

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.
6. 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.

19. Part VIII added.

PART VIII—WORKS.

Section.

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 Sections 3, 6, 7, 10, 12, 13, 14, 18 and 19 repealed.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 Section 3 repealed.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 Section 6 repealed.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 Section 7 repealed.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 Section 9 repealed.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 Sections 11 to 17 repealed.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 Sections 20 to 27 repealed.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 Sections 29 to 34 repealed.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 Part III repealed.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 Section 42 repealed.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 Part V repealed.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 Part VI repealed.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 Part VII repealed.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 Part VIII repealed.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 Part X repealed.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 Section 3 repealed.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.

Section.

66. Section 90A amended.
67. 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.
88. "Minister" amended to "Authority" in Part II.
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.
96. Section 12ED amended.
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.
104. "Minister" amended to "Authority" in Part V.
105. Section 28 further amended.
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.
115. "Minister" amended to "Authority" in Part VI.
116. Section 47 further amended.
117. Section 49 amended.
118. Section 50 further amended.
119. Sections 51 and 52 repealed.

Section.

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.

Section.

- 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.
- 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.
- 235. "Board" amended to "Authority" in Part VII.
- 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.
- 245. Section 91 further amended.
- 246. Section 92 substituted.
- 247. Section 95 further amended.
- 248. Section 98 further amended.
- 249. Section 100 further amended.
- 250. Section 104 further amended.
- 251. Section 105 substituted.
- 252. Sections 106 and 107 repealed.
- 253. Section 108 amended.
- 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.
- 268. Section 167 further amended.
- 269. Sections 169 and 170 repealed.
- 270. Section 172 repealed.
- 271. Section 173 amended.
- 272. Sections 174, 175 and 176 repealed.
- 273. The Schedule repealed.

PART IX—RIGHTS IN WATER AND IRRIGATION ACT 1914.

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

Section.

- 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.
- 312. 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.

Section.

- 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 1984, the Water Boards Amendment Act 1918 and the Water Boards Amendment Act 1928 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*.

Commence-
ment.

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

PART II—WATER AUTHORITY ACT 1984.

Principal Act.
Act No. 3
of 1984.

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, ”;

“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;

(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 or not 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, any 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 the capacity of a body corporate, shall, where by 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, be 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;
and

(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

- (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;
 - (l) 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

- (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; and

(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 former Minister or 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 “exercise” 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—

Interpreta-
tion 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 head-works 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 re-development;

“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.

67. (1) Where the Authority becomes ^{Agreements.} 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

(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.

Access to
land and
information
for the
purposes of
rating, etc.

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

(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.

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.

75. (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.

(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) of section 23 of the Public Works 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.

80. (1) Regulations made under this Act may make provision—

- (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.

**Claims
against the
Authority
for the use
of land and
the applica-
tion of the
Public Works
Act 1902.**

(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—

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,

- (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.

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.

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

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

- (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

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;
- or 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 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.

**Council
works
constructed
with
borrowed
money.**

85. (1) Notwithstanding that—

- (a) any water works and works relating to the procuring of a water supply;
- (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.

Division 2—Preliminaries to Works.

Subdivision A—Interpretation.

86. In this Part and in Part VII—

Interpreta-
tion.

“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

(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

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 modi-
fication.

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.

(a) the change is of a nature not inconsistent with the general proposal;
and

(i) unoccupied Crown land; or

the deviation 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—

(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

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.

“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

(b) the persons specified as being persons to whom the modified penalty may be paid shall be designated persons.

(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.

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

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

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

Principal
Act.
Act No. 67
of 1912 as
amended by
Acts Nos. 11
of 1913, 43
of 1925, 8 of
1950 and 64
of 1981.

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

Long title
amended.

" with respect to the designation of the ".
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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
repealed.

24. Section 2 of the principal Act is amended by adding the subsections following—

Section 2
amended.

“(4) In subsection (5)—

“commencement date” means the date on 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
amended.

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 Authority Act 1984, the ”.

26. Section 8 of the principal Act is amended by deleting “On” and substituting the following—

Section 8 amended.

“ Subject to section 4 of this Act and section 8 of the Water Authority Act 1984, on ”.

27. (1) The Water Supply, Sewerage, and Drainage Act Amendment Act 1913, Act No. 11 of 1913, is repealed.

Consequential repeals.

(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.

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

32. Section 5 of the principal Act is amended— Section 5 amended.

(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.

35. The principal Act is amended by deleting all 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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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 former 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
repealed.

42. The principal Act is amended by repealing
sections 20 to 27.

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 repealed.

44. 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.

Part V
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.

- (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;

(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
amended.

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

“ of ”.

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 ”.

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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 ".

82. The Schedules to the principal Act are respectively amended by deleting “Metropolitan Water Authority” wherever it occurs and substituting the following—

Schedules
amended.

“ Water Authority of Western Australia ”.

83. Section 3 of the Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 2) 1981, Act No. 72 of 1981, is repealed.

Conse-
quential
repeal.

PART VI—COUNTRY AREAS WATER SUPPLY
ACT 1947.

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

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

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 authority”, “occupier”, “owner”, “pipe”, “reservoir”, “road”, “stream” and “the Under Secretary”;

(c) in the definitions of “authorised”, “by-laws”, “catchment area” and “ratepayer” by deleting “Minister” and substituting the following—

“ former Minister or the Authority ”;

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. "

87. Section 7 of the principal Act is 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 11 and 12, by deleting "Minister" wherever it occurs 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
amended.

91. 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 ”.

93. Section 12C of the principal Act is further amended—

Section 12C
further
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—

- (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

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—

- (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 ”;

and

(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
amended.

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 ”;

and

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—

“ 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).

Sections 15,
16, 17, 18 and
18A repealed.

101. Sections 15, 16, 17, 18 and 18A of the principal Act are repealed.

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 repealed. Sections 20
to 25
repealed.

104. The principal Act is amended, in sections 26, 27, 28, 29, 30, 31, 32, 33, 35, 37, 38, 39, 39A, 41, 42, 43, 44, 45 and 46, by deleting “Minister” wherever it occurs and substituting the following—

“ Authority ”.

105. Section 28 of the principal Act is further amended in subsection (2) by deleting “, in his discretion.”.

106. Section 30 of the principal Act is further amended by repealing subsections (3) and (4). Section 30
further
amended.

107. Section 32 of the principal Act is 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 ".

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Section 34
repealed.

108. Section 34 of the principal Act is repealed.

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
to 35C
repealed.

110. Sections 35A to 35C of the principal Act 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 ”.

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, ".

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

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

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 ”.

135. Section 76 of the principal Act is 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 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

- (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 ”.

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.

146. 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

- (b) by deleting “either of them respectively” 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 ”.

Section 114
further
amended.

151. Section 114 of the principal Act is further amended by deleting “thereunder” and substituting the following—

“ made for the purposes of this Act ”.

Section 115
further
amended.

152. Section 115 of the principal Act is further amended by deleting “thereunder” and substituting the following—

“ for the purposes of this Act ”.

Sections 118
and 119
repealed.

153. Sections 118 and 119 of the principal Act 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

- 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 repealed. Sections 6,
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).

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

(a) by deleting “Minister” wherever it occurs 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 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

(b) by deleting "he" where it twice occurs and substituting the following—

" 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 ".

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

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
repealed.

184. Sections 53, 54 and 55 of the principal Act are repealed.

Section 56
repealed.

185. Section 56 of the principal Act is repealed.

Section 58
further
amended.

186. 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
further
amended.

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 ".

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

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 in subsection (2), by deleting “The Minister” and substituting the following—

Section 68
amended.

“ The Authority, subject to the approval of the Minister, ”.

192. 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 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 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 ”.

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

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

(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
repealed.

209. Section 107 of the principal Act is repealed.

Section 110
amended.

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 ”;

and

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

“ for the purposes of this Act ”.

211. Section 112 of the principal Act is further amended by deleting “thereunder” and substituting the following—

Section 112
further
amended.

“ made for the purposes of this Act ”.

212. Section 113 of the principal Act is further amended by deleting “thereunder” and substituting the following—

Section 113
further
amended.

“ for the purposes of this Act ”.

213. Sections 116 and 117 of the principal Act are repealed. Sections 116
and 117
repealed.

Sections 116
and 117
repealed.

214. Section 118 of the principal Act is amended in the subparagraph (iv) of subsection (1) (b)—

Section 118
amended.

- (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 ".

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 ”.

Conse-
quential
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”.

Sections 2
to 5
repealed.

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 ”;

- (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—

Administra-
tion 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).

- (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 ”.

(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, 99A, 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

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

- (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
repealed.

260. Sections 149, 150 and 151 of the principal 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
amended.

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 ”;

- (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 Act are amended by deleting “thereunder” wherever it occurs and substituting the following—

Sections 156,
157 and 158
amended.

“ for the purposes of this Act. ”.

264. Section 159 of the principal Act is repealed. Section 159
repealed.

Section 159
repealed.

265. Section 161 of the principal Act is 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—

Section 161
amended.

Section 161
amended.

“ any officer of the Authority may represent the Authority ”.

266. Section 162 of the principal Act is further amended by deleting "such board" and substituting the following—

Section 162
further
amended.

“ the Authority ”.

267. Sections 164 and 164A of the principal Act are repealed. **Sections 164 and 164A repealed.**

Sections 164
and 164A
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
repealed.

269. Sections 169 and 170 of the principal Act are repealed.

Section 172
repealed.

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 ”;

and

- (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).

277. Section 4 of the principal Act is amended in subsection (1) by inserting after "Minister" the following—

Section 4
amended.

“ and the Authority ”.

278. Section 5 of the principal Act is repealed. Section 5
repealed.

Section 5
repealed.

279. The principal Act is amended in sections 12, 13, 16, 17, 22, 25, 26E, 26F, 26G, 26J and 27 by deleting “Minister” wherever it occurs and substituting the following—

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

“ Authority ”.

280. Section 12 of the principal Act is further amended—

Section 12
further
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 amended—

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 ".

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 ”.

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 **Section 26H**
amended—**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 injunction 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).”;

and

(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
further
amended.

287. 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 27A, 27AA, 27B, 27C, 27D and 27E by deleting “Minister” wherever it occurs and substituting the following—

“ Authority ”.

290. Section 27A of the principal Act is 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 in subsection (1)—

Section 27F amended.

- (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 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 ”.

Section 30
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, ”.

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 time amend any rate book kept by the 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.

(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 with the decision of the Authority on an objection by that person may, within 42 days (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 the Authority treat the objection as an appeal against the relevant rate book entry.

Appeal
against
decision of
Authority on
objection.

(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.

39G. (1) A person who is dissatisfied with a decision of the Authority to refuse to extend the time for service of an objection against an entry in a rate book or for service of a notice requiring the Authority to treat an objection

Appeal
against
refusal to
extend
time for
objection
or appeal.

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 ”;

- (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 ”;

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 the irrigation rate for that irrigation district shall be fixed at the amount so determined.

Manner of making rate.

40B. (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 to be left blank for the purpose, a 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. ”.

- (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).

326. Sections 76, 77 and 78 of the principal Act 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 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”;

- (j) 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 "Apportionment" and substituting the following—

Heading preceding section 5 amended.

“ Vesting ”.

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, vest—

- (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.

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

(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. ”.

334. Section 6 of the principal Act is amended— Section 6
amended.

(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. ”.

335. 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 in writing 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. ".

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.

“ 51A. (1) A Water Board shall ensure that 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.

(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. ”.

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 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 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 ”;

(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
amended.

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 ”.

Section 79
amended.

349. Section 79 of the principal Act is amended by deleting “in each” and substituting the following—

“ for each ”.

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.

Amount of
rate.

(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

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

354. Section 96 of the principal Act is repealed.

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

“ 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. ”.

356. Section 110 of the principal Act is amended by inserting after "Minister" the following—

“ or the Authority ”.

357. Section 111 of the principal Act is 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

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

360. Section 161 of the principal Act is amended by deleting “the Minister for Works or the Minister for Mines” and substituting the following—

Section 161 amended.

“ the Minister of the Crown designated by him or the Authority ”.

361. (1) The Water Boards Act Amendment Act, 1918, No. 4 of 1919, is repealed.

Consequential repeals.

(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 Resources Council Act 1982 is referred to as the principal Act.

Principal Act.
Act No. 38 of 1982 as amended by Act No. 2 of 1984.

363. Section 4 of the principal Act is amended in subsection (4)—

Section 4 amended.

(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; ".

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 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

“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 (Contributions) Act 1974 is referred to as the principal Act.

Section 2
substituted.

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

Interpreta-
tion.

“ 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

