixed.

Agreements

- 67. (1) Where the Authority becomes aware that in order to satisfy a requirement for water services indicated by—
  - (a) a proposal; or
  - (b) a change in, or a proposal to change, the use or nature of an existing development to which existing water services are provided,

the provision of works, or the use of water services provided by the Authority, may or will be necessary in relation to the whole or any part of the land affected, the Authority may, by notice served on the person submitting the proposal or on the owner of the land, require that the owner of the land, or a person authorised on his behalf, furnish information as to the proposal or change to the Authority and negotiate and enter into an agreement under this section with the Authority in relation to the provision of those works or the use of those water services.

- (2) Where a notice has been served by the Authority on any person under subsection (1), the Authority may, and if so directed by the Minister shall, serve another notice on that person varying or rescinding the earlier notice, and a reference to the requirements of the notice shall be read as a reference to the requirements of the notice as so varied.
- (3) Where the Authority serves a notice under this section the Authority may furnish a copy of that notice to the Town Planning Board or council concerned advising that due to the proposal or change the Authority is unwilling or unable to provide the required works or water services unless an agreement can be negotiated, and a planning condition requiring connection to, or the provision of, works or water services may be affixed by reference to that notice under the Act in

pursuance of which the proposal was submitted, and any approval under the Act imposing the planning condition shall not be taken to be effective until—

- (a) the planning condition is removed under the provision of that Act;
- (b) the notice served by the Authority under this section is rescinded by the Authority; or
- (c) the Town Planning Board or that council is satisfied that—
  - (i) the provisions of an agreement entered into with the Authority under this section in relation to the works or water services referred to in that planning condition have been implemented or that such implementation has been ensured in a manner satisfactory to the Authority; or
  - (ii) the requirements of the Authority have been otherwise met.
- (4) Nothing in this section requires that, by reason only of a notice served under this section by the Authority having been rescinded or complied with, an application under Part III of the Town Planning and Development Act 1928 for the approval of a plan of subdivision or under Part XV of the Local Government Act 1960 for the grant of a building licence should be approved.
- (5) In the consideration of whether or not the provision of works, or the use of services provided by the Authority, may or will be necessary in relation to any land, regard may be had to the existing and future requirements of that land and of other lands.

- (6) An agreement entered into under this section may make provision for—
  - (a) works or water services which have been or are to be provided to or in relation to any land otherwise than by the Authority; and
  - (b) any works which have been or are to be provided to connect with and form part of a system of works providing water services to that land and other lands.
- (7) An agreement entered into under this section may provide that the Authority or a person shall be entitled to payment notwithstanding that works are or have been provided prior to a proposal being approved under the Town Planning and Development Act 1928 or a building licence being issued or the subdivision or development being proceeded with, and that entitlement to payment shall not be affected by reason only that the approval is not given, the building licence not issued or the proposal not implemented.
- (8) An agreement entered into under this section may make provision for payment or an advance to be made in respect of the provision of works or water services, whether provided or to be provided by the Authority or otherwise, or for security to be given for any payment or advance or in relation to any works under the agreement, or for the repayment of the whole or such part as may be agreed upon of any cost related to previous or existing works or water services incurred by any person, or in relation to any other relevant payment, advance or security.
- (9) The making of an advance to the Authority towards the cost of the provision of works or water services specified in an agreement entered into under this section shall not be taken to be a borrowing entered into by the Authority.

- (10) Unless the agreement otherwise requires, all works provided or in the course of being provided, whether or not by the Authority, pursuant to an agreement entered into under this section vest in and are the property of the Authority.
- (11) Where the Authority is to provide works or water services pursuant to an agreement under this section it may, notwithstanding the terms of the agreement, provide works or water services involving greater expenditure than those specified in the agreement if the additional cost is borne, or provided for, by the Authority.
- (12) An agreement entered into under this section may impose charges by reference to the specific works contemplated by the agreement, or by reference to an apportioned amount which the Authority determines as appropriate having regard to—
  - (a) the nature of works and water services provided or to be provided;
  - (b) operating and maintenance costs; and
  - (c) the difficulty of ascertaining to what extent any particular land is thereby served. ".

Part V added.

- 16. The principal Act is amended by adding the sections and heading following—
  - " PART V—ACCESS TO LAND AND INFORMATION FOR RATING PURPOSES.
    - 68. (1) For the purposes of this Act or a relevant Act, a person authorised in writing by the Authority may—
      - (a) enter into and upon any land without being liable to legal proceedings for or on account of the entry; and

Access to land and information for the purposes of rating, etc. (b) put to the owner, or an agent of the owner, or a person in occupation or in apparent charge of the land such questions as are necessary to enable the several particulars required to be ascertained to be compiled correctly,

in so far as may be required to enable the information shown in the rating records relating to the land to be confirmed or amended by the Authority for the purposes of rates or charges.

(2) A person who, after being informed of the purpose of the questions and of the authorisation of the person putting the questions, refuses or omits to answer the questions or any of them to the best of his knowledge and belief, or who knowingly makes a false answer or statement in reply to a question so put, commits an offence.

Penalty: \$1 000.

# 69. (1) A person who—

Provision of information as to rating, etc.

- (a) becomes or ceases to be the owner of;
- (b) not being the owner, becomes or ceases to be the occupier of; or
- (c) being a person on whom the Authority is authorised by the owner to serve notices or demands, ceases to be so authorised in relation to.

any land liable to any rates or charges under this Act or a relevant Act and who fails, within 14 days thereafter, to give to the Authority notice of the fact, commits an offence.

Penalty: \$50.

- (2) A person who, after being requested to furnish that name by the Authority or any officer authorised by the Authority—
  - (a) being the occupier of any land, refuses or wilfully omits to disclose, or wilfully mistates, to the Authority or officer making the request the name of the owner of the land or of the person receiving or authorised to receive the rents of the land; or
  - (b) being a person receiving or authorised to receive the rent of any land refuses or wilfully omits to disclose, or wilfully mistates to the Authority or officer making the request the name of the owner of the land,

commits an offence.

Penalty: \$1 000. ".

Part VI added. 17. The principal Act is amended by adding the sections and heading following—

PART VI-ENTRY ONTO LAND BY THE AUTHORITY.

The power of entry.

- 70. (1) Except where otherwise specifically provided by this Act or a relevant Act, entry by or on behalf of the Authority onto any land, premises or thing shall not be lawful unless—
  - (a) the consent of the owner or occupier has been obtained; or
  - (b) due notice under this Act, a relevant Act, or the Public Works Act 1902 has been served.
- (2) Where due notice is served pursuant to subsection (1) a person authorised by the Authority may, unless the owner or occupier or a person authorised by the owner or

occupier objects to the exercise of that power by the Authority, lawfully enter onto any land, premises or thing notwithstanding that the Authority has not obtained the consent of

the owner or occupier.

- (3) The exercise of a power of entry conferred by this Part shall not be taken to require the Authority to acquire any interest in any land unless—
  - (a) the Authority elects to acquire the interest by agreement;
  - (b) the Authority elects to take or resume an interest under and in accordance with the Public Works Act 1902, as read with this Act; or
  - (c) the Authority is required to acquire an interest pursuant to subsection (4) of section 81 of this Act or section 25 of the Public Works Act 1902.
- (4) A notice required by this Act to be given in relation to any entry shall specify the purpose for which entry is required and shall continue to have effect for so long as that requirement subsists, and successive entries for that purpose shall be taken to be entries to which the notice relates.
- 71. (1) For the purposes of this Act and Inspection. any other Act administered by the Authority, the Authority-
  - (a) may, subject to subsection (1) of section 72, enter and re-enter at all reasonable times any land, premises or thing—
    - (i) to which water services are supplied by the Authority; or
    - (ii) in, on, over or under which any works of the Authority are lawfully situate,

for the purpose of routine inspection, or routine maintenance and no notice under this Act is required unless an agreement in writing entered into by the owner or occupier of the land, premises or thing with the Authority in relation thereto otherwise provides; and

- (b) may, without notice, enter at all reasonable times any land, premises or thing and take such measures as may be necessary to ascertain whether any offence against this Act or a relevant Act has been or is being committed.
- (2) Notwithstanding that the powers conferred by section 17, 82, 83A, 112 or 112A of the Public Works Act 1902 may in any particular case not be applicable, the Authority may enter upon any land if, in the opinion of the Authority, entry upon that land is necessary for the purposes of inspecting or examining the land to determine the feasibility of the use of that land for the purposes of this Act or a relevant Act, or as preliminary to any prospective or intended acquisition of the land or any estate or interest in that land.
- (3) Whenever the Authority, by its officers or agents, enters or has entered on or into any land, premises or thing the officer of the Authority responsible for the conduct of the entry shall, on request, produce evidence of his appointment and give particulars of the power conferred on the Authority by virtue of which the Authority claims a right of entry.

Notice of Entry. 72. (1) Notwithstanding that, by reason of subsection (1) of section 71, a notice would not have been required to have been given where entry was required for the purpose of routine inspection or routine maintenance.

where the Authority intends to exercise any of the powers conferred by this Part or section 83 and the purpose of entry is to carry out works that may affect the land, notice in writing of that intention shall, where practicable, be given by the Authority to the owner or occupier of the land, premises or thing to be affected not less than 48 hours before the power is to be exercised, save where this Act or a relevant Act otherwise provides.

- (2) Where the Authority enters onto any land, premises, or thing without prior notice, whether or not such notice was required under this or any other Act, for the purpose of exercising any power of the Authority to carry out works thereon then, wherever practicable, as soon as may be thereafter notice in writing of the entry and of the works carried out, and of any further intention of the Authority relating thereto, shall be given to the owner or occupier of the land affected.
- (3) Where the owner of any unoccupied land, premises or thing is not within the State, or for any other sufficient reason it is not possible to give to any person, body or authority the notice required by this Act, then for the purposes of this Act the notice shall be deemed to have been given if it has been affixed or displayed on or over a conspicuous part of the land, premises or thing concerned and left so affixed or displayed for at least 48 hours.
- (4) The Authority may without prior notice enter on any street under the control of a council or department and there exercise the powers conferred by section 83, but, except where entry is effected pursuant to section 73, notice pursuant to section 100 shall be given by the Authority to the council or department concerned where that section applies.

- (5) A notice served pursuant to this Act for the purpose only of the exercise of the power of entry shall not be taken to have effect as a notice in relation to the taking or resumption of any land under Part II of the Public Works Act 1902.
- (6) Where it is shown to the satisfaction of a justice that entry on or into any land, premises or thing is reasonably required by the Authority for the purpose of the exercise of a power conferred by this Act or a relevant Act but that entry has been refused or the entry is opposed or prevented, or in any case where such land, premises or thing is unoccupied and access cannot be obtained or a notice required by this Act or a relevant Act cannot be served without undue delay or difficulty, the justice may, by warrant in the form prescribed by regulations made under this Act, authorise the Authority by its officers together with such other persons as are named in the warrant, or any police officer, to enter upon the land, premises or thing, using such force as may be necessary, for the purpose therein specified and any such warrant shall continue to have effect until the purpose for which it was granted has been satisfied.
- (7) Where in the opinion of the Authority circumstances have arisen that may occasion undue delay in effecting entry on or into any land, premises or thing or in the carrying out of any works but the provisions of subsection (6) are not appropriate to the circumstances, the Authority may apply to the Supreme Court ex parte by notice of motion, notwithstanding that no cause or matter between the parties is before the Court or that no previous notice has been given to any party affected thereby, for the grant of an injunction prohibiting the persons therein specified from opposing or preventing the exercise by the Authority of its powers, or for an order directing the Authority

as to the exercise of powers conferred by this Act or a relevant Act in the circumstances specified in that order, or for both such an injunction and such an order.

(1) Where it appears to the Authority entry in error the Authority or any other person emergency. an officer of the Authority or any other person who pursuant to subsection (3) of section 3 is deemed to be authorised to act on behalf of the Authority, that by reason of-

- (a) actual or apprehended danger health risk to any person or relation to any property;
- (b) the occurrence of injury, disease or damage attributable, or which might be attributable, to any defect in, or any malfunction, misuse or improper use of, the Authority's works, any property sewer or any fixture or fitting;
- (c) an urgent necessity to restore or provide water services to any place or person;
- (d) damage to, or interference with, water services generally; or
- (e) any other matter,

the circumstances are such that an emergency situation exists which makes compliance with the normal requirements of this Act or a relevant Act impractical or unreasonable, then, while those circumstances subsist and for so long thereafter as is reasonably required in relation thereto, the Authority or that person may lawfully effect immediate entry on or into any land, premises or thing necessary to deal with the emergency situation, and there exercise all such powers as are by this Act or a relevant Act conferred on the Authority or that person and are reasonably required to deal with that situation, and may in so far as is necessary use reasonable force to effect entry, without any requirement for notice or warrant and by force of this subsection.

- (2) Notwithstanding that no notice is required under subsection (1), where it is practicable so to do notice of an entry effected under subsection (1) shall be given to all persons who are, or are the owners or occupiers of land which is, likely to be affected.
- (3) Any question as to what is a necessary entry may be determined by the officer of the Authority or other person authorised by this section to effect or direct the entry, and any question as to what powers are reasonably required to deal with a situation to which subsection (1) refers may be determined by the person responsible for the exercise of the power, and in any proceedings arising therefrom such a determination shall be presumed, in the absence of evidence to the contrary, to have been made in good faith.
- (4) The Authority or a person exercising powers pursuant to this section shall, as soon as may be, remove anything left on the land, premises or thing entered and shall make good any damage, or effect restoration, rehabilitation or restitution and section 62 has effect as though a reference in that section to the Authority included a reference to a person exercising powers pursuant to this section.

Part VII added.

- 18. The principal Act is amended by adding the sections and heading following—
  - " PART VII—ACQUISITION OF LAND OR INTERESTS IN LAND BY THE AUTHORITY.

Estates and interest in land.

74. For the purposes of this Part, and in the Public Works Act 1902 when construed for the purposes of this Part, a reference to "land" shall be read as extending to any land, or to any portion of any land, or to the subsoil, surface or airspace relating thereto, and to any legal or equitable estate, right, title, easement, lease, licence, privilege, or other interest, in, over, under, affecting, or in connection with that land or any portion, stratum or other specified sector of that land (whether or not that interest is an interest recognised by the Common Law) the extent of which is ascertainable by reference to the documents purporting to relate thereto.

Partial interests in land.

- (1) Where, whether by way of agreement or by way of a compulsory taking or resumption pursuant to the Public Works Act 1902, the Authority seeks to acquire an estate or interest in or relating to any land that is less than is held by the person from whom the acquisition is sought, the Authority may, subject to subsection (11) of section 81, acquire such lesser estate or interest and shall not be required to acquire the whole of the estate or interest held by that person.
- (2) Where an estate or interest of the Authority of the kind referred to in subsection (1) is recorded on, or by way of memorial in the register relating to, the title to the land—
  - (a) that estate or interest shall enure for the benefit of the Authority and run with the land notwithstanding any sale, subdivision or other dealing with that land by the owner or occupier for the time being, but any such estate or interest may be relinquished by the Authority; and
  - (b) the benefit of any right, restriction or covenant in relation to the use of land granted to or held by the Authority may be enforced by the Authority to the like extent as if the Authority were possessed of adjacent land for the benefit of which the same was to enure.

(3) Except where the estate or interest to be acquired under this section is one of a particular kind prescribed by reference to a standard form or abbreviated description pursuant to section 76, a description sufficient to identify that estate or interest, when that notice or document of transfer is read together with any plan or other document to which that notice or document of transfer refers, shall be set out in any notice served under the Public Works Act 1902 or in any document of transfer.

Conveyancing by abbreviated description.

- 76. (1) Regulations made under this Act may, subject to the approval of the Minister administering the Transfer of Land Act 1893, make provision for the use of a standard series of forms describing the more frequently occurring particular kinds of estate or interest less than fee simple which the Authority acquires pursuant to this Act, and where the estate or interest to be acquired by the Authority is of one of the particular kinds so prescribed it may—
  - (a) subject to subsection (2), be described in the prescribed abbreviated manner in any transfer under the provisions of the Transfer of Land Act 1893, or in any notice served under the Public Works Act 1902, for the purposes of this Act or a relevant Act; and
  - (b) where the estate or interest is of a kind that is not required to be transferred in accordance with the provisions of the Transfer of Land Act 1893, be transferred in the prescribed manner,

by reference to the appropriate prescribed standard form.

- (2) For the purposes of subparagraph (ii) of section 17 (2) (c) of the Public Works Act 1902 the copies of the notice shall be accompanied by a description of the estate or interest to be acquired and by a copy of any plan or other documents referred to in the notice.
- (3) Notwithstanding that any notice may have been served or published, or any transfer effected, in the manner permitted by this section, the Registrar of Titles, the Registrar of Deeds, or the Minister for the time being administering the Land Act 1933 (as the relevant category of title may require), may by reference to the terms of the notice served on him pursuant to subparagraph (iii) of section 17 (2) (c) or of paragraph (d) of section 23 (1) of the Public Works Act 1902, or by reference to an agreement entered into by the parties in a form prescribed pursuant to this section, cause the like record to be made in the document of title or by memorial in the register relating to the title to the land in question to evidence the interest of the Authority as could have been made if the notice or transfer of agreement had been in full form.
- (4) Where the Authority acquires an estate or interest in any land less than is held by the person from whom it was so acquired, then it shall be a sufficient compliance with subsections (3) and (4) the Public section 23 of Act 1902 if there is endorsed upon the deed. certificate, or other instrument evidencing the title to the land from which the estate or interest acquired is derived a note, whether or not by way of a prescribed abbreviated description, as to the estate or interest acquired and that deed, certificate, or other instrument returned to the person from whom it was received or to any person entitled to receive it on his behalf.

(5) The description of an estate or interest acquired pursuant to section 75 or deemed to be vested in the Authority pursuant to section 80 which the Authority does not require to be recorded on, or by way of memorial in the register relating to, the title to the land in question may be delineated by reference to a plan other than a survey plan.

Agreements incidental to land matters.

- 77. (1) In order to facilitate the acquisition of, or dealing with, land to be acquired for the purposes of this Act or a relevant Act, the Authority may enter into agreements relating to incidental matters and things necessary to give effect to the powers conferred on the Authority by this Act or a relevant Act.
- (2) Where the fee simple of, or any other estate or interest in, any land is vested in the Authority and the Authority at the time of the acquisition or subsequently does not require the exclusive use and occupation of that land, then the Authority may in writing grant—
  - (a) a lease or licence to occupy the land or any part of the land, either exclusively or concurrently with the Authority; or
  - (b) any interest in or right to use that land or any part of the land,

to any other person (subject to the provisions of subsection (3) and of section 29 of the Public Works Act 1902), and where the lease, licence or other interest or right so granted is stated in that grant as being given by way of consideration for the acquisition of the land by the Authority then that lease, licence, interest or right shall not be revoked without compensation unless the parties otherwise agree.

- (3) Where the Authority exercises the powers conferred by subsection (2), then unless an agreement entered into between the Authority and the person to whom the lease, licence, interest or right is granted otherwise provides, the grant—
  - (a) shall be deemed to be subject to a condition that the Authority shall be indemnified against any costs, damages, claims, or expenses arising therefrom; and
  - (b) subject to subsection (2), may be terminated without any liability for compensation thereby arising, on not less than 21 days prior written notice.
- 78. (1) Subject to to subsection (2) and to section 12EB (2) of the Country Areas Water Supply Act 1947 but otherwise in accordance with the Public Works Act 1902, the Authority may sell or otherwise deal with any land, or any estate or interest in land, acquired by a former Minister, a statutory authority or the Authority and vested in the Authority for the purposes of this Act or a relevant Act and no longer required for such purposes.

Power to dispose of

- (2) Where any such land, estate or interest acquired by a former Minister, a statutory authority or the Authority was not acquired under this Act or any other Act by way of compulsory taking or compulsory resumption for any public work, sections 29, 29A and 29B of the Public Works Act 1902 shall not have effect in relation thereto.
- 79. For the purposes of section 20 of the Planning approval. Town Planning and Development Act 1928, the Authority may submit to the Town Planning Board plans of a subdivision of land acquired, or to be acquired, by the Authority notwithstanding that the Authority is not the owner of the land, and approval under that Act may be given thereto.

Regulations as to existing works.

- 80. (1) Regulations made under this Act may make provision—
  - (a) in respect of, and appropriate to, any works or other things placed upon, in, over, or under any land by the Authority, a former Minister or a statutory authority prior to the coming into operation of this section. being works or things of a kind prescribed by those regulations, for the vesting in the Authority by force of this section and without further assurance of an estate or interest in the land upon, in, over, under, or adjacent to which the works or things were so placed, and any such estate or interest may be prescribed and dealt with by reference to the standard series of forms that may be prescribed pursuant to section 76; and
  - (b) for the recording of the interest of the Authority on, or by way of memorial in the register relating to, the title to the land in question,

and any such regulations may make provision for such restriction of the use of the land as may in the opinion of the Authority be necessary in the interests of safety or otherwise for the purposes of this Act or a relevant Act.

(2) The vesting in the Authority of an estate or interest in any land pursuant to subsection (1) shall not be taken to authorise the Authority to place upon, in, over or under that land any works not substantially of the kind so placed at the time the estate or interest was created.

81. (1) Subject to subsection (3), the Claims against the Authority shall not be liable to pay compensa-Authority for the use tion for, or in respect of any damage of land and the applicant attributable to, the placing of any works or tion of the public works other things to which subsection (1) of Act 1902. section 84 applies or by virtue of the grant of the right of access deemed by subsection (2) of that section to be vested in the Authority, nor shall the Authority be liable to pay compensation in respect of the vesting in the Authority of any estate or interest pursuant to section 80 or in respect of any restriction imposed on the use of land pursuant to that section.

- (2) No claim lies against the Authority by reason only of any loss of enjoyment or amenity value, or by reason of any change in the aesthetic environment, alleged to be occasioned by the placing of works of the Authority on any land.
- (3) No claim lies against the Authority by reason only of the placing of any works of the Authority upon, in, over or under any land, other than a claim—
  - (a) pursuant to section 62; or
  - (b) under the Public Works Act 1902, as read with this Act, where the Authority—
    - (i) is by this or any other Act required; or
    - (ii) by reason of the nature of the works there placed, the nature of the locality in which the works are placed, the safeguarding of particular works, public safety, future development proposals, or otherwise, elects.

to acquire the land or an estate or interest in the land.

but this subsection does not affect any liability of the Authority where negligence is established for the purposes of section 63.

- (4) Notwithstanding the powers conferred on the Authority by Part VI, the Authority is required to acquire, where practicable by agreement but otherwise pursuant to the Public Works Act 1902 as read with this Act, such land, estate, or interest as may in the opinion of the Authority be appropriate to its needs in respect of—
  - (a) major works, other than works in relation to which the Minister has directed the Authority that this subsection is not to have effect; and
  - (b) such other works as may be prescribed by regulation under this Act as works to which this subsection shall apply,

and regulations made under this Act may make provision for such restriction of any use of the land thereby affected by other persons as may in the opinion of the Authority be necessary.

- (5) Where for the purposes of this Act or a relevant Act the Authority determines that any land, or any estate or interest in land, is required to be acquired by the Authority otherwise than by agreement the power to do so shall be exercised under and in accordance with, and any compensation payable by the Authority in pursuance of such powers shall be assessed, determined and recovered under, the Public Works Act 1902 as read with this Act.
- (6) A claim for compensation made under this section may only be made once, and where any land, estate, or interest is acquired by the Authority no further claim in respect

thereof shall lie against the Authority notwithstanding any subsequent works of the Authority affecting that land, estate or interest unless it is shown that the original claim paid did not take into account the nature of the damage subsequently occurring.

- (7) Any entry upon, or acquisition of, land authorised by or under this Act or a relevant Act and any works carried out pursuant to this Act or a relevant Act shall be deemed to be for the purposes of a public work within the meaning of the Public Works Act 1902, and the Authority shall be deemed to be a local authority within the meaning of that Act authorised to effect that acquisition or undertake that public work.
- (8) For the purposes of this Act or a relevant Act, where the Authority so requires the Authority may exercise any power that is by the Public Works Act 1902 vested in the Minister responsible for the administration of that Act and in so far as that Act applies to or in relation to the compulsory taking or compulsory resumption of any land, or the entry upon, occupation or use of any land, pursuant to this Act or a relevant Act any reference in that Act to that Minister or the Department of Public Works may be read for the purposes of this Act or a relevant Act as a reference to the Authority and that Act may be construed accordingly.
- (9) Subsection (8) does not prevent the Minister administering the Public Works Act 1902 from exercising his powers under that behalf of the Authority when on requested by the Authority so to do.
- (10) Where the Authority fails to serve an offer on a claimant against the Authority for compensation under the Public Works Act 1902 within the time limited for that purpose by that Act, then the Minister administering

that Act may serve an offer on behalf of the Authority, and such offer shall be deemed to be an offer duly made by the Authority for the purposes of that Act.

- (11) A written objection served pursuant to subparagraph (i) of section 17 (2) (d) of the Public Works Act 1902 in relation to any proposed taking or resumption for the purposes of the Authority may request—
  - (a) that instead of the whole estate or interest in the land being acquired, such a lesser estate or interest as is sufficient for the purposes of the Authority be acquired; or
  - (b) that instead of an estate or interest less than the whole being acquired, the whole estate or interest in the land be acquired.

and the Minister, after consultation with the Authority, may direct that the proposed taking or resumption be varied accordingly.

(12) Where any land is compulsorily acquired pursuant to the Public Works Act 1902 for the purposes of the Authority under this Act or any other Act that land shall, upon publication in the Government Gazette of the notice referred to in subsection (1) of section 17 of the Public Works Act 1902, be vested in the Authority for the public work specified in that notice, by force of section 18 of that Act as read with this subsection, save that the Governor may, by that notice, declare that any specified estate, interest, right or privilege of any person to the use, occupation or enjoyment of the land so acquired by the Authority, or any specified part of that land, may continue for the period therein specified or until terminated by the Governor on further notice, and may provide that such continued use, occupation or

enjoyment shall not be taken to be in satisfaction or part satisfaction of the compensation claimed, and effect shall be given thereto.

- (13) Where, whether by agreement or compulsory acquisition, any land (including any estate or interest in land to which section 74 applies), is vested in the Authority and the land thereby affected is set apart, taken or resumed by any other person, body or authority under or by virtue of the Public Works Act 1902 then notwithstanding section 18 of that Act—
  - (a) the land or the estate or interest vested in the Authority shall continue to be so vested, unless the Authority otherwise agrees; and
  - (b) the Authority shall be deemed to be a person having an interest in the land, estate or interest to be taken for the purposes of section 34 of that Act. ".
- The principal Act is amended by adding the added. sections and headings following-

### PART VIII—WORKS.

Division 1—Carrying out of works under this Part.

82. (1) Subject to this Act and any relevant carry out the Authority may carry out— Act the Authority may carry out—

- (a) throughout the State, works for the purposes of this Act or a relevant Act which—
  - (i) are intended to provide, or which are related to, water services: or

- (ii) are related to the management of water resources; and
- (b) such other works as are requested by, and carried out wholly or in part at the expense of, any other person being works of a kind which are related to water services.
- (2) The provisions of this Part have effect in relation to works carried out under and for the purposes of a relevant Act, except in so far as that relevant Act contains provisions inconsistent with the provisions of this Part in which case effect shall be given to the provisions of the relevant Act.

Powers relating to works.

- 83. (1) For the purposes of its functions under this Act or a relevant Act the Authority, subject to Part VI, may—
  - (a) enter upon any land, street, premises or thing and acquire, provide or construct—
    - (i) wells, reservoirs, dams, pumping stations, pumping mains, water treatment plants and distributory works and such other works as in its opinion may be required for the purposes of the supply, conservation or management of water;
    - (ii) main and reticulation sewers, pumping stations, pumping mains, ocean outlets, wastewater treatment plants and such other works as in its opinion may be required for sewerage purposes; and
    - (iii) drains, compensating basins, pipes, pumping stations, pumping mains and such

other works as in its opinion may be required for main drains or drainage purposes,

and may do all such things as may be necessary or convenient for construction, maintenance, repair, alteration, replacement, use, discontinuance or removal of any works for the provision of water services and works ancillary to the provision of water services; and

- (b) carry out such other works, including the construction of premises and the provision of facilities, as may be necessary for the purposes of this Act or a relevant Act.
- (2) Without limiting the generality of subsection (1) the Authority, for the purposes of this Act or a relevant Act, may—
  - (a) exercise the powers conferred by sections 82, 83A, 93, 94, 112 and 112A of the Public Works Act 1902, save that those sections shall be read and construed as though—
    - (i) a reference therein to the Minister administering that Act were a reference to the Authority; and
    - (ii) the provisions of this Act relating to entry on to land and the giving of notice had effect in substitution for the provisions of the Public Works Act 1902 relating to those matters.

and the powers conferred by those sections shall be deemed to include the power to carry out general or specific investigations, tests, borings, explorations and other surface or underground studies—

- (iii) to ascertain the existence, nature and extent of water resources including underground water resources;
- (iv) to formulate schemes for the provision, extension or alteration of water services;
- (v) to determine the feasibility and requirements of works or proposed works; and
- (vi) to survey or demarcate land;
- (b) for the purposes of this section—
  - (i) drain, pump, excavate or otherwise remove any water, soil or obstruction;
  - (ii) remove or use any earth, rock, trees and other things taken from any land;
  - (iii) take water, soil or other samples;
  - (iv) acquire, provide, remove or reconstruct buildings, pumps and other structures or plant;
  - (v) open, or alter the position of, any pipe, sewer, drain, channel, tunnel, wire or other fitting or apparatus within or under any land, including any street or premises; or
  - (vi) remove, or make a gate in, or erect, any fence (taking all reasonable steps to notify the owner and occupier of the land on which, or on the boundary of which, the fence is, or is to be, erected).

- (3) In the exercise of the powers conferred by this section the Authority shall ensure that so far as is reasonable and practicable—
  - (a) the free use of any land, street or premises is not obstructed; and
  - (b) as little detriment or inconvenience is caused and as little damage is done as is possible.

and section 62 applies in respect of damage thereby occasioned.

84. (1) Where the Authority places or has works. placed, or causes or permits or has caused or permitted any works or other things to be placed upon, in, over or under any land in the exercise or purported exercise of a power conferred by this Act or a relevant Act those works or other things shall be taken to have been lawfully so placed.

- (2) Those works or other things shall at all times continue to be the property of the Authority, unless the Authority has otherwise agreed or may otherwise determine, and the Authority shall be deemed to have a right of access thereto for the purposes of this Act and any relevant Act.
- (3) The Authority may remove from, or demolish or destroy on, any land which is or has been occupied by the Authority, any plant, buildings, road, or other works placed or caused to be placed thereon by the Authority or by permission of the Authority.
- (4) In this section, a reference to the Authority includes a reference to a former Minister and to a statutory authority.

- 85. (1) Notwithstanding that—
  - (a) any water works and works relating to the procuring of a water supply;

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- (b) any sewers and works connected with sewerage; and
- (c) any drains and works connected with drainage,

have been constructed with money borrowed by a council under Division 2 or 3 of Part XXVI of the Local Government Act 1960, the Authority may purchase from the council any works so constructed.

- (2) Any works purchased by the Authority from a council pursuant to this section—
  - (a) shall be acquired on such terms and conditions as the Authority and the council, having regard to the terms and conditions upon which the money referred to in subsection (1) was borrowed, agree upon and of which the Minister approves in writing;
  - (b) shall vest in and be the property of the Authority; and
  - (c) shall be subject to the provisions of this Act or a relevant Act as though they had been constructed or procured under the authority of this Act.

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Division 2-Preliminaries to Works.

Subdivision A-Interpretation.

## 86. In this Part and in Part VII—

Interpreta-

"exempt works" means—

- (a) the maintenance, repair, minor alteration, reinstatement or replacement of existing works;
- (b) the construction or provision of other works—
  - (i) not being major or general works;
  - (ii) being works in, on, under or over private land, which are constructed or provided on, and at the request of the owner of, the land served or to be served by the water services in respect of which the works are required; or
  - (iii) being works in, on, under or over Crown land or road reserves and required to link other exempt works to existing works;
- (c) alterations to general works and additions or extensions to general works in, on, under or over land vested in the Authority;
- (d) alterations, extensions or additions to major works where section 91 does not apply; and

(e) such other works of the nature specified in the Order as the Governor may, from time to time by Order in Council, declare to be exempt works for the purposes of this Act or a relevant Act, notwithstanding that such works may form part of or be related to general works or major works;

"general works" means the construction or provision of—

- (a) trunk and distribution water mains, pumping stations, pumping mains, control and metering stations, main and branch sewers, main drains, irrigation channels, compensating basins and water and sewerage reticulation mains, being reticulation mains not constructed at the request of the owner of the land affected;
- (b) such other works of a kind similar to the works referred to in paragraph (a) of this definition as the Governor may, from time to time by Order in Council declare to be general works for the purposes of this Act or a relevant Act; and
- (c) works in, on, under or over private land, other than exempt works;
- "major works" means the construction or provision of—
  - (a) dams, service reservoirs, bulk water storage facilities, groundwater schemes, irriga-

schemes. wastewater tion treatment plants or water treatment plants; and

- (b) such other works as the Minister—
  - (i) considers, by virtue of their location, size or nature, to be of sufficient public interest to require public advertisement and that an opportunity to object or comment thereon should be given; and
  - (ii) directs the Authority, either generally or in a specific case, to treat as major works.

Subdivision B-Major Works.

87. The Authority may carry out, or undertake the construction or provision of, major works, if the Authority has complied with sections 88 and 89 and the Minister has thereupon authorised the carrying out of such works and a notice of such authorisation has been published in the Government Gazette, but not otherwise.

88. (1) The Authority shall, before sub-Advertisements and mitting proposals to the Minister for the notices. carrying out, construction or provision of major works—

- (a) cause to be prepared plans of the area affected together with the current proposals for the works, and cause those plans and proposals, or certified copies to be deposited—
  - (i) in the head office of the Authority; and

- (ii) where the proposed works are to be outside the Metropolitan Water, Sewerage, and Drainage Area, in the district office of the Authority nearest to the locality which will benefit from the proposed works;
- (b) cause an advertisement to be published in the Government Gazette, and in one or more newspapers generally circulating in the locality in which the proposed works are to be situate, specifying—
  - (i) a description of the proposed works;
  - (ii) the localities in which they will be situate;
  - (iii) the purposes for which they are required; and
  - (iv) the times when, and places at which, the plans and proposals may be inspected; and
- (c) cause a notice specifying the details referred to in paragraph (b) to be served on—
  - (i) the owner and occupier of any land which is to be entered for the purposes of the proposed works or which is, in the opinion of the Authority, likely to be affected; and
  - (ii) any council in the area of which the proposed works will be situate or which, in the opinion of the Authority, has a material interest in the proposal or the services to be provided by the works.

- (2) The plans and proposals referred to in subsection (1) shall be open to inspection by any person interested, at the times and places specified in the advertisement.
- 89. (1) Any council or person interested may, in writing, object to or comment on the carrying out, construction or provision of proposed major works.

Objections and

- (2) Every such objection or comment shall be lodged with the Authority within one month from the date of the publication of the advertisement referred to in subsection (1) of section 88.
- (3) Where the Authority so determines, and whether or not by reason of objections or comments received, the Authority may amend the proposal by making alterations to the plans or proposals so deposited and advise the persons who are, in the opinion of the Authority, likely to be affected by such alterations, but when submitting the proposal to the Minister for authorisation shall indicate the nature and extent of the alterations effected.
- 90. (1) Where the Authority considers for authority that the requirements of sections 88 and 89 orisation. have been complied with and that the objections or comments, if any, have been met by amendment of the proposals or are, in the general public interest, not such as to cause the proposals to be amended, the Authority shall submit the final proposal to the Minister and shall furnish to the Minister plans, description, specifications. such estimates or other information as the Minister may require relating thereto.

- (2) The Authority shall prepare a report to the Minister on—
  - (a) the original proposal;
  - (b) any amendment to that original proposal and the persons who have been advised of the amended proposal; and
  - (c) the final proposal, and any interest, objection or comment not met by the final proposal,

and the Minister shall have regard to that report and any recommendations contained therein and after considering the matter the Minister may—

- (d) direct that any amended proposal shall be re-advertised;
- (e) direct that further or other notices be served in respect of the proposal;
- (f) authorise the carrying out, construction, or provision of the proposed major works; or
- (g) decline to authorise the proposed major works.

Alteration or extension of major works.

- 91. (1) Where the Authority proposes substantially to alter or extend any major works it shall notify the Minister of the proposal and shall furnish to the Minister such plans, description, specifications, estimates or other information as the Minister may require relating thereto.
- (2) After considering the proposal the Minister may—
  - (a) direct that the procedures set forth in sections 88, 89 and 90, or such procedures as are specified by the

Minister, be carried out in relation to the alteration or extension as if the proposed alteration or extension were a proposal for the initial provision of major works;

- (b) authorise the proposed extension or alteration: or
- (c) decline to authorise the proposed extension or alteration.
- (3) In considering a proposal notified to him under subsection (1) the Minister may have regard to any earlier proposal relating to the same or like works and any earlier objections or comments received by the Authority relating to that proposal.

Subdivision C-General Works.

92. The Authority may carry out, or carry ndertake the construction or provision of, works. undertake the construction or provision of, general works, if the Authority has complied with sections 93, 94 and 95, but not otherwise.

## 93. (1) The Authority shall—

Notices.

- (a) cause to be prepared plans and a description of proposed general works and cause those plans and that description, or certified copies, to be deposited—
  - (i) in the head office of the Authority; and
  - (ii) where the proposed works are to be outside the Metropolitan Water, Sewerage, Drainage Area, in the district office of the Authority nearest to the locality which will benefit from the proposed works: and

- (b) cause a notice, and an extract or illustration of the plans and a copy of the description referred to in paragraph (a) sufficient to indicate the nature and extent of the proposed general works, to be served on—
  - (i) the owner and the occupier of any land which is to be entered for the purposes of the proposed works or is, or the use of which is, in the opinion of the Authority, likely to be adversely affected; and
  - (ii) any council in the area of which the proposed works will be situate or which, in the opinion of the Authority, has a material interest in the proposal or the services to be provided by the works,

specifying the details set forth in subparagraphs (i), (ii), (iii) and (iv) of section 88 (1) (b) and nominating a date, which shall be a date not earlier than 7 days after service of the notice, by which all objections to, or comments upon, the proposal must be received by the Authority.

(2) The plans and description referred to in subsection (1) shall be made available by the Authority for inspection by any person or council upon whom or which a notice has been served pursuant to paragraph (b) of subsection (1), at the times and places specified in the notice.

Objections and comments.

94. (1) Any person or council upon whom or which notice has been served pursuant to section 93 may, in writing, object to or comment upon the carrying out, construction or provision of the proposed works.

- (2) Every such objection or comment shall be lodged with the Authority by the date specified in the notice.
- (3) Where the Authority so determines, and whether or not by reason of objections or comments received, the Authority may amend the proposal by making alterations to the plans or description so deposited, whether to meet objections or comments or otherwise, but shall advise the persons who are, in the opinion of the Authority, likely to be adversely affected by such alterations.

## 95. (1) Where—

Authorisation for general works.

- (a) the Authority has complied with the requirements of sections 93 and 94 and—
  - (i) no objections or comments have been received by the time specified in the notices served pursuant to subsection (1) of section 93; or
  - (ii) any objection or comment material to the proposal has been met; and
- (b) the Authority does not require the authorisation of the Minister to a deviation from the plan pursuant to subsection (4) of section 97,

the Authority is authorised to proceed to carry out, construct or provide the general works.

(2) Subject to subsection (1), where the Authority considers that the requirements of sections 93 and 94 have been complied with but that objections or comments material to the proposal have not been met by amendment of the proposal, the Authority shall

submit the proposal to the Minister informing him of the original proposal and, if it has been altered, the manner in which it has been altered and shall furnish to the Minister such plans, description, specifications, estimates or other information as the Minister may require relating thereto.

- (3) Any question as to whether or not an interest, objection or comment is material to a proposal may be determined by the Authority.
- (4) After considering the proposal submitted to him pursuant to subsection (2) the Minister may—
  - (a) authorise the carrying out, construction or provision of the proposed general works; or
  - (b) decline to authorise the proposed general works.

Subdivision D—Exempt Works.

Authority to carry out exempt works.

96. Exempt works may be carried out, undertaken, constructed or provided by or on behalf of the Authority without any requirement for notification or advertisement of those works.

Subdivision E—Deviation and modification.

Deviation and modification.

97. (1) Where the Authority is of the opinion that any deviation from the proposed line of works may be necessary, the Authority may, in preparing the plans of the proposed works pursuant to section 88 or section 93, show on those plans a limit within which the line of works as constructed may deviate to accommodate changes in location not inconsistent with the general proposal and any such deviation shall, if the works are authorised, be taken to be authorised.

- (2) Whether or not a limit within which the line of works may deviate during construction is shown on the plans of authorised works, the Authority in carrying out the works may deviate not more than 20 metres from the location shown on those plans if—
  - (a) the change is of a nature not inconsistent with the general proposal; and
  - (b) where the proposed works are to be constructed or provided on land other than—
    - (i) unoccupied Crown land; or
    - (ii) a road reserve,

the deviation is agreed in writing by the owner and occupier of the affected land.

- (3) The Authority may, during the carrying out, construction or provision of works, depart from any description, proposal or plans authorised, and may make such modifications as are required by the circumstances, if the departure is agreed in writing by the owner and occupier of the affected land.
- (4) Where the Minister is satisfied that a deviation or modification of a kind to which subsection (1), subsection (2) or subsection (3) does not apply is not inconsistent with the general proposal, is necessary in the public interest, and does not adversely affect the interest of any person who is the owner or occupier of the land where the works are to be situate, he may authorise the carrying out of the proposal as so varied notwithstanding that the provisions of—
  - (a) sections 88, 89 and 90; or
  - (b) sections 93, 94 and 95,

as the case requires, have not been complied with in relation thereto.

Division 3-Street Works.

Alterations to fittings in streets.

- 98. Subject to section 99, where the Authority considers it necessary at any time to alter the position of any pipes, wires or other fittings or apparatus which are laid on, in, over or under any street and are under the control or management of any person, council or department then the Authority may by notice in writing request any such person, council or department concerned to effect the alterations in such manner and within such reasonable time as is specified in that notice, and—
  - (a) where that notice is complied with, the reasonable expenses incurred by that person, council or department attendant upon or connected with those alterations shall be repayable by the Authority; but
  - (b) where that notice is not complied with, the Authority may at its own cost cause such alterations to be made to those works as are required by the Authority.

Street levels and widths 99. (1) Where the Authority proposes to place any works in any street, the council or department responsible for determining the level of that street shall, within 10 days of the service of a written request from the Authority or within such extended time as the Authority at the request of the council or department may allow, furnish the Authority with particulars of any ascertained or proposed levels, or method of surfacing, of that street, and in default of the furnishing of those particulars the existing contour of

the street shall for the purposes of the Authority relating to those works be deemed to be the level.

- (2) A council or department having the control and management of any street shall give the Authority at least 10 clear days notice in writing of its intention to change the level, width or surfacing of any street in which any works of the Authority have been placed.
- (3) The Authority may, within the period of notice referred to in subsection (2) or within such extended period as the council or department, at the request of the Authority, may allow, give notice to the council or department specifying—
  - (a) whether the Authority intends to raise, lower or otherwise alter the position or alignment of any works of the Authority in a street the level, width or surfacing of which is to be changed; and
  - (b) the time by which the Authority estimates the work will have been carried out.
- (4) Where the notice required by subsection (2) is given the cost to the Authority of doing the work referred to in a notice pursuant to subsection (3) shall be a debt due to the Authority by the council or department having the control and management of that street only in so far as the works carried out by the Authority were attendant upon or connected with that change.
- (5) Where the notice required by subsection (2) is not given, the council or department concerned shall be liable to make full

compensation for, or otherwise indemnify the Authority against, any loss, damage or costs arising from or in relation to any such change.

#### Breaking up of streets,

- 100. The Authority shall not open or break up the surface of any street, where a major obstruction of the street or dislocation of traffic will be caused thereby, unless the Authority—
  - (a) has given to the council or department having the control and management of the street not less than 48 hours notice of its intention; or
  - (b) is of the opinion that the circumstances are such that an emergency situation exists.

#### Streets broken up to be reinstated.

- 101. Where the Authority opens or breaks up the surface of any street or pavement the Authority shall—
  - (a) with all convenient speed complete the work for which it is broken up and fill in the ground, and reinstate and make good or cause to be reinstated or made good that surface; and
  - (b) while any portion of the surface of the street or pavement continues to be opened or broken up, cause that portion of the street or pavement to be clearly marked with warning notices or otherwise guarded and a sufficient light to be kept there at night.

Division 4—Provision of information as to works.

- 102. (1) The Authority shall cause to be Records and plans. kept records or plans of each area in respect of which water services are provided, in such form, and with such particulars of mains, sewers, drains and other works, as the Authority may think expedient, and cause those records or plans to be from time to time revised, and such additions made thereto as will show the works as they exist from time to time.
- (2) The records and plans shall, during the office hours of the Authority, be open to the inspection of any interested person who may, where the records have been stored by means of a mechanical, electronic or other device, request that the information be compiled and be available to be inspected by him in the form of a plan.
- (3) A copy of the records or plans, or an extract therefrom, shall be supplied by the Authority upon payment of the prescribed fee. ".
- The principal Act is amended by adding the Part IX sections and heading following-
  - PART IX—INFRINGEMENT NOTICES.
    - 103. (1) In this section—

Infringe-ment notices.

- "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 person to whom the infringement notice is given;

- "authorised person" means a person authorised 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 person" means a person whom the regulations prescribe to be a prescribed person for the purposes of this section.
- (2) An authorised person who has reason to believe that a person has committed an offence against this Act or a relevant 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

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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 or a rate book kept under this Act or a relevant 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) The Authority may—

- (a) by resolution, authorise persons, or classes of persons, who are officers of the Authority 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 authorisation or notice.

(11) The Authority shall issue to each authorised 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. ".

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#### PART III-WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT 1912.

In this Part the Water Supply, Sewerage, Act. Principal and Drainage Act 1912 is referred to as the principal Act No. 67 Act.

amended by Acts Nos. 11 of 1913, 43 of 1925, 8 of 1950 and 64

The long title to the principal Act is Long title amended. amended by deleting "to constitute the" and substituting the following-

repealed.

- with respect to the designation of the ".
- 23. The principal Act is amended by repealing Sections 3, 6, 7, 10, 12, 13, 14, 18 and 19.

  Sections 3, 6, 7, 10, 12, 13, 14, 18 and 19. sections 3, 6, 7, 10, 12, 13, 14, 18 and 19.
- Section 2 of the principal Act is amended by section 2 amended. adding the subsections following—
  - " (4) In subsection (5)—
    - "commencement date" means the date which the Water Supply, Sewerage, and Drainage Amendment and Validation Act 1981 came into operation;
    - "department" means a department of the Government, under whatever designation, assisting the Minister with the administration of this Act;
    - "relevant Act" has the same meaning as that term has in and for the purposes of the Water Authority Act 1984:
    - "the body corporate" means the body corporate constituted under this Act.

- (5) It is hereby declared that no act, matter, or thing done or purportedly done by reference to, under, by, or in relation to—
  - (a) the Minister;
  - (b) the body corporate;
  - (c) a department, or an officer in a department,

before the commencement date is or ever has been invalid by reason that the act, matter or thing was done by reference to, under, by, or in relation to—

- (d) the Minister;
- (e) the body corporate;
- (f) a department or an officer in a department,

under a designation other than the designation applicable under this Act in relation to—

- (g) the Minister;
- (h) the body corporate;
- (i) a department or an officer in a department. ".
- section 4 25. Section 4 of the principal Act is amended—
  - (a) in subsection (1)—
    - (i) by deleting "All lands" and substituting the following—
      - " Lands "; and

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  - (ii) by deleting "shall vest in the Minister on behalf of His Majesty" and substituting the following—
    - "not being vested in the 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, vest in the Minister administering the respective Act on behalf of the Crown in right of the State "; and
  - (b) in subsection (2), by deleting "The" and substituting the following—
    - "Subject to the provisions of any relevant Act and of the Water Autority Act 1984, the ".
- 26. Section 8 of the principal Act is amended by amended. deleting "On" and substituting the following—
  - "Subject to section 4 of this Act and section 8 of the Water Authority Act 1984, on ".
- 27. (1) The Water Supply, Sewerage, and quential Drainage Act Amendment Act 1913, Act No. 11 of 1913, is repealed.

(2) Section 8 of the Water Supply, Sewerage, and Drainage Amendment and Validation Act 1981, Act No. 64 of 1981, is repealed.

# PART IV—METROPOLITAN WATER AUTHORITY ACT 1982.

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

Act. Act. No. 36
1982 as

Principal Act. Act No. 36 of 1982 as amended by Act No. 101 of 1982 Long title amended.

- 29. The long title of the principal Act is amended by deleting "the constitution, maintenance, and functions of a Metropolitan Water Authority; to provide a Board of management for that Authority," and substituting the following—
  - "the continuance by the Water Authority of Western Australia of the water services formerly provided by the Metropolitan Water Authority, ".

Section 3 repealed.

30. Section 3 of the principal Act is repealed.

Section 4 amended.

- 31. Section 4 of the principal Act is amended in subsection (1)—
  - (a) in paragraph (a), by deleting the definitions of "acting member", "Board", "Chairman", "council", "conduit", "Division", "functions", "government department", "land", "local authority", "Managing Director", "member", "officer of the Authority", "Part", "plant", "premises", "section", "street", "subsection", "surplus water", "the former Board", "waste", "wastewater", and "water services"; and
  - (b) by deleting paragraph (b) and substituting the paragraph following—
    - (b) terms not otherwise assigned a meaning under this section but referred to in section 3 of the Water Authority Act 1984 as having a meaning assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act. ".

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  - Section 5 of the principal Act is amended— Section 5 amended— amended. 32.
    - (a) in subsection (1), by adding after "under that Act" the following
      - or the Water Authority Act 1984 ": and
    - (b) by repealing subsections (2) and (3) and substituting the subsection following—
      - (2) Any reference to the former Board or the former Authority made—
        - (a) in a written law passed or made:
        - (b) in any document or instrument made, executed, entered into or done: or
        - (c) otherwise.

before the coming into operation of this subsection shall, unless the context is such that it would be incorrect or inappropriate so to do, be read and construed as a reference to the Authority. ".

33. Section 6 of the principal Act is repealed. Section 6 repealed.

34. Section 7 of the principal Act is repealed.

Section 7 repealed.

The principal Act is amended by deleting all headings of headings of Divisional headings in Part II.

- 36. Section 8 of the principal Act is amended—
  - (a) in subsection (1)—
    - (i) by deleting "On and after the commencement of this section the" and substituting the following—
      - " The ";
    - (ii) by deleting "is preserved and continues" and substituting the following—
      - ' preserved and continued ";
    - (iii) by deleting ", but so that the corporate identity of the" and substituting the following—
      - " is a component of the corporate identity of the Authority and that ";
    - (iv) by deleting ", as at the date immediately preceding the coming into operation of this section, are not" and substituting the following—
      - " are not otherwise "; and
    - (v) by deleting "as constituted under this Act, but so that on and after the coming into operation of this section" and substituting the following—
      - " and "; and
  - (b) by repealing subsection (2) and substituting the subsection following—
    - " (2) A person holding office as a member of the Board of the former Authority immediately before the coming into operation of this subsection

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shall vacate that office on the coming into operation of this subsection but, subject to this Act and the Water Authority Act 1984, is eligible for appointment as a member of the Board of the Authority. ".

- 37. Section 9 of the principal Act is repealed.
  - Section 9 repealed.
- 38. Section 10 of the principal Act is amended by amended. deleting "the function of the Authority is to implement" and substituting the following—
  - "the Authority has the function of implementing".
- 39. The principal Act is amended by repealing Sections 11 to 17.
  - 40. Section 18 of the principal Act is amended— Section 18 amended.
    - (a) in subsection (1)—
      - (i) by deleting "Board is" and substituting the following—
        - " Authority and the Board of Management of the Authority are ";
      - (ii) by deleting "this Act or the Interpretation Act 1918" and substituting the following—
        - " the Water Authority Act 1984, this Act or the Interpretation Act 1984": and
      - (iii) by deleting "the Metropolitan Water Supply, Sewerage, and Drainage Board constituted under the Metro-

politan Water Supply, Sewerage, and Drainage Act 1909" and substituting the following—

- "the former Authority or a member of the Board of the former Authority or an officer of the former Authority";
- (b) by repealing subsection (2); and
- (c) in subsection (3)—
  - (i) by deleting "subsections (1) and (2)" and substituting the following—
    - " subsection (1) "; and
  - (ii) by deleting "subsection (1)" and substituting the following—
    - " that subsection ".

# Section 19 amended. 41. Section 19 of the principal Act is amended—

- (a) by deleting "the Board, the former Board, the Authority" and substituting the following—
  - "the forme. Board, the former Authority or the Board of the former Authority, or the Authority "; and
- (b) by deleting ", on the Board, the former Board, the Authority or that person by" and substituting the following—
  - " under ".

Sections 20 to 27 to 27 repealed. Sections 20 to 27.

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  - 43. Section 28 of the principal Act is amended— Section 28 amended.
    - (a) in subsection (1)—
      - (i) by deleting "Act or" and substituting the following—
        - " Act, ":
      - (ii) by inserting after "1909," the following—
        - " the Water Authority Act 1984"; and
      - (iii) by adding after "Act", at the end of the subsection, the following—
        - "including the powers as to finance and investment generally and in particular the power to make and levy rates and impose charges for water services";
    - (b) by repealing subsection (2);
    - (c) by repealing subsection (3) and substituting the subsection following—
      - "
        (3) Subject to the provisions of this Act, the function of the Authority in and in relation to the Area is to carry out therein and in relation thereto such of the duties imposed on the Authority by the Water Authority Act 1984 as may seem to the Authority to be required or as the Minister may direct. "; and
    - (d) in subsection (5)—
      - (i) by deleting "within the Area" and substituting the following—
        - ", within or outside the Area "; and

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  - (ii) by inserting after "undertake" the following—
    - ", operate, maintain or repair".
- Sections 29 to 34. The principal Act is amended by repealing sections 29 to 34.
- Part III repealed. 45. The principal Act is amended by repealing Part III comprising sections 35 to 38 and the heading.
- section 42 repealed. 46. Section 42 of the principal Act is repealed.
- 47. The principal Act is amended by repealing Part V comprising sections 46 to 64 and the heading.
- Part VI repealed.

  48. The principal Act is amended by repealing Part VI comprising sections 65 to 68 and the heading.
- Part VII repealed. 49. The principal Act is amended by repealing Part VII comprising sections 69 to 76 and the heading.
- Part VIII repealed. 50. The principal Act is amended by repealing Part VIII comprising sections 77 to 97 and the headings.
- part X repealed. 51. The principal Act is amended by repealing Part X comprising sections 109 to 112 and the heading.

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PART V-METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT 1909.

52. In this Part, the Metropolitan Water Supply, Act. Sewerage, and Drainage Act 1909 is referred to as Reprinted as approved 13 December 1977 and 1977 and

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 and 37 and 100 of 1982.

- 53. Section 3 of the principal Act is repealed.
- Section 3
- 54. Section 4 of the principal Act is amended— Section 4 amended.
  - (a) by deleting "Minister appointed under this Act" wherever it occurs and substituting the following—
    - " Authority "; and
  - (b) by deleting ", and the Minister had been duly appointed thereunder" and substituting the following—
    - " and a reference in the repealed Acts to the Minister were to be construed as a reference to the Authority".
- 55. Section 5 of the principal Act is amended— Section 5 amended— amended.
  - (a) by deleting "indicates, the following terms shall have the meanings set against them respectively, that is to say:—" and substituting the following—
    - " requires— ";
  - (b) by deleting the definitions of "district", "fittings", "fixtures", "occupier", "owner", "pipe", "property sewer", "ratepayer", "reservoir", "sewage", "sewer", "the former Board" and "well";

- (c) by deleting the definitions of "authorised", "Authority" and "Local Government Act" and substituting in their respective places the definitions following—
  - "authorised" means authorised by the former Board, the former Authority or the Authority;
    - "Authority" means the body corporate known as the Water Authority of Western Australia established pursuant to the Water Authority Act 1984;
    - "local government Act" means an Act whereby a municipality or regional council within the meaning of the Local Government Act 1960 is constituted or a Commissioner is appointed pursuant to that Act; ";
- (d) in the definitions of "catchment area", "sewerage works" and "waterworks", by deleting "Board" and substituting the following—
  - " the former Board, the former Authority or the Authority ";
- (e) in relation to all defined terms in the section where the term to be defined is followed by the punctuation mark "—" and a capital letter, by—
  - (i) deleting that punctuation mark and substituting the following—
    - " means "; and
  - (ii) deleting the capital letter and substituting a lower case letter;

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  - (f) in subsection (3)—
    - (i) by deleting "in Parts I, II, IV, V, VI, VII, VIII, XI or XII"; and
    - (ii) by adding after "that Act" the following—
      - " and the Water Authority Act 1984 or any subsidiary legislation made thereunder ";
  - (g) by repealing subsection (4) and substituting the subsection following—
    - " (4) A reference in this Act to—
      - (a) by-laws, shall be construed as a reference to any by-laws made by the former Board, the former Authority or the Authority; and
      - (b) regulations, shall be construed as a reference to regulations made by the Governor,

for the purposes of this Act whether made under this Act, the Metropolitan Water Authority Act 1982 or the Water Authority Act 1984. "; and

- (h) by repealing subsection (5) and substituting the subsection following—
  - " (5) Terms not otherwise assigned a meaning under this section but—
    - (a) referred to in section 3 of the Water Authority Act 1984 as having a meaning assigned for the purposes of a relevant Act; or

[1985.

(b) assigned a meaning for the purposes of the Metropolitan Water Authority Act 1982,

have that meaning in and for the purposes of this Act. ".

# Section 8 amended.

- **56.** Section 8 of the principal Act is amended by inserting after "1982" the following—
  - " and the Water Authority Act 1984".

#### "Board" amended to "Authority" in Part IV.

- 57. The principal Act is amended, in sections 13, 14, 15, 16 and 17, by deleting "Board", wherever it occurs otherwise than in the context "Local Board of Health", and substituting the following—
  - " Authority ".
- "Board" amended to "Authority" in Part V.
- 58. The principal Act is amended, in sections 31, 32, 33, 34 and 35, by deleting "Board" wherever it occurs and substituting the following—
  - " Authority ".
- "Board" amended to "Authority" in Part VI other than section 45.
- 59. The principal Act is amended, in sections 36, 37, 38, 39, 40, 40A, 41, 42, 43, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 57A, 57B, 57C, 57D, 57E, 57EA, 57G, 57H and 57I, by deleting "Board" wherever it occurs and substituting the following—
  - " Authority ".

# Section 40A further mended.

- 60. Section 40A of the principal Act is further amended by deleting "appointed by" and substituting the following—
  - " of ".

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- Section 41 of the principal Act is further Section 41 61. amended by adding the subsection following—
  - (4) Where prior to 30 October 1981 the former Board reduced the available rate of flow of the water supply to land or demanded and received payment of any amount of money in respect of turning or cutting off or reducing the available rate of flow of the water supply to land or in respect of restoring the water supply to land, such reduction shall be deemed to have been lawfully effected and such money shall be deemed to have been lawfully demanded and received. ".
- Section 45 of the principal Act is amended Section 45 amended. by deleting "Board", wherever it occurs other than in the context "Fire Brigades Board", and substituting the following-

- Authority ".
- 63. Section 55 of the principal Act is further further amended by deleting "and the by-laws thereunder" amended. and substituting the following
  - or the by-laws ".
- 64. Section 56 of the principal Act is further section 56 amended by deleting ", with or without hard amended. labour,".
- 65. The principal Act is amended, in sections 58, "Board" 59, 61, 61A, 62, 63, 64, 65, 66, 67, 68, 69 and 70, by "Authority" deleting "Board" wherever it occurs and substituting the following—
  - Authority ".

Section 90A amended.

- 66. Section 90A of the principal Act is amended by deleting paragraph (e) of subsection (2) and substituting the following—
  - " (e) adopt by reference, either wholly or in part or with modifications, any provision of—
    - (i) this Act;
    - (ii) the Metropolitan Water Authority Act 1982; or
    - (iii) the Water Authority Act 1984, or any by-laws made under such an Act. ".

Sections 103 and 107 amended.

- 67. Sections 103 and 107 of the principal Act are respectively amended by deleting "by the Authority" and substituting the following—
  - " by the former Board, the former Authority or the Authority".

Sections 109 and 110 amended.

- 68. Sections 109 and 110 of the principal Act are respectively amended by deleting "to, the Authority" and substituting the following—
  - " to, the former Board, the former Authority or the Authority".

Section 113 amended.

- 69. Section 113 of the principal Act is amended by deleting "the Authority or the former Board" and substituting the following—
  - " the former Board, the former Authority or the Authority".

Section 115 amended.

- 70. Section 115 of the principal Act is amended by deleting "the former Board or the Authority" in both places where it occurs and substituting the following—
  - " the former Board, the former Authority or the Authority".

- 71. Section 118 of the principal Act is amended amended. by deleting "the Authority or the former Board" and substituting the following—
  - "the former Board, the former Authority or the Authority".
- 72. Section 124A of the principal Act is amended amended by deleting "to, the Authority" and substituting the following—
  - " to, the former Board, the former Authority or the Authority".
  - 73. Section 126 of the principal Act is repealed. Section 126 repealed.
  - 74. Section 146 of the principal Act is amended— Section 146 amended.
    - (a) in subsection (1)—
      - (i) by deleting "The Authority may, subject to the provisions of this Act, make by-laws" and substituting the following—
        - "Without prejudice to the generality of that power, the power conferred by section 34 of the Water Authority Act 1984 to make by-laws may be exercised for the purposes of this Act ":
      - (ii) by deleting the paragraphs designated "(1)", "(4)", "(6)", "(7)", "(7a)", "(8)", "(9)", "(10)", "(19)", "(21)", "(22)", "(23)", and "(28)"; and
      - (iii) in the paragraph designated "(26a)", by inserting after "Authority" the following—
        - ", the former Authority"; and
    - (b) by repealing subsection (2).

Section 146A amended.

- 75. Section 146A of the principal Act is amended by deleting "the Authority or the former Board", wherever it occurs, and substituting the following—
  - "the former Board, the former Authority or the Authority".
- section 147 repealed. 76. Section 147 of the principal Act is repealed.
- Section 147A amended.

  77. Section 147A of the principal Act is amended by inserting after "the former Board" the following—
  - " or the former Authority ".
- section 148A repealed. 78. Section 148A of the principal Act is repealed.
- Sections 153 and 154 amended.
- 79. Sections 153 and 154 of the principal Act are amended by deleting "Board" wherever it occurs and substituting the following—
  - " Authority ".
- Sections 155 and 157 amended.
- 80. Sections 155 and 157 of the principal Act are respectively amended by deleting "by-laws made pursuant to either of those Acts" and substituting the following—
  - " the by-laws".
- Sections 156, 158, 158A, 159, 160 and 165 amended.
- 81. Sections 156, 158, 158A, 159, 160 and 165 of the principal Act are respectively amended by deleting "any by-law made pursuant to either of those Acts" and substituting the following—
  - " the by-laws".

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- The Schedules to the principal Act are Schedules amended. respectively amended by deleting "Metropolitan Authority" wherever it occurs substituting the following-
  - " Water Authority of Western Australia".
- Section 3 of the Metropolitan Water Supply, Consequential Sewerage, and Drainage Amendment Act (No. 2) 1981, Act No. 72 of 1981, is repealed.

#### PART VI-COUNTRY AREAS WATER SUPPLY ACT 1947.

In this Part, the Country Areas Water Principal Act. Supply Act 1947 is referred to as the principal Act. Reprinted as approved 18 April 1980 and 1990 and

amended by Acts Nos. 75 of 1980, 63

85. Section 3 of the principal Act is repealed.

Section 3 repealed.

- 86. Section 5 of the principal Act is amended— Section 5 amended.
  - (a) by deleting "5. In" and substituting the following—
    - 5. (1) In ";
  - (b) by deleting the definitions of "Department". "fittings", "land", "local auth "occupier", "owner", "pipe", "rese "road", "stream" and "the authority", "reservoir" Secretary":
  - (c) in the definitions of "authorised", "by-laws", area" and "ratepayer" by "catchment deleting "Minister" and substituting the following
    - former Minister or the Authority ":

- (d) by deleting the definition of "water works" and substituting the definition following—
  - "water works" means all works for the supply, storage and distribution of water. ";
- (e) by inserting in the appropriate alphabetical sequence the definitions following—
  - "Authority" means the body corporate
    known as the Water Authority of
    Western Australia established
    pursuant to the Water Authority
    Act 1984;
    - "former Minister" means a Minister administering this Act before, pursuant to the Water Authority Act 1984, the Authority became charged with the administration of functions under this Act, whether in his capacity as a Minister of the Crown or as (pursuant to section 2 of the Water Supply, Sewerage, and Drainage Act 1912 as read with this Act) a body corporate;
    - "officer of the Authority" includes a reference to an officer of the former Department;
    - "the former Department" means the Public Works Department of the Public Service of the State:

and

- (f) by adding the subsections following—
  - " (2) Terms not otherwise assigned a meaning under subsection (1) but referred to in section 3 of the Water Authority Act 1984 as having a mean-

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> ing assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act.

- (3) Anything done before the amendment effected to the definition of the term "holding" by section 4 of the Country Areas Water Supply Amendment Act 1984 that would have been valid if that section had then been in operation shall be taken to have been as validly and effectively done as if that section had then been in operation. ".
- Section 7 of the principal Act is amended— section 7 amended.
  - (a) in subsection (1)—
    - (i) by deleting "Part III, of this Act, this Act" and substituting the following
      - the Minister, this Act other than section 13 "; and
    - (ii) by deleting "Minister through the Department" and substituting the following-
      - Authority "; and
  - (b) in subsection (6), by deleting "the Minister" and substituting the following
    - a former Minister ".
- 88. The principal Act is amended, in sections "Minister" amended to 11 and 12, by deleting "Minister" wherever it occurs "Authority" in Part II. and substituting the following—

Authority ".

Sections 12B, 12BA, 12C and 12D amended.

- 89. Sections 12B, 12BA, 12C and 12D of the principal Act are amended by deleting "Under Secretary" wherever it occurs and substituting the following—
  - " Authority ".

Section 12BA further amended.

- 90. Section 12BA of the principal Act is further amended in subsection (3) by deleting "he gives" and substituting the following—
  - " given by the Authority, the former Department or the Under Secretary of the former Department".
- Section 12BD of the principal Act is amended—
  - (a) by deleting "officers of the Department" in subsection (1) and substituting the following—
    - " any officer of the Authority"; and
  - (b) by deleting "Minister", in each place where it occurs other than in paragraph (b) of subsection (1), and substituting the following—
    - " Authority ".

Section 12BE amended.

- 92. Section 12BE of the principal Act is amended, in subsection (4), by inserting after "Minister" the following—
  - " or of the Authority".

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- 93. Section 12C of the principal Act is further section 12C amended—
  - (a) in subsection (2), by deleting "Department" and substituting the following—
    - " Authority ";
  - (b) in subsection (3)—
    - (i) by deleting "he" and substituting the following—
      - " the Authority "; and
    - (ii) by deleting "in his opinion" and substituting the following—
      - " in the opinion of the Authority";

and

- (c) in paragraph (c) of subsection (7), by deleting "he" and substituting the following—
  - " the Authority ".
- 94. Section 12E of the principal Act is amended— Section 12E amended.
  - (a) in subsection (3)—
    - (i) by deleting "that time" and substituting the following—
      - " 60 days after the date of the making of that claim ";
    - (ii) by deleting "ruling" and substituting the following—
      - " determined "; and

- (iii) by deleting "overdraft accommodation granted by the Commonwealth Trading Bank of Australia" and substituting the following—
  - " judgment debts pursuant to section 142 of the Supreme Court Act 1935 ";
- (b) in subsection (5), by deleting "Department" and substituting the following—
  - " Authority ";
- (c) in subsection (6)—
  - (i) by deleting "Minister" in both places where it occurs and substituting the following—
    - "Authority"; and
  - (ii) by deleting "he" in both places where it occurs and substituting the following—
    - ' the Authority ";
- (d) in subsection (7)—
  - (i) by deleting "Minister", wherever it occurs other than in paragraphs (a) and (b), and substituting the following—
    - " Authority ";
  - (ii) by deleting "the Minister", where it occurs in paragraph (a), and substituting the following—
    - " the former Minister ";
  - (iii) in paragraph (a), by inserting after "this Act" the following—
    - " as in force prior to the coming into operation of section 103 of the Acts Amendment and Repeal (Water Authorities) Act

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1985 or by the former Minister or the Authority pursuant to the Public Works Act 1902 or the Water Authority Act 1984"; and

- (iv) by deleting "the Minister", where it occurs in paragraph (b), and substituting the following—
  - " a former Minister or the Authority"; and
- (e) in subsection (8), by deleting "Minister" in both places where it occurs and substituting the following—
  - " Authority ".
- 95. Section 12EB of the principal Act is amended. amended—
  - (a) in subsection (2)—
    - (i) by deleting "Minister" and substituting the following—
      - " Authority "; and
    - (ii) by deleting "him" and substituting the following—
      - " a former Minister or the Authority";
  - (b) in subsection (3)—
    - (i) by deleting "the Minister exercises" and substituting the following—
      - " a former Minister exercised or the Authority exercises "; and
    - (ii) in paragraph (b), by deleting "the Minister" and substituting the following—
      - " a former Minister or the Authority";

- (c) in subsection (4)—
  - (i) by deleting "the Minister transfers" and substituting the following—
    - " a former Minister transferred or the Authority transfers";
  - (ii) by deleting "the Minister and that person may" and substituting the following—
    - " and the parties ";
  - (iii) by inserting before "agree" the following—
    - " agreed or ":
  - (iv) by deleting "of the Minister" and substituting the following—
    - " of a former Minister or the Authority, as the case requires, ";
  - (v) by deleting "and any such" and substituting the following—
    - " that ";

and

- (vi) by deleting "by the Minister as if he were" and substituting the following—
  - " by the Authority as if the Authority were ".
- Section 12ED 96. Section 12ED of the principal Act is amended—
  - (a) in subsections (2) and (4), by deleting "Minister and all persons acting with his authority" and substituting the following—
    - " any officer of the Authority or other person authorised by the Authority or the Minister ":

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  - (b) in subsection (5)—
    - (i) by deleting "the Minister or a person acting with his authority" and substituting the following—
      - " the Minister or the Authority or a person acting with the authority of the Minister or of the Authority "; and
    - (ii) by deleting "the Minister or that person" and substituting the following—
      - "the Minister, the Authority or any such person".
- 97. Section 12EE of the principal Act is amended amended in subsection (2) by deleting "the Minister or a person acting with his authority" and substituting the following—
  - "the Minister, the Authority or a person acting with the authority of the Minister or of the Authority".
- 98. Section 12G of the principal Act is amended Section 12G by deleting "the Minister" and substituting the following—
  - " a former Minister".
- 99. Section 13 of the principal Act is amended section 13 in subsection (1)—
  - (a) by deleting paragraph (a); and
  - (b) in paragraph (b), by inserting before "constituted" the following—
    - " heretofore ".

Section 14 amended. 100. Section 14 of the principal Act is amended—

- (a) in subsection (1)—
  - (i) by deleting "the provisions of this Act and of the Water Supply Act, the Minister shall have power, with the approval of the Governor, to" and substituting the following—

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- "this Act, the Water Authority Act 1984 and, where required by those Acts, to the approval of the Minister, the Authority may";
- (ii) by deleting "this Act" and substituting the following—
  - " those Acts "; and
- (iii) by deleting ", 1902-1945," and substituting the following—
  - " 1902 save that that Act shall be read and construed as though—
    - (a) a reference therein to the Minister administering that Act were a reference to the Authority; and
    - (b) the provisions of the Water Authority Act 1984 relating to entry onto land and the giving of notice had effect in substitution for the provisions of the Public Works Act 1902 relating to those matters, "; and
- (b) by repealing subsection (2).

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  - 102. Section 19 of the principal Act is amended— Section 19 amended.
    - (a) by deleting the section up to proviso (ii); and
    - (b) in proviso (ii), by deleting "(ii) no" and substituting the following—
      - " No ".
- 103. Sections 20 to 25 of the principal Act are to 25 repealed. Sections 20
- 104. The principal Act is amended, in sections amended to 26, 27, 28, 29, 30, 31, 32, 33, 35, 37, 38, 39, 39A, 41, 42, and 46, by deleting "Minister" wherever it occurs and substituting the following—
  - " Authority ".
- 105. Section 28 of the principal Act is further further amended in subsection (2) by deleting ", in his amended discretion,".
- 106. Section 30 of the principal Act is further amended by repealing subsections (3) and (4).
- 107. Section 32 of the principal Act is further further amended in subsection (4)—
  - (a) by inserting before "to be so" in paragraph(b) the following—
    - " or a person appointed by the Authority "; and
  - (b) by inserting after "that officer" the following—
    - " or other person ".

Section 34 repealed.

108. Section 34 of the principal Act is repealed.

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Section 35 further amended.

- 109. Section 35 of the principal Act is further amended—
  - (a) in paragraph (a) of subsection (2), by deleting "he" and substituting the following—
    - " the Authority ";
  - (b) in subsection (3), by deleting "he may, subject to the provisions of subsection (4) of this section," and substituting the following—
    - " the Authority may"; and
  - (c) by repealing subsection (4).
- sections 35A 110. Sections 35A to 35C of the principal Act repealed. are repealed.
- Section 38 further amended.
- 111. Section 38 of the principal Act is further amended in subsection (1) by deleting "Governor" and substituting the following—
  - " Minister ".
- Section 39A further amended.
- 112. Section 39A of the principal Act is further amended in subsection (1) by deleting "Governor" and substituting the following—
  - " Minister ".
- Section 40 amended.
- 113. Section 40 of the principal Act is amended by deleting "Minister's" and substituting the following—
  - " Authority's ".

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114. Section 45 of the principal Act is further Section 45 amended in subsection (3) by deleting "or his amended authorised officer" and substituting the following—

- , an officer of the Authority or a person authorised by the Authority ".
- 115. The principal Act is amended, in sections "Minister" amended to 47, 50, 54, 55, 56, 57, 58, 59, 60, 62A, 63, 63A and "Authority." 69, by deleting "Minister" wherever it occurs and substituting the following—

- Authority ".
- 116. Section 47 of the principal Act is further Section 47 further amended by deleting "he" and substituting the amended. following
  - the Authority ".
- 117. Section 49 of the principal Act is amended Section 49 amended. by deleting "gold mining lease or mineral lease" and substituting the following
  - mining lease granted or deemed to be granted under the Mining Act 1978 ".
- Section 50 of the principal Act is further Section 50 d in subsection (1) by deleting "in each" and amended. amended in subsection (1), by deleting "in each" and substituting the following
  - for each ".
- Sections 51 and 52 of the principal Act are and 52 of the principal Act are repealed.
  - Section 53 of the principal Act is repealed. Section 53 repealed. **120.**

Section 54 further amended.

- 121. Section 54 of the principal Act is further amended in subsection (2) by deleting "he" and substituting the following—
  - " the Authority ".

Section 55 further amended.

- 122. Section 55 of the principal Act is further amended in subsection (1) by deleting "him" and substituting the following—
  - " the Authority ".

Section 58 further amended.

- 123. Section 58 of the principal Act is further amended—
  - (a) in subsection (6), by deleting "his" in both places and substituting the following—
    - " the Authority's "; and
  - (b) in subsection (7), by deleting "he" in both places and substituting the following—
    - " the Authority ".

Section 60 further amended.

- 124. Section 60 of the principal Act is further amended in subsection (1) by deleting "him" and substituting the following—
  - " the Authority ".

Section 63 further amended.

- 125. Section 63 of the principal Act is further amended in subsection (3) by deleting "at his discretion may" and substituting the following—
  - " may, at the discretion of the Authority, ".

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- 126. Section 63A of the principal Act is further amended—
  - (a) in subsection (1)—
    - (i) by deleting "may from time to time prescribe classes of" and substituting the following—
      - ", subject to the approval of the Minister, may by notice published in the Government Gazette prescribe classes of rateable land by reference to the "; and
    - (ii) by deleting "for those purposes" and substituting the following—
      - " by reference to the prescribed classes "; and
  - (b) by adding the subsection following—
  - (3) Subject to this Act, a water rate or charge for water supplied may be made so as to vary by reference to a scale (whether calculated by graduated or cumulative increments by reference to the valuation, quantity of water used or likely to be used, or otherwise) and may be made—
    - (a) so as to have effect in a particular circumstance or specified part of the area;
    - (b) so as to make different provision by reference to different classes or kinds of land, land use or water use;
    - (c) so as to take into account in relation to particular land or a particular class of case antecedent or other relevant circumstances, including the provision or sharing of existing works, the making of contributions

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towards the cost of works, and the effect of agreements entered into with the Authority,

and may take into account the matters referred to in section 80. ".

# Section 64 amended.

- 127. Section 64 of the principal Act is amended—
  - (a) by deleting "Water" and substituting the following—
    - " (1) Water ";
  - (b) by deleting "or in respect of any class" and substituting the following—
    - " by reference to any matter or class"; and
  - (c) by adding the subsection following—
    - "
      (2) Recommendations as to the manner in which water rates and charges for water supplied or agreed to be supplied are proposed by the Authority to be made applicable pursuant to section 63A and this section shall be set out in a resolution of the Board of the Authority and submitted to the Minister for approval, and on the Minister approving the resolution the Authority shall, pursuant to section 66, cause a notice of the effect of the resolution to be published. ".

#### Section 65 amended.

- 128. Section 65 of the principal Act is amended—
  - (a) in subsection (1), by deleting "the Minister" and substituting the following—
    - " the Authority, subject to the approval of the Minister,"; and

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  - (b) in subsection (2), by deleting "Minister" wherever it occurs and substituting the following—
    - " Authority ".
  - 129. Section 66 of the principal Act is amended— Section 66 amended.
    - (a) in subsection (1)—
      - (i) by deleting "Whenever any basic water rate is ordered by the Minister to be made and levied within a country water area, the Minister shall" and substituting the following—
        - "When a resolution of the Board of the Authority is approved by the Minister pursuant to subsection (2) of section 64, the Authority may order a basic water rate in accordance with that resolution to be made and levied within a country water area by entering ";
      - (ii) by deleting "sign"; and
      - (iii) by deleting "cause notice thereof to" and substituting the following—
        - " notice of the basic water rate and a summary of the effect of the resolution approved by the Minister shall "; and
    - (b) by adding the subsection following—
      - " (3) The production of a copy of the Government Gazette containing a notice published pursuant to this section as to the making of rates and the fixing of charges shall in all courts be conclusive evidence of the making of those rates and the fixing of those charges and its publication. ".

Section 68 repealed.

130. Section 68 of the principal Act is repealed.

Section 69 further amended.

- 131. Section 69 of the principal Act is further amended in subsection (2), by deleting "he" and substituting the following—
  - `` the Authority ".

"Minister" amended to "Authority" in Part VII.

- 132. The principal Act is amended, in sections 73, 78, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, 95, 103 and 104, by deleting "Minister" wherever it occurs and substituting the following—
  - " Authority ".

Section 71 amended.

- 133. Section 71 of the principal Act is amended—
  - (a) in subsection (2)—
    - (i) by deleting "Minister" and substituting the following—
      - " Authority "; and
    - (ii) by deleting the proviso; and
  - (b) by adding the subsection following—
    - (5) Subsection (2) does not apply to or in relation to any person, board or other body authorised to dispose of or acquire water pursuant to any Act or agreement with the former Minister or the Authority. ".

Section 73 further amended.

- 134. Section 73 of the principal Act is further amended by deleting "or his authorised officer" and substituting the following—
  - ", an officer of the Authority or a person authorised by the Authority".

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- 135. Section 76 of the principal Act is amended amended by deleting "signed by the Minister" and substituting the following—
  - " produced by an officer of the Authority authorised by the Authority ".
- 136. Section 85 of the principal Act is further amended—
  - (a) in subsection (1), by deleting "Mines Department" and substituting the following—
    - " Department of Mines ";
  - (b) in subsection (5), by inserting after "granted by" the following—
    - " the former Minister or "; and
  - (c) in subsection (7), by deleting "the Under Secretary for Lands, or the Under Secretary for Mines" and substituting the following—
    - "the Permanent Head of the Department of Lands and Surveys or the Permanent Head of the Department of Mines".
- 137. Section 86 of the principal Act is further section 86 amended—
  - (a) in subsection (1)—
    - (i) by inserting after "of which" the following—
      - " the former Minister or "; and
    - (ii) by inserting after "land by" the following—
      - " the former Minister or "; and

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  - (b) in subsection (3), by inserting after "granted by" the following—
    - " the former Minister or ".

#### Section 87 further amended.

- 138. Section 87 of the principal Act is further amended in subsection (1)—
  - (a) by inserting after "granted by" the following—
    - " the former Minister or "; and
  - (b) by inserting after "leased by" the following—
    - " the former Minister or ".

#### Section 91 amended.

- 139. Section 91 of the principal Act is amended—
  - (a) in paragraph (a), by deleting "signed by or on behalf of the Minister" and substituting the following—
    - " be signed, or purport to have been signed, by an authorised officer of the Authority "; and
  - (b) in paragraph (d), by deleting "Minister" and substituting the following—
    - " Authority ".

#### Section 94 further amended.

- 140. Section 94 of the principal Act is further amended by deleting "signed by or on behalf of" and substituting the following—
  - " under the hand of a duly authorised officer of ".

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141. Section 96 of the principal Act is amended section 96 amended. by deleting "by the Minister or person authorised by him on his behalf" and substituting the following—

made by a duly authorised officer of the Authority on behalf of the Authority ".

- 142. Section 97 of the principal Act is amended— Section 97 amended.
  - (a) in subsection (1), by deleting "by the Minister or person authorised by him on behalf" and substituting the following—
    - " by or on behalf of the Authority ";

- (b) in subsection (4), by deleting "Minister" and substituting the following-
  - Authority ".
- 143. Section 99 of the principal Act is amended section 99 amended. by deleting "Minister", wherever it occurs other than in the context of "Minister controlling the department" and "branch which the Minister controls", and substituting the following-
  - Authority ".
- 144. Section 100 of the principal Act is section 100 amended-
  - (a) by deleting "of or on behalf of the Minister":
  - (b) by inserting after "in writing" the following
    - of the Authority or a duly authorised officer of the Authority on behalf of the Authority "; and
  - (c) by deleting "to the Minister".

Section 102 amended.

- 145. Section 102 of the principal Act is amended—
  - (a) in subsection (1), by deleting "Minister" and substituting the following—
    - " Authority ";
  - (b) by repealing subsection (2);
  - (c) in subsection (3), by deleting "Minister" and substituting the following—
    - " Authority "; and
  - (d) in subsection (5)—
    - (i) by deleting "of the Minister or person authorised by him on his behalf" and substituting the following—
      - " made by a duly authorised officer of the Authority on behalf of the Authority "; and
    - (ii) by deleting "against the Minister" and substituting the following—
      - " against the Authority ".
- section 105 amended. Section 105 of the principal Act is amended—
  - (a) in subsection (1)—
    - (i) by deleting "The Minister may subject to this Act and in particular to subsection (2) of this section make by-laws" and substituting the following—
      - "Without prejudice to the generality of that power, the power conferred by section 34 of

the Water Authority Act 1984 to make by-laws may be exercised for the purposes of this Act ";

- (ii) by deleting the paragraphs designated "(i)", "(iii)", "(iv)", "(v)", "(va)", "(vi)", "(xvii)", "(xvii)", "(xvii)", and "(xxiv)"; and
- (iii) by deleting "Minister", wherever it occurs, and substituting the following—
  - " Authority ";

- (b) by repealing subsection (2).
- 147. Sections 106 and 107 of the principal Act are and 107 repealed. Sections 106 and 107 repealed.
- 148. The principal Act is amended, in sections "Minister" amended to 108, 111, 113, 114, 115 and 116, by deleting "Minister" "Authority" in Part IX." wherever it occurs and substituting the following—
  - " Authority ".
  - 149. Section 110 of the principal Act is repealed. Section 110 repealed.
- 150. Section 112 of the principal Act is amended. amended—
  - (a) by deleting "the Minister or any person employed by the Minister" and substituting the following—
    - "the Authority, any officer of the Authority or any person authorised by the Authority";

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  - (b) by deleting "either of them respectively" and substituting the following—
    - " the Authority, that officer or that person ";

- (c) by deleting "thereunder" and substituting the following—
  - " for the purposes of this Act ".
- Section 114 further amended by deleting "thereunder" and substituting the following—
  - " made for the purposes of this Act".
- Section 115 of the principal Act is further amended by deleting "thereunder" and substituting the following—
  - " for the purposes of this Act".
- sections 118 153. Sections 118 and 119 of the principal Act repealed. are repealed.
- section 120 amended.

  154. Section 120 of the principal Act is amended in the subparagraph designated "(iv)"—
  - (a) by deleting "Under Secretary for Mines" and substituting the following—
    - " Permanent Head of the Department of Mines";
  - (b) by deleting "Mines Department" and substituting the following—
    - " Department of Mines "; and

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- (c) by deleting "gold mining lease, mineral lease" and substituting the following
  - mining lease ".
- 155. Section 121 of the principal Act is amended amended. by deleting "Minister" and substituting the following-
  - Managing Director of the Authority ".
- 156. The Country Areas Water Supply Amendment Act 1984, Act No. 41 of 1984, is amended by repealing subsection (2) of section 4, section 15 and section 16.

## PART VII-COUNTRY TOWNS SEWERAGE ACT 1948.

157. In this Part, the Country Towns Sewerage Principal Act. Act 1948 is referred to as the principal Act.

Reprinted as approved 11 March 1980 and amended by Acts Nos. 63 and 104 of 1982 and 16 of 1984.

158. The long title of the principal Act is amended. amended by deleting "the Minister of Water Supply Sewerage and Drainage to Construct, Maintain and Control" and substituting the following—

- the Construction, Maintenance and Control of ".
- Section 2 159. Section 2 of the principal Act is repealed. repealed.
- 160. Section 3 of the principal Act is amended— Section 3 amended.
  - (a) by deleting "3. In" and substituting the following-
    - 3. (1) In ";

- (b) by deleting the definitions of "district", "drain", "fittings", "fixtures", "local authority", "occupier", "owner", "pipe", "sewage", "sewer", "street" and "works";
- (c) in the definitions of "authorised", "bylaws", "ratepayer" and "sewerage works" by deleting "Minister" and substituting the following—
  - " former Minister or the Authority ";
- (d) by inserting in the appropriate alphabetical sequence the definitions following—
  - "Authority" means the body corporate known as the Water Authority of Western Australia established pursuant to the Water Authority Act 1984;
    - "former Minister" means a Minister administering this Act before, pursuant to the Water Authority Act 1984, the Authority became charged with the administration of functions under this Act, whether in his capacity as a Minister of the Crown or as (pursuant to section 2 of the Water Supply, Sewerage, and Drainage Act 1912 as read with this Act) a body corporate; ";

- (e) by adding the subsection following—
  - "(2) Terms not otherwise assigned a meaning under subsection (1) but referred to in section 3 of the Water Authority Act 1984 as having a meaning assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act.".

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  - 161. Section 5 of the principal Act is amended— Section 5 amended.
    - (a) by deleting "This" and substituting the following—
      - " Subject to the Minister, this "; and
    - (b) by deleting "Minister" and substituting the following—
      - " Authority ".
- 162. Section 6, 7 and 8 of the principal Act are 7 and 8 repealed.
  - 163. Section 10 of the principal Act is repealed. Section 10 repealed.
  - 164. Section 11 of the principal Act is amended— Section 11 amended.
    - (a) in subsection (1)—
      - (i) by deleting "the provisions of this Act, the Minister shall have power, with the approval of the Governor, to" and substituting the following—
        - "this Act, the Water Authority Act 1984 and, where required by those Acts, to the approval of the Minister, the Authority may";
      - (ii) by deleting "this Act" and substituting the following—
        - " those Acts ";
      - (iii) by deleting ", 1902-1945," and substituting the following—
        - " 1902 save that that Act shall be read and construed as though—
          - (a) a reference therein to the Minister administering that Act were a reference to the Authority; and

- (b) the provisions of the Water Authority Act 1984 relating to entry onto land and the giving of notice had effect in substitution for the provisions of the Public Works Act 1902 relating to those matters, ";
- (iv) by deleting "that the Minister" and substituting the following—
  - " that the Authority ";
- (v) by deleting "any sewerage area" and substituting the following—
  - " any locality, not being situate in a sewerage area "; and
- (vi) by deleting "such sewerage area" and substituting the following—
  - " such locality ";
- (b) by repealing subsections (1a) and (2);
- (c) in subsections (3), (4) and (5), by deleting "Minister" and substituting the following—
  - " Authority ";
- (d) in subsection (5), by inserting after "this Act" the following—
  - " and the Water Authority Act 1984"; and
- (e) by repealing subsection (6).

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- 166. The principal Act is amended in sections 23, 24 and 25—

"Minister" amended to "Authority" and "drain" amended to "property

- (a) by deleting "Minister" wherever it occurs sewer in and substituting the following—
  - " Authority "; and
- (b) by deleting "drain" wherever it occurs and substituting the following—
  - " property sewer ".
- 167. Section 23 of the principal Act is further amended—
  - (a) by deleting "drains" and substituting the following—
    - " property sewers "; and
  - (b) by deleting "his" and substituting the following—
    - " the Authority's ".
- 168. Section 23A of the principal Act is section 23A amended—
  - (a) by deleting "Minister" wherever it occurs and substituting the following—
    - " Authority "; and
  - (b) by repealing subsections (3) and (4).
- 169. Section 24 of the principal Act is further amended in subsection (1)—
  - (a) by deleting "him" and substituting the following—
    - " the Authority "; and

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  - (b) by deleting "he" where it twice occurs and substituting the following
    - m ``the Authority ''.
- Section 26 repealed. 170. Section 26 of the principal Act is repealed.
- "Minister" amended to "Authority" in Part V.
- 171. The principal Act is amended in sections 28, 29, 30, 31, 32, 33 and 34 by deleting "Minister" wherever it occurs and substituting the following—
  - " Authority ".
- "Drain" amended to "property sewer" in Part V.
- 172. The principal Act is amended in sections 27, 29, 31, 32, 33 and 34 by deleting "drain" and substituting the following—
  - " property sewer ".
- Section 32 further amended.
- 173. Section 32 of the principal Act is further amended by deleting "his" and substituting the following—
  - " the Authority's ".
- Heading to Part VI Substituted.
- 174. The heading to Part VI of the principal Act is deleted and the following heading is substituted—
  - " PART VI—CONNECTIONS TO PROPERTY. ".
- "Minister" amended to "Authority" in Part VI.
- 175. The principal Act is amended in sections 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 by deleting "Minister" wherever it occurs and substituting the following—
  - " Authority ".

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- 176. The principal Act is amended in sections amended to 38, 39, 40, 41, 43, 44 and 45 by deleting "drain" property sewer in wherever it occurs and substituting the following—

  "Drain" amended to "property sewer" in Part VI.
  - " property sewer ".
- 177. The principal Act is amended in sections 35, "Drains" amended to 36, 37 and 39 by deleting "drains" wherever it "property sewers" in occurs and substituting the following—

  "Drains" amended to "property sewers" in Part VI.
  - " property sewers ".
- 178. Sections 36 (1) and 38 of the principal Act and 38 are further amended by deleting "he" wherever it amended. occurs and substituting the following—
  - " the Authority ".
- 179. Section 40 of the principal Act is further further amended in subsection (2) by deleting "under his amended. hand, that he" and substituting the following—
  - " that the Authority ".
- 180. Section 46 of the principal Act is further further amended by deleting "drainage" and substituting amended the following—
  - " property sewerage ".
- 181. Sections 46A, 46B and 46C of the principal Act are repealed. Sections 46A, 46B and 46C repealed.
- 182. The principal Act is amended in sections "Minister" amended to 48, 50, 52, 57, 58, 59, 60, 61, 62, 63, 65A, 66, 66A, 72, "Authority" in Part VII. 75, 81, 82, 83, 84, 86, 87, 88, 89, 93, 97 and 98 by deleting "Minister" wherever it occurs and substituting the following—
  - " Authority ".

Section 52 further amended.

- 183. Section 52 of the principal Act is further amended in subsection (1), by deleting "in each" and substituting the following—
  - " for each ".
- Sections 53, 54 and 55 of the principal Act repealed. 184. Sections 53, 54 and 55 of the principal Act
- Section 56 repealed. 185. Section 56 of the principal Act is repealed.
- Section 58 further amended. Section 58 of the principal Act is further amended in subsection (1), by deleting "by him" and substituting the following—
  - " by the Authority ".
- Section 61 187. Section 61 of the principal Act is further amended—
  - (a) in subsection (5), by deleting "his" in both places and substituting the following—
    - " the Authority's "; and
  - (b) in subsection (6), by deleting "he" in both places and substituting the following—
    - " the Authority".

Section 66 further amended.

- 188. Section 66 of the principal Act is further amended in paragraph (b), by deleting "drain" and substituting the following—
  - " property sewer ".

Section 66A of the principal Act is further amended. amended—

- (a) in subsection (1)—
  - (i) by deleting "may from time to time prescribe classes of" and substituting the following—
    - , subject to the approval of the Minister, may by notice published in the Government Gazette prescribe classes rateable land by reference to the "; and
  - (ii) by deleting "for those purposes" and substituting the following
    - by reference to the prescribed classes "; and
- (b) by adding the subsection following—
  - (3) Subject to this Act, a rate may be made so as to vary by reference to scale (whether calculated graduated or cumulative increments by reference to the valuation or otherwise) and may be made—
    - (a) so as to have effect in a particular circumstance specified part of the area;
    - as to make different provision by reference different classes or kinds of land or land use;
    - (c) so as to take into account in relation to particular land or a particular class of case antecedent or other relevant circumstances, including the provision orsharing existing works, the making of contributions towards the cost

of works, and the effect of agreements entered into with the Authority,

and may take into account the matters referred to in section 73A. ".

## Section 67 amended.

- 190. Section 67 of the principal Act is amended—
  - (a) by deleting "Subject" and substituting the following—
    - " (1) Subject ";
  - (b) by deleting paragraph (c) and substituting the paragraph following—
    - ' (c) To provide funds for the maintenance of provision and reserve accounts, the servicing of loans and the payment of interest apportioned to the area. ";
  - (c) in paragraph (e)—
    - (i) by deleting "an amount" and substituting the following—
      - " or the Account amounts "; and
    - (ii) by inserting after "expended" the following—
      - " from the Consolidated Revenue Fund or the Account, as the case requires, "; and
  - (d) by adding the subsection following-
    - ' (2) Recommendations as to the manner in which rates are proposed by the Authority to be made applicable pursuant to section 66A and this section shall be set out in a resolution

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> of the Board of the Authority and submitted to the Minister for approval, and on the Minister approving the resolution the Authority shall, pursuant to section 69 of this Act, cause a notice of the effect of the resolution to be published. ".

191. Section 68 of the principal Act is amended Section 68 amended. in subsection (2), by deleting "The Minister" and substituting the following-

- The Authority, subject to the approval of the Minister,
- Section 69 of the principal Act is amended— Section 69 amended.
  - (a) in subsection (1)—
    - (i) by deleting "Whenever any rate is ordered by the Minister to be made and levied, the Minister shall" and substituting the following—
      - When a resolution of the Board of the Authority is approved by the Minister pursuant to subsection (2) of section 67, the Authority may order a rate in accordance with that resolution to be made and levied by entering ":
    - (ii) by deleting "sign"; and
    - (iii) by deleting "cause notice thereof to" and substituting the following
      - notice of the rate and summary of the effect of the resolution approved by the Minister shall ";

- (b) by adding the subsection following-
  - " (3) The production of a copy of the Government Gazette containing a notice published pursuant to this section as to the making of rates and the fixing of charges shall in all courts be conclusive evidence of the making of those rates and the fixing of those charges and its publication. ".

Section 70 amended.

- 193. Section 70 of the principal Act is amended by deleting "drain" and substituting the following—
  - " property sewer ".

Section 71 repealed.

194. Section 71 of the principal Act is repealed.

Section 72 further amended.

- 195. Section 72 of the principal Act is further amended, in subsection (2), by deleting "he" and substituting the following—
  - " the Authority ".

Section 72A amended.

- 196. Section 72A of the principal Act is amended—
  - (a) by deleting "The Minister" and substituting the following—
    - "The Authority, subject to the approval of the Minister,"; and
  - (b) by deleting "him" and substituting the following—
    - " the Authority ".

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- 197. Section 72B of the principal Act is amended amended. Section 72B by deleting "The Minister" and substituting the following—
  - The Authority, subject to the approval of the Minister, ".
- 198. Section 80 of the principal Act is amended Section 80 amended. by deleting "duly signed or initialled by the Minister" and substituting the following
  - produced by an officer of the Authority authorised by the Authority ".
  - Section 85 of the principal Act is amended— Section 85 amended. **199**.
    - (a) in paragraph (a), by deleting "signed by or on behalf of the Minister" and substituting the following
      - be signed, or purport to have been signed, by an authorised officer of the Authority "; and
    - (b) in paragraph (d), by deleting "Minister" and substituting the following-
      - Authority ".
- 200. Section 88 of the principal Act is further further amended by deleting "signed by or on behalf of" amended. and substituting the following—

- under the hand of a duly authorised officer of ".
- 201. Section 90 of the principal Act is amended Section 90 amended. by deleting "by the Minister or person authorised by him on his behalf" and substituting the following
  - made by a duly authorised officer of the Authority on behalf of the Authority ".

#### Section 91 amended.

- 202 Section 91 of the principal Act is amended—
  - (a) in subsection (1), by deleting "by the Minister or person authorised by him on his behalf" and substituting the following—
    - " by or on behalf of the Authority "; and
  - (b) in subsection (4), by deleting "Minister" and substituting the following—
    - " Authority ".

## Section 94 amended.

- 203. Section 94 of the principal Act is amended—
  - (a) by deleting "of or on behalf of the Minister";
  - (b) by inserting after "in writing" the following—
    - " of the Authority or a duly authorised officer of the Authority on behalf of the Authority "; and
  - (c) by deleting "to the Minister".

#### Section 96 amended.

- 204. Section 96 of the principal Act is amended—
  - (a) in subsection (1), by deleting "Minister" and substituting the following—
    - " Authority ";
  - (b) by repealing subsection (2);
  - (c) in subsection (3), by deleting "Minister" and substituting the following—
    - " Authority "; and

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  - (d) in subsection (5)—
    - (i) by deleting "of the Minister or person authorised by him on his behalf" and substituting the following—
      - " made by a duly authorised officer of the Authority on behalf of the Authority "; and
    - (ii) by deleting "against the Minister" and substituting the following—
      - " against the Authority ".
- 205. The principal Act is amended by repealing Part VIII comprising sections 99 to 101 and the heading.
- 206. Section 102 of the principal Act is section 102 amended...
  - (a) by deleting "The Minister may subject to the provisions of this Act, and with the approval of the Governor, make by-laws" and substituting the following—
    - "Without prejudice to the generality of that power, the power conferred by section 34 of the Water Authority Act 1984 to make by-laws may be exercised for the purposes of this Act ";
  - (b) by deleting the paragraphs designated "(1)", "(2)", "(4)", "(5)", "(6)", "(7)", "(8)", "(15)", "(17)", "(18)", "(19)" and "(24)";
  - (c) by deleting "drain" wherever it occurs and substituting the following—
    - " property sewer ";

- (d) by deleting "drains" wherever it occurs and substituting the following—
  - " property sewers ";
- (e) by deleting "Minister" wherever it occurs and substituting the following—
  - " Authority "; and
- (f) in the paragraph designated "(3)", by deleting "sewerage" and substituting the following—
  - " wastewater ".

section 103 repealed. 207. Section 103 of the principal Act is repealed.

"Minister" amended to "Authority" in Part X.

208. The principal Act is amended in sections 105, 108, 111, 112, 113 and 114, by deleting "Minister" wherever it occurs and substituting the following—

" Authority ".

section 107 209. Section 107 of the principal Act is repealed.

section 110 210. Section 110 of the principal Act is amended—

- (a) by deleting "the Minister, or any person employed by the Minister" and substituting the following—
  - "the Authority, any officer of the Authority or any person authorised by the Authority";
- (b) by deleting "they are respectively" and substituting the following—
  - "the Authority, that officer or that person is ";

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  - (c) by deleting "thereunder" and substituting the following
    - for the purposes of this Act ".
- Section 112 of the principal Act is further further further amended by deleting "thereunder" and substituting the following-

- made for the purposes of this Act ".
- 212. Section 113 of the principal Act is further sutther further amended by deleting "thereunder" and substituting the following-

- for the purposes of this Act ".
- 213. Sections 116 and 117 of the principal Act and 117 are repealed.
- 214. Section 118 of the principal Act is amended amended. Section 118 in the subparagraph (iv) of subsection (1) (b)—
  - (a) by deleting "Under Secretary for Mines" and substituting the following—
    - Permanent Head of the Department of Mines ";
  - (b) by deleting "Mines Department" and substituting the following-
    - Department of Mines "; and
  - (c) by deleting "gold mining lease, mineral lease" and substituting the following
    - mining lease ".

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Section 119 amended. 215. Section 119 of the principal Act is amended—

- (a) by deleting "Minister" and substituting the following—
  - " Managing Director of the Authority"; and
- (b) by deleting "drain" and substituting the following—
  - " property sewer ".

Consequential repeals. 216. The Country Towns Sewerage Amendment Act 1984, Act No. 16 of 1984, is amended by repealing sections 6 and 7.

### PART VIII—LAND DRAINAGE ACT 1925.

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 and 41 of 1983.

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

Long title amended. 218. The long title of the principal Act is amended by deleting "and Boards".

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m to\,5}^{
m Sections\,2}$  219. Sections 2 to 5 of the principal Act are repealed.

- Section 6 amended. 220. Section 6 of the principal Act is amended—
  - (a) by deleting "6. In" and substituting the following—
    - " 6. (1) In ";

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - (b) by deleting the definitions of "Board", "Chairman", "Financial year", "Local Authority", "Member", "Occupier" and "Owner";
  - (c) in the definition of "Main Drain" by deleting "Minister" and substituting the following—
    - " former Minister or the Authority ";
  - (d) by inserting in the appropriate alphabetical sequence the definitions following—
    - "Authority" means the body corporate known as the Water Authority of Western Australia established pursuant to the Water Authority Act 1984;
      - "former Minister" means a Minister administering this Act before, pursuant to the Water Authority Act 1984, the Authority became charged with the administration of functions under this Act, whether in his capacity as a Minister of the Crown or as (pursuant to section 2 of the Water Supply, Sewerage, and Drainage Act 1912 as read with this Act) a body corporate; "; and
  - (e) by adding the subsection following-
    - " (2) Terms not otherwise assigned a meaning under subsection (1) but referred to in section 3 of the Water Authority Act 1984 as having a meaning assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act. ".

Section 7 substituted.

221. Section 7 of the principal Act is repealed and the following section is substituted—

Administration of the Act.

" 7. Subject to the Minister, this Act shall be administered by the Authority.".

Section 8 repealed.

222. Section 8 of the principal Act is repealed.

Section 9 amended.

- 223. Section 9 of the principal Act is amended—
  - (a) by repealing subsections (1) and (2);
  - (b) in subsection (3), by deleting ", the Minister may exercise the powers and authorities and shall have the immunities of a board under Parts VI., VII., VIII., IX., X., and XI. of this Act, within an area defined by the same or any subsequent Order in Council and declared to be land that benefits by the construction of the drain, and such area shall, for such purposes," and substituting the following—
    - "the area defined by that or a subsequent Order in Council to be land that benefits by the construction of the drain shall ";
  - (c) in subsection (3a)—
    - (i) by deleting "the board of such drainage district, or in the Minister" and substituting the following—
      - " a former Minister or the Authority"; and
    - (ii) by deleting "board of such drainage district, or, where there is no board by the Minister, and shall be deemed to be vested in the said board or in the Minister, as the case may be," and substituting the following—
      - "Authority and shall be deemed to be vested in the Authority ";

and

(d) by repealing subsection (5).

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - 224. Section 10 of the principal Act is repealed. Section 10
- 225. Section 14 of the principal Act is repealed substituted. and the following section is substituted—
  - "
    14. The Governor may, by Order in Council, Dissolution of drainage dissolve any drainage board heretofore constituted under section 15 of this Act as in force prior to the coming into operation of section 226 of the Acts Amendment and Repeal (Water Authorities) Act 1985. ".
- 226. The principal Act is amended by repealing Part IV repealed. Part IV comprising sections 15 to 59 and the heading.
- 227. Section 60 of the principal Act is repealed substituted. and the following section is substituted—
  - "60. Subject to this Act, the Water Authority works. Act 1984 and where required by those Acts, to the approval of the Minister, the Authority may construct and maintain drainage works within drainage districts."
- 228. Sections 61 to 63 of the principal Act are to 63 repealed.
  - 229. Section 64 of the principal Act is amended— Section 64 amended.
    - (a) by deleting "The board", "the board" and "a board" wherever those expressions occur in subsections (1), (2), (3), (4), (5), (6), (8) and (9) and substituting the following—
      - "The Authority" or "the Authority", as the case requires;

- (b) in subsection (3), by deleting "Governor" and substituting the following—
  - " Minister ";
- (c) in subsection (4), by deleting "under the hand of the chairman";
- (d) in subsection (5), by deleting "as set out in sections numbers sixty-five to seventy, both inclusive." and substituting the following—
  - " set forth in section 83 of the Water Authority Act 1984.";
- (e) in subsection (6), by deleting "becomes or is to become liable to" and substituting the following—
  - " became, becomes or is to become liable to a former Minister or ";
- (f) in subsections (7) and (10), by deleting "a board" and substituting the following—
  - " a former Minister or the Authority "; and
- (g) in subsection (11), by deleting "Minister" and substituting the following—
  - " Authority ".

Section 65 repealed.

230. Section 65 of the principal Act is repealed.

# Section 65A amended.

- 231. Section 65A of the principal Act is amended by deleting "for any damage sustained by him through the exercise of the powers conferred by section sixty-five of this Act" and substituting the following—
  - " pursuant to section 62 of the Water Authority Act 1984".

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- 232. Sections 66 to 69 of the principal Act are to 69 repealed.
  - 233. Section 70 of the principal Act is amended— Section 70 amended.
    - (a) by deleting "a board shall, within its district" and substituting the following—
      - " the Authority shall, within a drainage district";
    - (b) in paragraph (1), by deleting "water-course;" and substituting the following—
      - " watercourse; and ";
    - (c) in paragraph (2), by deleting "therefrom; and" and substituting the following—
      - " therefrom. "; and
    - (d) by deleting paragraph (3).
  - 234. Section 71 of the principal Act is amended—Section 71 amended.
    - (a) in subsection (1)—
      - (i) by deleting "the board or the Minister, as the case may require" and substituting the following—
        - " the Authority "; and
      - (ii) by deleting "the board or any drain, not under such control, which is vested in the Minister" and substituting the following—
        - " the Authority ";
    - (b) by repealing subsection (2); and

- (c) in subsection (3)—
  - (i) by deleting "the board or the Minister, as the case may require," and substituting the following—
    - " the Authority "; and
  - (ii) by deleting "by the board or the Minister" and substituting the following—
    - " by the Authority ".

"Board" amended to "Authority" in Part VII.

- 235. The principal Act is amended in sections 74, 81, 81A, 82, 84, 85, 89, 91, 93, 94, 95, 98, 99, 99D, 99E, 100, 103, 104, 111 and 112 by deleting "The board", "the board" or "a board" wherever those expressions occur and substituting the following—
  - "The Authority" or "the Authority", as the case requires.

#### Section 73 amended.

- 236. Section 73 of the principal Act is amended by deleting "determination of the board made in each year before imposing the rates." and substituting the following—
  - " resolution of the Authority approved by the Minister pursuant to subsection (4) of section 88. ".

#### Section 81 further amended.

- 237. Section 81 of the principal Act is further amended—
  - (a) in subsection (1), by inserting after "book," "the following—
    - " for each drainage district"; and
  - (b) by repealing subsection (2) and substituting the subsection following—
    - (2) Every rate book shall be made up as early as may be for each financial year and notice thereof shall be

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published forthwith in the Government Gazette, and in at least one newspaper circulating in the drainage district concerned. ".

- 238. Section 84 of the principal Act is further Section 84 amended—
  - (a) by inserting after "makes" the following-
    - " for a drainage district"; and
  - (b) by inserting after "one rate-book" the following—
    - " for each district ".
- 239. Section 85 of the principal Act is further Section 85 amended by repealing subsection (3).
- 240. Sections 86 and 87 of the principal Act are sections 86 repealed.
  - 241. Section 88 of the principal Act is amended— Section 88 amended.
    - (a) by repealing subsection (1) and substituting the subsection following—
      - "
        (1) Subject to subsections (2) and (3), the Authority may, from time to time, make and levy drainage rates in respect of all rateable land within any drainage district for the following purposes—
        - (a) to provide funds to defray the expenses of the general administration of this Act apportioned to the drainage district;

- (b) to provide funds to defray the expenses incurred in the construction, maintenance and management of works in the drainage district;
- (c) to provide funds for the maintenance of provision and reserve accounts, the servicing of loans and the payment of interest apportioned to the drainage district; and
- (d) to provide funds to pay by way of reimbursement to the Consolidated Revenue Fund an amount agreed with the Treasurer in respect of moneys, other than moneys collected by way of drainage rates under this Act, expended in the drainage district in previous years for the purposes of this Act. "; and
- (b) by inserting after subsection (3) the subsection following—
  - "

    (4) Recommendations as to the manner in which drainage rates are proposed by the Authority to be made pursuant to this section shall be set out in a resolution of the Board of the Authority and submitted to the Minister for approval, and on the Minister approving the resolution the Authority shall, pursuant to section 92, cause a notice of the effect of the resolution to be published. ".

Section 89 further amended.

- 242. Section 89 of the principal Act is further amended—
  - (a) in subsection (2), by deleting "section 149" and substituting the following—
    - " the Water Authority Act 1984"; and

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - (b) in paragraph (a) of subsection (3), by deleting "in the district" and substituting the following—
    - " in a drainage district ".
- 243. Section 90 of the principal Act is amended section 90 in subsection (1)—
  - (a) by inserting after "prescribed" the following—
    - " by the Authority, with the approval of the Minister, "; and
  - (b) by deleting "the board thinks fit" and substituting the following—
    - "the Authority, with the approval of the Minister, so determines".
- 244. Section 90A of the principal Act is amended amended. by deleting "board" and substituting the following—
  - " Minister ".
- 245. Section 91 of the principal Act is further section 91 amended—
  - (a) in subsection (1)—
    - (i) by deleting "as prescribed by the board by by-law made under this Act. But" and substituting the following—
      - " but "; and
    - (ii) by deleting "no board shall" and substituting the following—
      - " the Authority shall not "; and
  - (b) by repealing subsection (2).

Section 92 substituted.

246. Section 92 of the principal Act is repealed and the following section is substituted—

Manner of making rate.

- 92. (1) When a resolution of the Board of the Authority is approved by the Minister pursuant to subsection (4) of section 88, the Authority may order a drainage rate in accordance with that resolution to be made and levied within a drainage district by entering, on a vacant page of the rate-book be left blank for the purpose. memorandum of the order and notice of the drainage rate and a summary of the effect of the resolution approved by the Minister shall be published in the Government Gazette and a newspaper circulating in the drainage district in relation to which the drainage rate is ordered.
  - (2) On the publication of the notice pursuant to subsection (1) the drainage rate as particularised in that notice shall become due and payable but no proceedings to recover or enforce payment of that rate shall be taken until after the expiration of one month from the date of service of the notice of assessment pursuant to section 93.
  - (3) The production of a copy of the Government Gazette containing a notice published pursuant to this section as to the making of rates shall in all courts be conclusive evidence of the making of those rates and its publication. ".

Section 95 further amended.

- 247. Section 95 of the principal Act is further amended—
  - (a) by repealing subsection (1) and substituting the subsection following—
    - " (1) Where, during a financial year, a drainage district is constituted, the Authority may, with the consent of the Minister, and subject to such

exceptions and conditions (if any) as he may see fit to impose, exercise the powers and carry out the duties and obligations granted to and imposed upon the Authority by this Part as soon after the constitution of the drainage district as, in the opinion of the Minister, shall be practicable. "; and

- (b) in subsection (2), by deleting "of any such newly constituted district may prepare a statement and estimate in respect of the remaining period of" and substituting the following—
  - ", in relation to that newly constituted drainage district, may make and levy drainage rates for ".
- 248. Section 98 of the principal Act is further further amended in subsection (2), by deleting "Minister" amended and substituting the following—
  - " Authority ".
- 249. Section 100 of the principal Act is further section 100 amended by deleting "Road Districts Act, 1919" and amended substituting the following—
  - " Local Government Act 1960".
- 250. Section 104 of the principal Act is further further amended in subsection (1), by deleting "the amended secretary" and substituting the following—
  - " an officer of the Authority authorised by the Authority".

Section 105 substituted.

251. Section 105 of the principal Act is repealed and the following section is substituted—

Discounts and additional charges.

- ' 105. (1) A person who is liable to pay money due for drainage rates—
  - (a) may, if payment in full of the total amount due is made within such period or by such date as is prescribed for the purpose, be allowed a discount of such a kind as is prescribed;
  - (b) may pay the amount due by instalments to the extent and in the manner provided for in the by-laws, but a person who chooses to pay by instalments an amount due may be required also to pay such additional charges as are prescribed; and
  - (c) shall, subject to paragraph (b), if he does not pay the money in full within the period or by the date when payment is due, be liable to pay such penalties as are prescribed.
  - (2) Additional charges and penalties imposed under this section in respect of moneys due for drainage rates shall be deemed to be part of the amount due for drainage rates for the purposes of the recovery provisions of this Part. ".

Sections 106 and 107 repealed. 252. Sections 106 and 107 of the principal Act are repealed.

Section 108 amended.

- 253. Section 108 of the principal Act is amended in subsection (1)—
  - (a) by deleting "duly signed or initialled by the chairman" and substituting the following—
    - " produced by an officer of the Authority authorised by the Authority "; and

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  - (b) by deleting "the chairman or the secretary" and substituting the following
    - an officer of the Authority authorised by the Authority ".
  - Section 110 of the principal Act is repealed. Section 110 254.
- Sections 113 and 114 of the principal Act Section 113 substituted is and section 114 repealed. repealed and the following section substituted—
  - Divisions 2 and 3 of Part VII of the Incorpora-Country Areas Water Supply Act 1947 shall country apply for the purposes of this Act as though a reference in those Divisions to water rates 1947 relating to were a reference to drainage rates under this recovery of rates, Act. ".

256. Sections 114A and 114B of the principal Act Sections 114A and 114B are repealed. renealed.

257. The principal Act is amended by repealing Part VIII repealed. Part VIII comprising sections 115 to 137 and the heading.

258. The principal Act is amended by repealing Fart IX repealed. Part IX comprising sections 138 to 147 and the heading.

- Section 148 of the principal Act is amended amended. Section 148 in subsection (1)—
  - (a) by deleting "Every board may, with the approval of the Governor and subject to the provisions of this Act make by-laws" and substituting the following—
    - Without prejudice to the generality of that power, the power conferred by section 34 of the Water Authority Act 1984 to make by-laws may be exercised for the purposes of this Act ";

- (b) by deleting the paragraphs designated "(1)", "(1a)", "(2)", "(3)", "(4)", "(6)" and "(8)" and substituting the paragraphs following—
  - (1) Prescribing discounts, additional charges, and penalties payable in respect of payments for drainage rates.
    - (2) Prescribing fees payable for the issue upon request of statements as to moneys due or paid for rates under this Act, and making provision as to the recovery of such fees. "; and
- (c) in the paragraph designated "(4a") by deleting "referred to in paragraph (4) of this section".

Section 149, 150 and 151 of the principal repealed. Act are repealed.

"Board" amended to "Authority" in Part XI.

- 261. The principal Act is amended, in sections 153, 154, 155, 160, 162, 167 and 171, by deleting "the board" or "a board" wherever either of those expressions occur and substituting the following—
  - " the Authority ".

Section 152 262. Section 152 of the principal Act is amended—

- (a) by deleting "the board, or any member, or any person employed by the board" and substituting the following—
  - "the Authority, any officer of the Authority or any person authorised by the Authority";

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  - (b) by deleting "such board, member, or person" and substituting the following
    - the Authority, that officer or that person ";

and

- (c) by deleting "thereunder" and substituting the following
  - for the purposes of this Act ".
- 263. Sections 156, 157 and 158 of the principal Sections 156, 157 and 158 of the principal sections 156, amended by deleting "thereunder" wherever amended. Act are amended by deleting "thereunder" wherever it occurs and substituting the following-

- for the purposes of this Act. ".
- 264. Section 159 of the principal Act is repealed. Section 159
- 265. Section 161 of the principal Act is amended Section 161 amended. by deleting "the secretary or any other officer of the board appointed by the chairman in writing under his hand may represent the board" and substituting the following—

- any officer of the Authority may represent the Authority ".
- 266. Section 162 of the principal Act is further section 162 amended by deleting "such board" and substituting amended. the following—

- the Authority ".
- 267. Sections 164 and 164A of the principal Act Sections 164 and 164A represented. are repealed.

Section 167 further amended.

- 268. Section 167 of the principal Act is further amended—
  - (a) in subsections (1), (6) and (7), by deleting "thereunder" and substituting the following—
    - " for the purposes of this Act"; and
  - (b) in subsection (4), by deleting ", or of the secretary to the board as the case may be,".

Sections 169 and 170 of the principal Act are repealed.

Sections 169 and 170 of the principal Act are repealed.

section 172 270. Section 172 of the principal Act is repealed.

Section 173 amended. 271. Section 173 of the principal Act is amended—

- (a) in paragraph (b) of subsection (1)—
  - (i) by repealing subparagraph (i) and substituting the subparagraph following—
    - (i) the Registrar of Deeds or his deputy, that any person appears from any memorial of registration of any deed, conveyance or other instrument to be the owner of any land; "; and
  - (ii) in subparagraph (iii), by deleting "Under Secretary for Lands or the Under Secretary for Mines" and substituting the following—
    - "Permanent Head of the Department of Lands and Surveys or the Permanent Head of the Department of Mines";

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- (b) in subsection (2), by deleting "certificate, and on the written application of any board, signed by the secretary, a certificate giving the name and address of such owner, lessee, or occupier, the situation and description of such land, and date of registration of title, shall be furnished on payment of one dollar for each certificate." and substituting the following—
  - " certificate. ".
- 272. Sections 174, 175 and 176 of the principal Sections 174, Act are repealed.
- 273. The Schedule to the principal Act is Schedule repealed.

### PART IX—RIGHTS IN WATER AND IRRIGATION ACT 1914.

274. In this Part, the Rights in Water and Act. Principal Reprinted as approved 12 August 1974 and Act.

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 198, 63 of 198,

- 275. Section 2 of the principal Act is amended— Section 2 amended.
  - (a) by deleting "2. In" and substituting the following—
    - " 2. (1) In ";
  - (b) by deleting the definitions of "Board", "Department", "local authority", "occupier", "owner", "well" and "works";
  - (c) in the definition of "District" by inserting after "District" the following—
    - " or "irrigation district" ":

- (d) by inserting in the appropriate alphabetical sequence the definitions following—
  - "Authority" means the body corporate known as the Water Authority of Western Australia established pursuant to the Water Authority Act 1984;
    - "former Minister" means a Minister administering this Act before, pursuant to the Water Authority Act 1984, the Authority became charged with the administration of functions under this Act, whether in his capacity as a Minister of the Crown or as (pursuant to section 2 of the Water Supply, Sewerage, and Drainage Act 1912 as read with this Act) a body corporate; "; and
- (e) by adding the subsection following—
  - " (2) Terms not otherwise assigned a meaning under subsection (1) but referred to in section 3 of the Water Authority Act 1984 as having a meaning assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act. ".

Section 3 amended.

- 276. Section 3 of the principal Act is amended—
  - (a) in subsection (1)—
    - (i) by deleting "The" and substituting the following—
      - " Subject to the Minister, the "; and
    - (ii) by deleting "Minister" and substituting the following—
      - " Authority "; and
  - (b) by repealing subsections (2) and (3).

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
- 277. Section 4 of the principal Act is amended amended in subsection (1) by inserting after "Minister" the following—
  - " and the Authority ".
  - 278. Section 5 of the principal Act is repealed. Section 5 repealed. Section 5
- 279. The principal Act is amended in sections 12, "Minister" 13, 16, 17, 22, 25, 26E, 26F, 26G, 26J and 27 by "Authority" deleting "Minister" wherever it occurs and substituting the following—
  - " Authority ".
- 280. Section 12 of the principal Act is further section 12 amended—
  - (a) in subsections (6) and (10), by deleting "he" and substituting the following—
    - " the Authority "; and
  - (b) in subsection (12), by inserting after "may" the following—
    - ", with the approval of the Minister, ".
- 281. Section 16 of the principal Act is further section 16 further amended—
  - (a) in subsection (2), by inserting after "may" the following—
    - ", with the approval of the Minister, "; and
  - (b) in subsection (3), by deleting "or a Board" where it twice occurs and substituting, in each place, the following—
    - " or a former Minister".

[1985.

Section 22 further amended.

- 282. Section 22 of the principal Act is further amended in subsection (1) by deleting "he" and substituting the following—
  - " the Authority ".

Section 25 further amended.

- 283. Section 25 of the principal Act is further amended in subsection (5) by deleting "he" and substituting the following—
  - " the Authority ".

Section 26D amended.

- **284.** Section 26D of the principal Act is amended—
  - (a) in subsection (1), by deleting "Minister" and substituting the following—
    - " Authority ";
  - (b) in subsection (2)—
    - (i) by deleting "Minister may, in his discretion—" and substituting the following—
      - " Authority may— "; and
    - (ii) in paragraphs (a) and (b), by deleting "he" where it twice occurs and substituting, in each place, the following—
      - " the Authority ";

and

- (c) in subsection (4), by deleting "Minister" where it first occurs and substituting the following—
  - " Authority ".

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
- 285. Section 26G of the principal Act is further amended in subsection (1)—
  - (a) by deleting "he" where it twice occurs and substituting, in each place, the following—
    - " the Authority "; and
  - (b) by deleting "his intention" and substituting the following—
    - " the intention".
- 286. Section 26H of the principal Act is amended.
  - (a) in subsection (1)—
    - (i) by deleting "The Minister or any person empowered by the Minister" and substituting the following—
      - "Subject to subsection (1a), the Authority, any officer of the Authority or any person authorized by the Authority";

and

- (ii) by deleting "bed; and it shall not be necessary for the Crown or the Minister to obtain an injuction or other order of a court for the purpose of such entry or measures." and substituting the following—
  - " bed. ":
- (b) by inserting after subsection (1) the subsection following—
  - " (1a) The Authority shall comply with the provisions of Part VI of the Water Authority Act 1984 in relation to any entry under subsection (1). ";

- No. 25.] Acts Amendment and Repeal [1985. (Water Authorities).
  - (c) in subsection (2)—
    - (i) by deleting "the Minister" where it twice occurs and substituting, in each place, the following—
      - " the Authority "; and
    - (ii) by deleting "a power" and substituting the following—
      - " an authorization ".
- Section 26J of the principal Act is further amended—
  - (a) in subsection (1), by deleting "person empowered" and substituting the following—
    - " officer of the Authority authorized "; and
  - (b) in subsection (2), by deleting "his" and substituting the following—
    - " the Authority's ".
- Section 27 further amended.

  288. Section 27 of the principal Act is further amended—
  - (a) in subsection (1), by deleting "The Governor may" and substituting the following—
    - "Without prejudice to the generality of that power, the power conferred by section 37 of the Water Authority Act 1984 to make regulations may be exercised to "; and
  - (b) by repealing subsection (2).

289. The principal Act is amended in sections amended to 27A, 27AA, 27B, 27C, 27D and 27E by deleting "Authority" "Minister" wherever it occurs and substituting the following-

- Authority ".
- 290. Section 27A of the principal Act is further further further amended—
  - (a) in paragraph (b) of subsection (2), by deleting "other person as" and substituting the following
    - officer of the Authority "; and
  - (b) in subsection (5), by deleting "he" and substituting the following
    - the Authority ".
- 291. Section 27F of the principal Act is amended Section 27F amended. in subsection (1)—
  - (a) in paragraphs (ab), (a) and (b), by deleting "the Minister" and substituting the following
    - the Authority "; and
  - (b) by deleting "Minister's" and substituting the following—
    - Authority's ".
- 292. Section 27H of the principal Act is amended amended amended in subsection (1) by deleting "The Governor may from time to time" and substituting the following-

Without prejudice to the generality of that power, the power conferred by section 37 of the Water Authority Act 1984 to make regulations may be exercised to ".

# No. 25.] Acts Amendment and Repeal [1985. (Water Authorities).

substituted. 293. Section 30 of the principal Act is repealed and the following section is substituted—

Dissolution of Boards.

" 30. The Governor may, by Order in Council dissolve any Irrigation Board heretofore constituted pursuant to this section as in force prior to the coming into operation of section 293 of the Acts Amendment and Repeal (Water Authorities) Act 1985. ".

Sections 31 and 32 repealed.

294. Sections 31 and 32 of the principal Act are repealed.

Section 33 substituted.

295. Section 33 of the principal Act is repealed and the following section is substituted—

Works.

" 33. Subject to this Act, the Water Authority Act 1984, and, where required by those Acts, to the approval of the Minister, the Authority may construct and maintain irrigation works within any irrigation district."

Section 34 repealed.

296. Section 34 of the principal Act is repealed.

Section 35 amended. 297. Section 35 of the principal Act is amended—

- (a) by inserting after "this Act" where it first occurs the following—
  - " or the Water Authority Act 1984 "; and
- (b) by deleting "a Board, or against any servants or agents of, or contractor under, the Crown or a Board," and substituting the following—
  - "the Authority, or against any officer of the Authority, or contractor under the Crown or the Authority, ".

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - 298. Section 36 of the principal Act is amended— Section 36 amended.
    - (a) by inserting after "this Act" the following—
      - " and of the Water Authority Act 1984"; and
    - (b) by deleting "Minister or the Board (as the case may be)" and substituting the following—
      - " Authority ".
- 299. Section 37 of the principal Act is amended section 37 by deleting "Minister or the Board (as the case may be)" and substituting the following—
  - " Authority ".
  - 300. Section 38 of the principal Act is amended—Section 38 amended.
    - (a) in paragraphs (a), (c) and (d), by deleting "Minister or the Board" wherever it occurs and substituting the following—
      - " Authority "; and
    - (b) in paragraph (d)—
      - (i) by deleting "Minister or Board" and substituting the following—
        - " Authority "; and
      - (ii) by inserting after "this Act" the following—
        - " or the Water Authority Act 1984".

## No. 25.] Acts Amendment and Repeal (Water Authorities).

Heading to Part VII amended. 301. The heading to Part VII of the principal Act is amended by inserting after "WATER" the following—

" , RATES AND CHARGES ".

"Minister" amended to "Authority" in Part VII.

- 302. The principal Act is amended in sections 39 and 39A by deleting "Minister" and substituting the following—
  - " Authority ".

"Board" amended to "Authority" in Part VII.

- 303. The principal Act is amended in sections 42, 42A, 42B, 43, and 44 by deleting "a Board", "the Board" or "The Board" wherever those expressions occur and substituting the following—
  - "the Authority" or "The Authority", as the case requires.

Sections 39B, 39C, 39D, 39E, 39F, 39G, 39H and 39 I inserted.

**304.** After section 39A of the principal Act the following sections are inserted—

Rateable land. " 39B. The provisions of section 46A of the Country Areas Water Supply Act 1947 apply with such modifications as are necessary, to determine rateable land for the purposes of this Act.

Rate books.

- 39C. (1) Whenever the Authority determines to make and levy irrigation rates the Authority shall cause rate books to be kept for each irrigation district in relation to which the irrigation rates are to be made and levied, in the prescribed form and shall enter therein all rateable land in the district which is irrigable land with the several particulars indicated on the form or otherwise prescribed.
- (2) Every rate book shall be made up as early as may be for each financial year, and notice thereof shall be published forthwith in

the Government Gazette, and in at least one newspaper circulating in the irrigation district concerned.

- (3) Where in respect of any irrigation district the Authority is of opinion at any time that the making and levying of an irrigation rate for a part of a year only is expedient, the Authority may make and levy the irrigation rate for that part of the year, but the irrigation rate for that part of the year shall bear the same ratio to the rate for the whole year as the part of the year for which the irrigation rate is made and levied bears to a whole year.
- (4) The rate book shall at all reasonable times be open to inspection by any ratepayer.
- 39D. (1) The Authority may from time to Rate book time amend any rate book kept by the amended. Authority under this Act by adding the particulars of any land which shall have become rateable, or by inserting the particulars of any rateable land which is irrigable land omitted, or by substituting for the name of any person erroneously inserted as the owner or occupier of land the name of the true owner or occupier, and by correcting any other error.

- (2) The power to amend a rate book shall extend to the rate book for the current year and to the rate book for the 5 years preceding the commencement of the current year.
- (3) Within 14 days of any amendment of a rate book the Authority shall cause notice to be given to all persons affected by it, and those persons shall have the same rights of objection and appeal from the amendment as would have been the case had the amendment appeared in the rate book as made up.

(4) The Authority may, instead of causing a new rate book to be made up in any year, use the rate book of the last or any previous year with such alterations and additions as appear necessary.

Objection to entry in rate book.

- 39E. (1) Any person who is dissatisfied with any entry in a rate book, and who stands rated on the basis of that entry, may serve upon the Authority a written objection to that entry.
- (2) An objection to an entry in a rate book shall—
  - (a) be served within 42 days after the issue of the relevant assessment;
  - (b) describe the relevant land so as to identify it;
  - (c) identify the entry objected to; and
  - (d) set out fully and in detail the grounds of objection.
- (3) The grounds upon which an objection may be made include—
  - (a) that the land rated is not irrigable; and
  - (b) in the case of any land to which the system of rating on the area applies, that the area set out in the rate book is in excess of the actual area of the land.
- (4) The Authority may, for reasonable cause shown by a person entitled to make an objection, extend the time for service of the objection for such period as the Authority considers reasonable in the circumstances.

- (5) The Authority shall, with all reasonable despatch, consider any objection and may either disallow it or allow it, wholly or in part.
- (6) The Authority shall promptly serve upon the person by whom the objection was made written notice of the Authority's decision on the objection and a brief statement of the Authority's reasons for that decision.
- (7) If the Authority decides to allow an objection, wholly or in part, the Authority shall advise the person by whom the objection was made of any consequent amendment of the relevant rate book entry; and if the Authority decides to disallow an objection, wholly or in part, the Authority shall advise the person of the time within which and the manner in which an appeal against the decision may be made.
- 39F. (1) Any person who is dissatisfied Appeal against ith the decision of the Authority on an decision of with the decision of the Authority on an decision of Authority on objection by that person may, within 42 days objection. (or such further period as the Authority shall, for reasonable cause shown by the person, allow) after service of notice of the decision of the Authority, serve on the Authority a notice requiring that Authority treat the objection as an appeal against the relevant rate book entry.

- (2) Upon receipt of such notice the Authority shall promptly refer the objection to a Land Valuation Tribunal under the Land Valuation Tribunals Act 1978 as an appeal.
- (1) A person who is dissatisfied with against refusal to extend e a decision of the Authority to refuse to extend the time for service of an objection against an time for objection entry in a rate book or for service of a notice requiring the Authority to treat an objection

to an entry in a rate book as an appeal against that entry may serve on the Authority a notice requiring the Authority to refer such decision to a Land Valuation Tribunal under the Land Valuation Tribunals Act 1978 as an appeal.

(2) Upon receipt of such notice the Authority shall promptly refer the decision to such a Tribunal as an appeal.

Objection or appeal not to affect liability to pay rates. 39H. The making of an objection or an appeal shall not affect the liability of the ratepayer to pay any rates assessed under this Act pending determination of the objection or the appeal.

Authority to amend rate book and assessment consequent on objections.

- 39I. (1) The Authority shall make any amendment of an entry in a rate book which shall be necessary in consequence of the allowance, wholly or in part, of an objection or an appeal under this Act.
- (2) The Authority shall issue a notice of an amended assessment of rates under this Act when, in consequence of the allowance, wholly or in part, of an objection or appeal under this Act, amendment of an assessment is necessary. ".

Section 40 amended.

- 305. Section 40 of the principal Act is amended—
  - (a) in subsection (1)—
    - (i) by deleting "An Irrigation Board may, with the approval of the Minister" and substituting the following—
      - "Subject to subsection (1c), the Authority may";

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - (ii) by deleting "irrigable lands situated within the District" and substituting the following—
    - " rateable land which is irrigable land situated within any irrigation district ";
  - (iii) by deleting "the Board" where it firstly, secondly and fourthly occurs and substituting in each place the following—
    - " the Authority ";
  - (iv) by inserting after "provide" the following—
    - ", in relation to that irrigation district, ";
  - (v) to delete "contribution to a sinking fund, and a fund for the replacement of depreciating property" and substituting the following—
    - "funds for the maintenance of provision and reserve accounts"; and
  - (vi) by deleting ", and the management of the business of the Board." and substituting the following—
    - " in that district, and to defray the expenses of the administration of this Act apportioned to that district. ";

- (b) by repealing subsection (1a) and substituting the subsection following—
  - " (1a) The Authority may declare land to be irrigable land for the purposes of this Act and any land that was, immediately before—
    - (a) section 11 of the Rights in Water and Irrigation Amendment Act 1984 came into operation, certified by the Commissioners appointed under this Act as in force before that section came into operation; or
    - (b) Part IX of the Acts Amendment and Repeal (Water Authorities) Act 1985 came into operation, certified by the Minister,

to be suitable for irrigation is deemed to have been declared by the Authority under this subsection to be irrigable land, but the Authority may declare that any land declared or deemed to have been declared to be irrigable land shall cease to be irrigable land for the purposes of this Act and any such declaration shall have effect according to its tenor. ":

- (c) in subsection (1b)—
  - (i) by deleting "Minister" and substituting the following—
    - " Authority "; and
  - (ii) by deleting "he" and substituting the following—
    - " the Authority ";

- (d) by inserting after subsection (1b) the subsection following—
  - (1c) Recommendations as to the manner in which rates are proposed by the Authority to be made applicable pursuant to this section shall be set out in a resolution of the Board of the submitted to Authority and Minister for approval, and on the Minister approving the resolution the Authority shall, pursuant to section 40B, cause a notice of the effect of the resolution to be published. "; and
- (e) by repealing subsections (2), (3) and (4).
- 306. After section 40 of the principal Act the Sections 40A, and 40C lowing sections are inserted following sections are inserted—

40A. (1) The Authority, subject to the Amount of rate. approval of the Minister, may make and levy a minimum irrigation rate of the prescribed amount for an irrigation district upon any rateable land which is irrigable notwithstanding that if imposed under other provisions of this Act the rate payable in respect of that land would be less.

- (2) The Minister may from time to time by notice in the Government Gazette-
  - (a) determine by reference either to—
    - (i) a specified amount; or
    - (ii) a percentage of the previous vear's irrigation rate.

the maximum amount of the irrigation rate for an irrigation district to be paid in respect of any irrigable land; and

(b) vary or revoke any notice published pursuant to paragraph (a),

and where the irrigation rate computed would be an amount in excess of that for the time being determined by the Minister pursuant to this subsection, then irrigation rate for that irrigation district shall be fixed at the amount so determined.

Manner of making rate.

- (1) When a resolution of the Board of the Authority is approved by the Minister pursuant to subsection (1c) of section 40, the Authority may order an irrigation rate in accordance with that resolution to be made and levied within an irrigation district by entering, on a vacant page of the rate-book left blank for the purpose, memorandum of the order and notice of the irrigation rate and a summary of the effect of the resolution approved by the Minister shall be published in the Government Gazette and a newspaper circulating in the irrigation district in relation to which the irrigation rate is ordered.
- (2) On the publication of the notice pursuant to subsection (1) the irrigation rate as particularised in that notice shall become due and payable by the owner or occupier of the land rated as hereinafter provided.
- (3) The production of a copy of the Government Gazette containing a notice published pursuant to this section as to the making of rates shall in all courts be conclusive evidence of the making of those rates and its publication.

Payment of rates and for water supplied.

- 40C. Subject to section 42AA, the provisions of Part VII of the Country Areas Water Supply Act 1947, other than those of sections 72 and 80 of that Act, apply, with such modifications as are necessary, to—
  - (a) irrigation rates made and levied under this Act; and
  - (b) charges due for water supplied pursuant to this Act. ".

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - 307. Section 41 of the principal Act is amended— Section 41 amended.
    - (a) by deleting "from the Board" and substituting the following—
      - " from the Authority "; and
    - (b) by deleting "of the Board".
- 308. Section 42 of the principal Act is further amended—
  - (a) in subsection (1), by deleting "the District" and substituting the following—
    - " an irrigation district "; and
  - (b) by repealing subsection (3).
- 309. Section 42A of the principal Act is further further amended in subsection (2) by deleting "the Board's" amended. and substituting the following—
  - " the Authority's ".
- 310. Section 42AA of the principal Act is amended amended by deleting "water rates" wherever it occurs and substituting the following—
  - " irrigation rates ".
  - 311. Section 45 of the principal Act is amended— Section 45 amended.
    - (a) by inserting after "this Act" the following—
      - " or in the Water Authority Act 1984";

- (b) by deleting "any Board" and substituting the following—
  - " the Authority "; and
- (c) by deleting "no Board shall" and substituting the following—
  - " the Authority shall not ".

Part VIII repealed.

312. The principal Act is amended by repealing Part VIII comprising sections 46 to 53 and the heading.

Part IX repealed.

313. The principal Act is amended by repealing Part IX comprising sections 54 to 58 and the heading.

Section 59 amended.

- 314. Section 59 of the principal Act is amended—
  - (a) in subsection (1)—
    - (i) by deleting "Every Irrigation Board may, with the approval of the Governor, make By-laws" and substituting the following—
      - "Without prejudice to the generality of that power, the power conferred by section 34 of the Water Authority Act 1984 to make by-laws may be exercised for the purposes of this Act ";
    - (ii) by deleting the paragraphs designated "(1)", "(2)", "(3)", "(4)", "(9)" and "(12)"; and
    - (iii) in the paragraph designated "(11)" by deleting "Water Boards Act, 1904" and substituting the following—
      - "Country Areas Water Supply Act 1947"; and
  - (b) by repealing subsections (2) and (3).

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - 315. Section 60 of the principal Act is repealed. Section 60 repealed.
- 316. The principal Act is amended in sections 66, amended to 69, 71, 73 and 75 by deleting "the Board" wherever "Authority" it occurs and substituting the following—
  - " the Authority ".
  - 317. Section 62 of the principal Act is amended— Section 62 amended.
    - (a) in subsection (4), by deleting "and Transfers"; and
    - (b) in subsections (9), (10) and (11) by deleting "Minister" wherever it occurs and substituting the following—
      - " Authority ".
- 318. Section 63 of the principal Act is amended amended. by deleting "Minister" and substituting the following—
  - " Authority ".
  - 319. Section 65 of the principal Act is repealed. Section 65 repealed.
- 320. Section 66 of the principal Act is further amended by repealing subsection (5).
  - 321. Section 68 of the principal Act is repealed. Section 68 repealed.
  - 322. Section 70 of the principal Act is amended— Section 70 amended.
    - (a) by deleting "the Minister, the Department, or any person authorised pursuant to this Act by the Minister or the Department or

the Board or any member thereof, or any person employed by the Board," and substituting the following—

- "the Authority, any officer of the Authority or any person authorised by the Authority";
- (b) by deleting "they are respectively" and substituting the following—
  - "the Authority, that officer or that person is ";

and

- (c) by deleting "thereunder" and substituting the following—
  - " for the purposes of this Act".

Section 73 further amended.

- 323. Section 73 of the principal Act is further amended by deleting "thereunder" and substituting the following—
  - " made for the purposes of this Act".

Section 74 amended.

- 324. Section 74 of the principal Act is amended by deleting "thereunder" and substituting the following—
  - " for the purposes of this Act ".

Section 75 further amended.

- 325. Section 75 of the principal Act is further amended—
  - (a) by deleting "the secretary or any other" and substituting the following—
    - " any "; and
  - (b) by deleting "appointed by the chairman, in writing under his hand,".

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
- 326. Sections 76, 77 and 78 of the principal Act Sections 76, are repealed. Sections 76, 77 and 78 repealed.
  - 327. Section 79 of the principal Act is amended— Section 79 amended.
    - (a) by repealing paragraph (a) and substituting the paragraph following—
      - (a) the Registrar of Deeds or his deputy, that any person appears from any memorial of registration of any deed, conveyance or other instrument to be the owner of any land; ";

and

- (b) in paragraph (c)—
  - (i) by deleting "Under Secretary for Lands or the Under Secretary for Mines" and substituting the following—
    - "Permanent Head of the Department of Lands and Surveys or the Permanent Head of the Department of Mines"; and
  - (ii) by inserting after "of Lands" the following—
    - " and Surveys ".
- 328. Section 79A of the principal Act is amended amended. by deleting "Minister" and substituting the following—
  - " Managing Director of the Authority".

#### PART X-WATER BOARDS ACT 1904.

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 and 14 of 1982.

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

Section 2 repealed.

330. Section 2 of the principal Act is repealed.

### Section 3 amended.

- 331. Section 3 of the principal Act is amended—
  - (a) by deleting "In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—" and substituting the following—
    - " (1) In this Act, unless the context otherwise requires—":
  - (b) by deleting the definition of "Authorised" and substituting the definition following—
    - "authorised", in relation to fittings, means authorised by the Water Board; ";
  - (c) in the definition of "chairman", by deleting ", the" and substituting the following—
    - " means the ":
  - (d) by deleting ""local authority,"" and substituting the following—
    - "Local Authority" means

- (e) by inserting in alphabetical sequence the definition following—
  - "the Authority" means the body corporate known as the Water Authority of Western Australia established pursuant to the Water Authority Act 1984; ";
- (f) by deleting the definition of "water area," and substituting the following—
  - "water area" means an area of the State constituted as a Water Area under section 4 of this Act; ";
- (g) by deleting ""water board" or "board,"" and substituting the following—
  - "Water Board" or "Board" means
- (h) by deleting the definitions of "fittings", "occupier", "owner", "pipe", "prescribed", "reservoir" and "road"
- (i) in relation to all defined terms in the section where the term to be defined is followed by the punctuation "," " by deleting that punctuation and substituting the passage following—
  - " means "; and
- (k) by adding the subsection following—
  - (2) Terms not otherwise assigned a meaning under subsection (1) but referred to in section 3 of the Water Authority Act 1984 as having a meaning assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act.
- 332. The principal Act is amended as to the heading immediately preceding section 5 by deleting section 5 by deleting section 5 by deleting section 5 "Apportionment" and substituting the following

Section 5 amended.

- 333. Section 5 of the principal Act is amended—
  - (a) by deleting "Upon" and substituting the following—
    - " (3) Upon ";
  - (b) by deleting "When" and substituting the following—
    - " (4) When "; and
  - (c) by inserting, immediately following the section designation, the subsections following—

Vesting of assets, etc.

- "
  (1) All lands acquired for or dedicated to the purpose of this Act, and all waterworks constructed under this Act or constructed by or on behalf of the Crown in right of the State and declared by the Governor to be subject to this Act, yest—
  - (a) in the Minister on behalf of the Crown in right of the State unless and until vested in a Board under this Act;
     and
  - (b) in the Authority, on the dissolution of any Board in which such lands or waterworks may have been vested,

and the Minister, and the Authority where the Minister in writing so directs the Authority, may exercise the powers and authorities conferred on a Board by this Act in respect of such works until those works are so vested and after the dissolution of a Board in which they have been so vested, and in so doing has the immunities conferred on a Board by this Act.

- (2) On the dissolution of a Board, all the property and assets of the Board, and all rates, charges, and other moneys whatsoever due or accruing to the Board, shall become vested in and be recoverable by the Authority as agent of the Crown in right of the State, and all the liabilities of the Board shall become liabilities of the Authority. "
- Section 6 of the principal Act is amended— Section 6 amended— Section 6 amended. 334.
  - (a) by redesignating the paragraphs as subsections (1), (2) and (3) respectively; and
  - (b) by adding the subsection following—
    - " (4) The Governor may by Order in Council revoke any other Order in Council made for the purposes of this Act and constituting a Water Board, and may thereby dissolve any Water Board constituted under any Order so revoked, and effect shall be given to the Order in accordance with its terms. ".
- Section 40 of the principal Act is amended Section 40 amended. in subsection (2) by deleting "and the Governor has thereupon by Order in Council, a notice of which is published in the Government Gazette, authorised the construction of those works" and substituting the following—

and-

- (a) the Minister has writing in authorised the carrying out of such works: and
- (b) notice of that authorisation has been published by the Authority in the Government Gazette ".

Section 41 amended.

336. Section 41 of the principal Act is amended by deleting "Minister" and substituting the following—

" Authority ".

### Section 43 amended.

- 337. Section 43 of the principal Act is amended—
  - (a) by deleting "Minister" in the first two places where it occurs and substituting the following—
    - " Authority "; and
  - (b) by deleting "before reporting".

#### Section 44 amended.

- 338. Section 44 of the principal Act is amended—
  - (a) by deleting "Any" and substituting the following—
    - " (1) Any ";
  - (b) by deleting "Every" and substituting the following—
    - " (2) Every ";
  - (c) by deleting "Minister" and substituting the following—
    - " Authority "; and
  - (d) by adding the subsection following—
    - " (3) The Authority, after conferring with the Board as to any objection lodged and on any aspect of the proposals in relation to which it is not satisfied, shall prepare a report on the proposals. ".

- 339. Section 45 of the principal Act is amended—Section 45 amended.
  - (a) by deleting "Governor" wherever it occurs and substituting the following—
    - " Minister ":
  - (b) in subsection (1)—
    - (i) by deleting "the Minister considers" and substituting the following—
      - " the Authority is satisfied "; and
    - (ii) by deleting "the Minister shall submit the proposals to the Governor" and substituting the following—
      - "the Authority shall submit to the Minister the proposals, the report prepared on the proposals, and the recommendations of the Authority ";
  - (c) in subsection (2)—
    - (i) by deleting "make an Order in Council pursuant to" and substituting the following—
      - " authorise the carrying out of the works for the purposes of ";

and

- (ii) by deleting "make such an Order" and substituting the following—
  - " authorise the carrying out of the works ";

and

- (d) by inserting after subsection (2) the subsection following—
  - " (3) The Authority shall cause notice of an authorisation given under subsection (2) to be published in the Government Gazette."

No. 25.] Acts Amendment and Repeal [1985. (Water Authorities).

Section 45A amended.

340. Section 45A of the principal Act is amended—

- (a) by deleting "For" and substituting the following—
  - " (1) For "; and
- (b) by adding the subsection following—
  - " (2) Works which are in, on, under or over—
    - (a) private land, being works constructed or provided on, in respect of, and at the request of the owner of, that land; or
    - (b) road reserves, being works required to link other exempt works to existing works,

shall be exempt works not subject to the provisions of subsection (2) of section 40 or section 41, 42, 43, 44 or 45 notwithstanding that such works may form part of or be related to works comprised in proposals to which those provisions apply. ".

Section 51A inserted.

341. The principal Act is amended by inserting after section 51 the section following—

Water quality, and the provision of works etc. water supplied under this Act by the Board is in all respects as to turbidity, colour, dissolved solids, disinfection, bacteriological content and fluorine content in accordance with the requirements of the Health Act 1911 or the Fluoridation of Public Water Supplies Act 1966, as the case requires, and of a quality satisfactory to the Minister.

- (2) A Water Board shall ensure that the works (including any equipment, facilities or other measures required to be provided or taken in relation thereto) necessary and appropriate for the provision of sufficient reserve storage, to ensure adequate pressure and for disinfection and fluoridation systems to meet the obligations of the Board under this Act are provided, maintained or taken to a standard satisfactory to the Minister.
- (3) Where a Water Board contravenes subsection (1) or (2), the Minister may for the purposes of ensuring compliance with that subsection—
  - (a) direct in writing that the Water Board give effect to the requirements contained in that direction (which may include a requirement to construct, extend or improve works or to take other measures or to permit the Minister or the Authority or any other person on behalf of the Minister so to do);
  - (b) construct, extend or improve works or take other measures as he thinks necessary to ensure that the quality of the water supplied, the works provided and the measures taken meet the requirements referred to in subsections (1) and (2), or authorise and require the Authority or any other person so to do; and
  - (c) send to the Water Board a statement of account showing the cost of and incidental to any such works carried out or measures taken by or on behalf of the Minister and require that such cost, or such part of the cost as the Minister thinks appropriate, be borne by the Water Board.

- (4) Where the Minister sends to a Water Board a statement of account pursuant to paragraph (c) of subsection (3) and requires that the cost of works or other measures, or a specified part of that cost, referred to in that statement be borne by the Water Board—
  - (a) that cost, or that specified part of that cost, is payable by the Water Board in accordance with the requirement of the Minister; and
  - (b) if the Water Board fails to pay that cost, or any part of that cost, within 30 days of being required to do so by the Minister the amount in question may be recovered in a court of competent jurisdiction from the Board by the Minister as a debt due by the Water Board to the Crown in right of the State.
- (5) For the purposes of any proceedings relating to this section, a certificate that purports to be signed by the Minister certifying that—
  - (a) a Water Board has or has not been directed in writing by the Minister to give effect to requirements contained in that direction;
  - (b) any such direction has or has not been revoked; or
  - (c) the direction contained the requirements specified in the certificate,

is, without proof of the signature or of the official character of the person appearing to have signed the certificate, evidence of the matters certified in and by the certificate. ".

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - 342. Section 52 of the principal Act is amended— Section 52 amended.
    - (a) by deleting "The Minister may exercise" and substituting the following—
      - " (1) Subject to section 51A and section 53, ";
    - (b) by adding after "Area" at the end of the section, the following—
      - " may be exercised by-
        - (a) the Minister;
        - (b) the Authority, on the request of the Water Board; or
        - (c) the Authority, if the Minister so directs or approves "; and
    - (c) by adding the subsections following—
      - " (2) Where at the request of a Water Board—
        - (a) any works are constructed, extended or improved by the Minister or the Authority; or
        - (b) any other work is carried out or caused to be carried out by the Minister or the Authority in advising, or providing designs for, a Water Board or in investigating, monitoring or testing water supplies for, or water supplied by, a Water Board.

the Minister or the Authority, as the case requires, may send to the Water Board a statement of account showing the cost of and incidental to those works or that work and require that such cost, or a specified part of such cost, be borne by the Water Board.

- (3) Where the Minister or the Authority sends to a Water Board a statement of account pursuant to subsection (2) and requires that the cost, or a specified part of the cost, of the matters referred to in that statement be borne by the Water Board—
  - (a) that cost, or that specified part of that cost, is payable by the Water Board in accordance with that requirement; and
  - (b) if the Water Board fails to pay that cost, or any part of that cost, within 30 days of being required to do so by the Minister or the Authority, as the case may be, the amount in question may be recovered a court of competent jurisdiction from the Board by the Minister as a debt due by the Water Board to the Crown in right of the State or, as the case requires, by the Authority as a debt due by the Water Board to the Authority as agent of the Crown in right of the State. ".

section 53 amended. 343. Section 53 of the principal Act is amended—

- (a) in subsection (1)—
  - (i) by deleting "the Minister" and substituting the following—
    - " other than works the subject of a direction given by the Minister under section 51A, the Authority ";

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - (ii) by deleting "his intention" and substituting the following—
    - "the intentions of the Authority";

and

- (iii) by deleting "he may deem necessary" and substituting the following—
  - " the Authority deems necessary or as the Water Board may reasonably require "; and
- (b) by adding the subsection following—
  - " (4) The Authority shall not carry out any works to which subsection (1) applies, until the Minister pursuant to subsection (3) has authorised the expenditure. ".
- 344. Section 54 of the principal Act is amended section 54 by inserting after "the Minister" the following—
  - " or the Authority, as the case requires, ".
- 345. Sections 57, 62 and 62A of the principal Act Sections 57, are respectively amended—
  - (a) in subsection (3), by deleting ", subject to the provisions of subsection (4) of this section,"; and
  - (b) by repealing subsection (4).
- 346. Section 72 of the principal Act is amended amended. by deleting "Authority" and substituting the following—
  - " Board".
- 347. Section 76A of the principal Act is section 76A amended—
  - (a) in the definition "gross rental value", by deleting "and";

- (b) in the definition "rating year", by deleting the full stop and substituting a semi-colon; and
- (c) by adding the definition following—
  - "unimproved value", in relation to rateable land, means the unimproved value of that land in force under the Valuation of Land Act 1978. ".
- section 77 348. Section 77 of the principal Act is amended—
  - (a) by deleting "Whenever" and substituting the following—
    - " (1) Whenever ";
  - (b) by deleting "Provided that the" and substituting the following—
    - " (2) The ";
  - (c) by deleting "rate book:" and substituting the following—
    - " rate book. "; and
  - (d) by deleting "And provided further, that in" and substituting the following—
    - " (3) In ".
- 349. Section 79 of the principal Act is amended by deleting "in each" and substituting the following—
  - " for each ".

Section 83 of the principal Act is amended amended. by deleting "amended under section ninety-two or section ninety-three A of" and substituting the following—

- in a manner authorized pursuant to ".
- Section 87 of the principal Act is amended section 87 amended. in subsection (3) by inserting, after "holding" at the end of the subsection, the following-

- and in relation to any land or holding or any piece or parcel thereof, that the classification set out in the ratebook pursuant to subsection (4) of section 92 is incorrect ".
- Sections 92, 92A and 93 of the principal Act Sections 92, 92A and 93 are repealed and the following sections substituted—

are repealed and sections 92 substituted.

92. (1) Subject to this section and section Land Subject to 93, a Water Board shall make and levy water water rate. rates in respect of all rateable land, whether actually occupied or not, and although the land may not be actually supplied with water.

- (2) The basic water rate applicable to the land—
  - (a) where the land is situated wholly or partly within 90 metres of any main or other pipe from which the Board is prepared to supply water, shall be assessed on the gross rental value of the land entered in the rate book as kept in accordance with subsection (1) of section 77 and computed in cents in the dollar; or
  - (b) where the land (being only that part of the holding which is within a distance of 2.5 kilometres from the pipe) comprises a holding of country

land situated wholly or partly within 200 metres of any main or other pipe laid down by the Board from which the Board is prepared to supply water shall, subject to paragraph (b) of section 93 (2), be assessed and computed in cents per hectare by reference to the area entered in the rate book as kept in accordance with subsection (3) of section 77 to which shall be added a fixed charge of such amount not exceeding \$10.00 as the Board determines,

but no land rated in any rating year by reference to the system of rating on the area or the unimproved value shall in the same rating year be rateable on the gross rental value.

- (3) The water rate payable in respect of rateable land for each rating year shall be assessed on the basis of—
  - (a) the basic water rate applicable to that land; and
  - (b) where the land is actually supplied with water by the Board, a charge calculated by reference to the quantity (other that any prescribed quantity which the owner or occupier is entitled to receive by way of allowance in respect of the basic water rate) of water supplied or agreed to be supplied by measure during the consumption year.
- (4) For the purpose of making and levying the water rate and fixing the charges to be made for water supplied under this Act, a Water Board, subject to the approval of the Minister, may by notice published in the

Government Gazette and a newspaper usually circulating in the water area prescribed classes of rateable land by reference to the purposes for which water may be used or primarily used by owners or occupiers of land or holdings of country land, or any piece or parcel thereof, and may by entry in the rate book classify any such land or holding, or piece or parcel thereof, by reference to those prescribed classes.

- (5) Subject to this Act, a water rate or charge for water supplied may be made—
  - (a) so as to vary by reference to a scale (whether calculated by graduated or cumulative increments by reference to the valuation, or otherwise):
  - (b) so as to make separate or varied provisions in respect of any land or to have effect in a particular circumstance or specified part of the water area:
  - (c) so as to make different provision in relation to different classes of land or different kinds of land use or water use;
  - (d) so as to take into account in relation to particular land or a particular class of case antecedent circumstances, including the provision or sharing of existing works, the making of contributions towards the cost of works, and the effect of agreements entered into with the Board.

and may take into account the matters referred to in section 99A.

- (6) For the purpose of determining what rates shall be payable in respect of any rating year, the Water Board shall estimate as nearly as may be—
  - (a) the amount required to meet the expenses and commitments referred to in section 111 and to make provision for amounts owing or anticipated in respect of the matters referred to in section 51A or 52; and
  - (b) the amount that is required to be obtained from rates in order that revenue shall be sufficient to cover that amount, due regard being had to the other revenues of the Board.

and shall calculate, and by resolution made pursuant to subsection (8) recommend to the Minister, a rate to be made and charges to be fixed accordingly, and any minimum basic water rate applicable.

- (7) On request by the Minister, a Water Board shall forward to the Minister the estimates prepared for the purposes of any rating year pursuant to subsection (6) and furnish the Minister with such detail and information relating to those estimates and as to the proposed rates and charges recommended as the Minister may require.
- (8) Recommendations as to the manner in which water rates and charges for water supplied or agreed to be supplied are proposed by the Water Board to be made applicable pursuant to this section shall be set out in a resolution of the Water Board and submitted to the Minister for approval, not later than one month after the beginning of the rating year, and on the Minister approving the resolution the Water Board shall, pursuant to section 94, cause a notice of the effect of the resolution to be published.

- 93. (1) No rate or charge for water supplied Amount of rate. or agreed to be supplied shall be made or levied except in accordance with a resolution of the Water Board submitted to and approved by the Minister pursuant to section 92.
- (2) Subject to this section, the basic water rate applicable to any land shall not exceed—
  - (a) in the case of land to which paragraph (a) of section 92 (2) applies—
    - (i) where the use classification under subsection (4) of section 92 is "domestic purposes"— 10 cents in the dollar on the gross rental value; and
    - (ii) in any other case—such other rate in the dollar, or such amount, as the Minister may in writing approve; or
  - (b) in the case of land to which paragraph (b) of section 92 (2) applies-30 cents per hectare or 3 cents in the dollar on the unimproved value of the land, whichever is the lesser, together with the fixed charge referred to in that paragraph.
- (3) Notwithstanding subparagraph (i) of subsection (2) (a), a Water Board may, with the approval of the Governor, and within such limit as the Governor may from time to time determine, make and levy in any year in relation to the land referred to in that subparagraph, a basic water rate not exceeding 15 cents in the dollar on the gross rental value.

- (4) Where the basic water rate in respect of any land as assessed under subsection (2) of section 92 would yield less than an amount determined by the Minister by notice published in the Government Gazette, the Board may make and levy a minimum basic water rate in respect of that land not exceeding the amount so determined by the Minister, notwithstanding that if imposed under any other provisions of this Act the rate payable in respect of that land might have been less.
- (5) Where, pursuant to an application in writing made to the Board and signed by two-thirds of the owners and occupiers of holdings of country land in an area defined in that application (the applicants being owners or occupiers or partly owners or partly occupiers of land comprising not less than one half of the land concerned), a pipe is laid down by the Board to supply water to the area the annual basic water rate applicable to land in that area may exceed the limitations imposed by this section but shall not exceed the limits specified in the application.
- (6) The Minister, by notice published in the Government Gazette, may determine the maximum amount of the basic water rate to be payable in respect of any land or holding, or any classification under subsection (4) of section 92, or in relation to any matter or circumstances therein specified, and where the basic water rate assessed and computed in accordance with this Act would yield an amount in excess of that computed in accordance with the notice so published—
  - (a) the basic water rate payable is fixed at the amount computed in accordance with the notice; and

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
  - (b) in respect to the rating year to which the notice applies, the assessment of basic water rate on land affected by the notice shall be deemed to have been amended accordingly,

and any such determination of an amount may be made by reference to a percentage of the basic water rate payable in respect of a rating year specified in the notice. ".

- 353. Section 94 of the principal Act is amended— section 94 amended.
  - (a) by deleting "Whenever any basic water rate is ordered" and substituting the following—
    - " (1) When a resolution of the Water Board is approved by the Minister pursuant to subsection (8) of section 92, and a basic water rate in accordance with that resolution is to be ordered ";
  - (b) by deleting "notice thereof" and substituting the following—
    - " notice of the basic water rate and a summary of the effect of the resolution approved by the Minister ";
  - (c) by deleting "On" and substituting the following—
    - " (2) On "; and
  - (d) by adding the subsection following—
    - " (3) The production of a copy of the Government Gazette containing a notice published pursuant to this section as to the making of rates and the fixing of charges shall in all courts

be conclusive evidence of the making of those rates and the fixing of those charges and its publication. ".

Section 96 repealed.

354. Section 96 of the principal Act is repealed.

Section 99A inserted.

355. The principal Act is amended by inserting, after section 99, the section following—

Discounts and additional charges.

- " 99A. (1) A person who is liable to pay money due for water rates or for water supplied by measure—
  - (a) may, if payment in full of the total amount due is made within such period or by such date as is prescribed for the purpose, be allowed a discount of such a kind as is prescribed;
  - (b) may pay the amount due by instalments to the extent and in the manner provided for in the by-laws, but a person who chooses to pay by instalments an amount due may be required also to pay such additional charges as are prescribed; and
  - (c) if he does not pay the money in full within the period or by the date when payment is due, shall, subject to paragraph (b), be liable to pay such penalties as are prescribed.
  - (2) Additional charges and penalties imposed under this section in respect of moneys due for water rates or for water supplied by measure shall be deemed to be part of the amount due for water rates or water supplied, as the case may be, for the purposes of the recovery provisions of this Act. ".

- 1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).
- 356. Section 110 of the principal Act is amended amended. by inserting after "Minister" the following—
  - " or the Authority".
- 357. Section 111 of the principal Act is amended. amended—
  - (a) by deleting "All" and substituting the following—
    - " (1) All ";
  - (b) by deleting the paragraph designations "(1)" to "(4)" inclusive and substituting paragraph designations "(a)" to "(d)" respectively;
  - (c) by deleting "works." at the end of the section and substituting the following—
    - " works;
      - (e) In the payment of any losses incurred in previous years;
      - (f) In providing funds for the maintenance of provision and reserve accounts. ":

and

- (d) by adding the subsections following—
  - " (2) A Water Board shall establish, and operate in its accounting records, provisions, reserve accounts and reserve funds for such purposes and within such limits as the Treasurer requires or approves.

- (3) Subject to the approval of the Minister moneys so set aside under subsection (2) of this section may be utilised—
  - (a) as a contribution to the sinking fund in respect of any loan raised by the Water Board; or
  - (b) for the construction, extension or improvement of works. ".

Section 113 amended. 358. Section 113 of the principal Act is amended, in subsection (1), by inserting after "Minister" the following—

" or the Authority ".

Section 141 amended.

**359.** Section 141 of the principal Act is amended—

(a) by inserting, after the paragraph designated "(10)", the following paragraphs—

Service charges.

" (10a) Providing service charges to be paid by persons who are supplied with water but who are not liable for payment of water rates.

Discounts, additional charges and penalties.

- (10b) Prescribing discounts, additional charges, and penalties payable in respect of payments for water rates and charges for water supplied. ";
- (b) by inserting, after the paragraph designated "(20)", the following paragraph—

Fees for statements and meter readings. " (20a) Prescribing fees payable for the issue upon request of statements as to moneys due or paid for rates or for water supplied by measure under

Acts Amendment and Repeal [No. 25. 1985.1 (Water Authorities).

> this Act, prescribing fees for the reading of meters upon request, and making provision as to the recovery of such fees. ".

Section 161 of the principal Act is amended Section 161 amended. by deleting "the Minister for Works or the Minister for Mines" and substituting the following-

- the Minister of the Crown designated by him or the Authority ".
- 361. (1) The Water Boards Act Amendment Act, Consequential 1918, No. 4 of 1919, is repealed.
- (2) The Water Boards Act Amendment Act, 1928, No. 26 of 1928, is repealed.

## PART XI—WESTERN AUSTRALIAN WATER RESOURCES COUNCIL ACT 1982.

362. In this Part, the Western Australian Water Principal Act. Resources Council Act 1982 is referred to as the Act No. 38 of 1982 as principal Act.

amended by Act No. 2 of

- 363. Section 4 of the principal Act is amended smended. in subsection (4)—
  - (a) in paragraph (a), by deleting "Director of Engineering of the Public Works Department" and substituting the following-
    - Managing Director of the Water Authority of Western Australia, established pursuant to the Water Authority Act 1984, "; and

- (b) in paragraph (b), by deleting "Managing Director of the Metropolitan Water Authority or a person nominated in writing by him" and substituting the following—
  - "Director of Water Resources of the Water Authority of Western Australia, established pursuant to the Water Authority Act 1984, ".

## PART XII—FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1966.

Principal Act. Act No. 47 of 1966 as amended by Acts Nos. 63 of 1981 and 28 of 1984.

364. In this Part, the Fluoridation of Public Water Supplies Act 1966 is referred to as the principal Act.

Section 5 amended.

365. Section 5 of the principal Act is amended in subsection (2)—

- (a) by deleting "seven" and substituting the following—
  - " 6 "; and
- (b) by deleting paragraphs (b) and (c) and substituting the following paragraph—
  - ' (b) one shall be a person, being an engineer in the Water Authority of Western Australia, established pursuant to the Water Authority Act 1984, from time to time nominated by the Managing Director of that authority; ".

1985.] Acts Amendment and Repeal [No. 25. (Water Authorities).

### PART XIII—PUBLIC WORKS ACT 1902.

366. In this Part, the Public Works Act 1902 is Principal referred to as the principal Act.

Reprinted as approved 13 June 1978 and amended by Acts Nos. 67 of 1979 and 23 of 1984.

Section 63 of the principal Act is amended section 63 amended. in paragraph (e) by deleting "overdraft accommodation granted by the Commonwealth Trading Bank of Australia" and substituting the following—

- judgment debts as determined pursuant to section 142 of the Supreme Court Act 1935 ".
- Sections 125 and 126 of the principal Act Sections 125 and 126 368. are repealed. repealed.

### PART XIV—PENSIONERS (RATES REBATES AND DEFERMENTS) ACT 1966.

In this Part, the Pensioners (Rates Rebates Principal Act. and Deferments) Act 1966 is referred to as the Reprinted as principal Act.

approved 22 October 1980 and amended by Acts Nos. 42 of 1982 and 39 of 1984.

- 370. Section 10 of the principal Act is amended— section 10 amended.
  - (a) in subsection (1)—
    - (i) by deleting "the Water Boards Act 1904, as amended from time to time. and":
    - (ii) in paragraph (a), by deleting "Water Board or" where it twice occurs; and
    - (iii) in paragraph (b), by deleting "Water Board or"; and
  - (b) in subsection (2), by deleting the definition of "Water Board".

Section 10A inserted.

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

Subsidy and assistance to Water Boards

- " 10A. (1) In respect of rates or charges levied pursuant to the Water Boards Act 1904, the Treasurer of the State—
  - (a) shall pay to the Bunbury Water Board an amount equal to—
    - (i) the rebates allowed by that Board pursuant to this Act during the financial year ending 30 September 1985;
    - (ii) two-thirds of the rebates allowed by that Board pursuant to this Act during the financial year ending 30 September 1986; and
    - (iii) one-third of the rebates allowed by that Board pursuant to this Act during the financial year ending 30 September 1987;
  - (b) shall pay to each of the Busselton Water Board and the Harvey Water Board an amount equal to—
    - (i) the rebates allowed by each of those Boards respectively pursuant to this Act during the financial year ending 31 December 1985;
    - (ii) two-thirds of the rebates allowed by each of those Boards respectively pursuant to this Act during the financial year ending 31 December 1986; and
    - (iii) one-third of the rebates allowed by each of those Boards respectively pursuant

to this Act during the

to this Act during the financial year ending 31 December 1987; and

- (c) shall provide financial assistance in respect of deferments allowed pursuant to this Act to—
  - (i) the Bunbury Water Board, in respect of each of the financial years ending 30 September 1985, 30 September 1986 and 30 September 1987; and
  - (ii) each of the Busselton Water Board and the Harvey Water Board respectively in respect of each of the financial years ending 31 December 1985, 31 December 1986 and 31 December 1987.

## (2) In subsection (1)—

"Bunbury Water Board" means the Bunbury Water Board constituted under the Water Boards Act 1904;

"Busselton Water Board" means the Busselton Water Board constituted under the Water Boards Act 1904;

#### and

1985.]

"Harvey Water Board" means the Harvey Water Board constituted under the Water Boards Act 1904.

## PART XV—PUBLIC AUTHORITIES (CONTRIBUTIONS) ACT 1974,

372. In this Part, the Public Authorities Principal (Contributions) Act 1974 is referred to as the Act No. 43 principal Act.

substituted. 373. Section 2 of the principal Act is repealed and the following section is substituted—

Interpretation. 2. In this Act—

## "financial year" means—

- (a) in relation to a public authority referred to in paragraph (a), (b) or (c) of the definition of "public authority", the period of 12 months ending on 30 June;
- (b) in relation to the public authority referred to in paragraph (d) of the definition of "public authority", the period of 12 months ending on 30 September; and
- (c) in relation to a public authority referred to in paragraph (e) or (f) of the definition of "public authority", the period of 12 months ending on 31 December;

## "public authority" means—

- (a) the State Energy Commission of Western Australia preserved and continued pursuant to the State Energy Commission Act 1979;
- (b) the Water Authority of Western Australia established pursuant to the Water Authority Act 1984;
- (c) the Fremantle Port Authority constituted under the Fremantle Port Authority Act 1902;

- (d) the Bunbury Water Board constituted under the Water Boards Act 1904;
- (e) the Busselton Water Board constituted under the Water Boards Act 1904; and
- (f) the Harvey Water Board constituted under the Water Boards Act 1904. ".
- 374. Section 3 of the principal Act is amended—Section 3 amended.
  - (a) by repealing subsection (1) and substituting the subsections following—
    - " (1) Subject to subsections (1a), (1b) and (1c), there shall be transferred by each public authority to the Consolidated Revenue Fund during each financial year a contribution of an amount equal to 3 per cent of the total revenue of that authority for the last preceding financial year.
      - (1a) Notwithstanding subsection (1), in respect of the financial year ending on 30 June 1985 the Water Authority of Western Australia—
        - (a) shall transfer to the Consolidated Revenue Fund during the financial year ending 30 June 1986 a contribution of an amount equal to 3 per cent of the total revenue of the Metropolitan Water Authority, as constituted pursuant to the Metropolitan Water Authority Act 1982 as in force prior to the coming into operation of Part IV of the Acts Amendment and Repeal (Water Authorities) Act 1985, for the financial year ending 30 June 1985: but

- (b) is not required to transfer any contribution in respect of the revenue of any other statutory authority, within the meaning of the Water Authority Act 1984, for the financial year ending 30 June 1985.
- (1b) Notwithstanding subsection (1), the Bunbury Water Board shall transfer to the Consolidated Revenue Fund-
  - (a) during the financial year ending on 30 September 1986, a contribution of an amount equal to one per cent of the total revenue of that Board for the financial year ending 30 September 1985; and
  - (b) during the financial year ending on 30 September 1987, a contribution of an amount equal to 2 per cent of the total revenue of that Board for the financial vear ending September 1986.
- (1c) Notwithstanding subsection (1), the Busselton Water Board and the Harvey Water Board shall each transfer to the Consolidated Revenue Fund—
  - (a) during the financial year ending 31 December 1986, a contribution of an amount equal to one per cent of the total revenue of that Board for the financial year ending 31 December 1985; and

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- (b) during the financial year ending 31 December 1987, a contribution of an amount equal to 2 per cent of the total revenue of that Board for the financial year ending 31 December 1986. ":
- (b) in subsection (2), by inserting after "subsection (1)" the following—
  - ", (1a), 1b) or (1c) "; and
- (c) in subsection (3), by deleting "subsection (1)" and substituting the following—
  - " subsections (1), (1a), (1b) and (1c) ".

#### PART XVI-REPEAL.

375. The Acts mentioned in Schedule 1 are Acts repealed.

### SCHEDULE 1.

Acts repealed.

City of Perth Sanitation Act 1945.

Special License (Waroona Irrigation District) Act 1932.

Agricultural Areas, Great Southern Towns and Goldfields Water Supply Act 1947.

Coolgardie Goldfields Water Supply Construction Act 1898.