

**ACTS AMENDMENT  
(COUNTRY WATER AND  
SEWERAGE).**

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No. 14 of 1982.

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**AN ACT to amend the Country Areas Water Supply Act 1947-1981, the Water Boards Act 1904-1981 and the Country Towns Sewerage Act 1948-1981.**

*[Assented to 14 May 1982.]*

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

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Country Water and Sewerage) Act 1982*. Short title.

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





ments of, or his or its obligations under, section 35B; or ” ;

and

- (b) by repealing subsections (2) and (3) and substituting the following subsections—

“ (2) Turning or cutting off or reducing the available rate of flow of the supply of water shall be a cumulative remedy for enforcing payment of water rates or other moneys due and shall not relieve the owner or occupier from liability in respect thereof and the failure of the Minister to supply water where supply has been turned or cut off, or the available rate of flow has been reduced, for any of the reasons set out in subsection (1) of this section does not entitle any person to a rebate of rates under section 39 of this Act.

(3) Where under this section the Minister has turned or cut off or reduced the available rate of flow of the supply of water to land, the Minister may, before restoring the water supply to the land—

- (a) require the payment of—

- (i) such charges as may be prescribed in respect of the turning or cutting off or reduction of the water supply and the restoration of the water supply; or
- (ii) such greater amount as in the opinion of the Minister approximates the actual cost of turning or cutting off or reduction and the restoration of the water supply,

as the Minister may in each case specify; or

- (b) require arrangements satisfactory to the Minister to be made for the payment of the amount specified under paragraph (a) of this subsection. ” .

11. Section 35A of the principal Act is amended in paragraph (a) of subsection (2) by inserting before “water works” the following—

Section 35A amended.

“ existing or proposed ” .

12. After section 35A of the principal Act, the following sections are inserted—

Sections 35B and 35C inserted.

“ 35B. A person or local authority (in this section called “the developer”) who proposes to develop or redevelop land in any way that will result in a demand for the supply of water greater than that determined by the Minister to be likely in the case of a single residence on a lot in the area where the land is situate, whether the land is rateable or not or within a country water area or not, shall in writing request the Minister to arrange for water to be supplied to the land as so developed or redeveloped to meet the increased demand and before proceeding to undertake, construct, or effect that development or re-development shall comply with such terms and conditions as the Minister may impose in respect of the proposal, including the financial contribution to be made by the developer in respect of any existing or proposed water works which benefit or will benefit the developed or redeveloped land.

Water supply on development of land.

35C. (1) There shall be established and kept in the Treasury an account to be known as the “Country Water Supply Developers’ Contributions Trust Fund”.

Establishment of Developers’ Contributions Trust Fund.

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(2) All moneys received from subdividers and developers by way of financial contributions under sections 35A and 35B of this Act shall be paid to the credit of the Fund.

(3) Moneys held in the Fund may be expended by the Minister as he considers appropriate on the carrying out, construction, or provision of water works in any country water area.

(4) The Fund shall be managed in accordance with procedures approved by the Treasurer. ” .

Section 37  
amended.

13. Section 37 of the principal Act is amended—

(a) in subsection (7), by deleting “shall” in both places where it occurs and substituting in each place the following—

“ may ” ; and

(b) in subsection (8), by deleting “shall” and substituting the following—

“ may ” .

Section 46A  
amended.

14. Section 46A of the principal Act is amended in paragraph (h) by inserting after “Governor” the following—

“ or the Minister ” .

Section 63A  
amended.

15. Section 63A of the principal Act is amended in subsection (2) by deleting “unoccupied rateable land” and substituting the following—

“ rateable land on which there is no building ” .

Section 65  
amended.

16. Section 65 of the principal Act is amended in subsection (1) by inserting after “of the prescribed amount” the following—

“ for each class of purpose ” .



Section 105 amended.

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

(a) by inserting after paragraph (v) the following paragraph—

Protection of the meter and fittings.

“ (va) For the protection of the meter and fittings of the Minister from injury and enabling the Minister to recover from the owner or occupier of the land the cost of repairs resulting from injury or the cost of a missing meter. ” ;

and

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

Discounts, additional charges and penalties.

“ (xxiia) Prescribing discounts, additional charges, and penalties payable in respect of payments for water rates and charges for water supplied. ” .

PART III—WATER BOARDS ACT 1904-1981.

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

20. (1) In this Part, the Water Boards Act 1904-1981 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Water Boards Act 1904-1982.

Section 10A amended.

21. Section 10A of the principal Act is amended in subsection (2) by deleting “five hundred” and substituting the following—

“ one thousand ” .

Section 59 repealed and substituted.

22. Section 59 of the principal Act is repealed and the following section is substituted—

Meter records and testing of meters.

“ 59. (1) Whenever a meter is used—

(a) the quantity of water shown by the index or register shall be taken *prima facie* to be the quantity of

water which has actually passed through the meter and has been supplied; and

- (b) a certificate purporting to be signed by an officer of the Water Board stating the quantity so shown shall in any proceeding in which the quantity of water is in question, be *prima facie* evidence of the quantity of water supplied,

but this subsection does not apply where the meter is found not to be in proper order.

(2) The Water Board may at any time, and, where requested in writing by the person who will be liable to pay for water supplied through the meter, shall, cause a test of a meter to which subsection (1) of this section applies to be made by an officer of the Water Board or a person appointed by the Water Board.

(3) Where, pursuant to a request under subsection (2) of this section, the Water Board causes a meter to be tested and upon being so tested the meter is found to register not more than the quantity of water actually passed through it, the person upon whose request the test was made shall pay to the Water Board—

- (a) the amount of the prescribed meter testing fee; or
- (b) such greater amount as in the opinion of the Water Board approximates the actual cost of testing the meter,

as the Water Board may in each case specify.

(4) A meter shall be deemed not to be in proper order if—

- (a) on being tested or otherwise, the meter is found not to register within the limits of error prescribed;



marked as such and the Water Board shall, upon request, give details of the basis upon which the assessment was made. ” .

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

Section 60 repealed and substituted.

“ 60. (1) The Water Board may turn or cut off or reduce the available rate of flow of the water supply—

Water may be cut off from unoccupied premises etc.

- (a) if the land to which water is supplied is unoccupied; or
- (b) when any rates or moneys due for water supplied, or agreed to be supplied, or any rent or charges for any meter or other fittings remain unpaid for 7 days after they become due; or
- (c) if the occupier refuses to permit a meter to be attached to any pipe on his land; or
- (d) if a person or local authority (being the owner or occupier of the land) fails to comply with the requirements of, or his or its obligations under, section 62B; or
- (e) if the occupier commits or permits any breach of any of the provisions of this Act or the by-laws thereunder.

(2) Turning or cutting off or reducing the available rate of flow of the water shall be a cumulative remedy for enforcing payment of water rates or other moneys due, and shall not relieve the owner or occupier from liability in respect thereof.

(3) Where under this section the Water Board has turned or cut off or reduced the available rate of flow of the water supply to land, the Water Board may, before restoring the water supply to land, require payment of the amount of such charges as the Water Board may from time to time determine in respect of—

- (a) the turning or cutting off or the reduction; and
- (b) the restoration of the water supply. ” .

Section 62A amended.

24. Section 62A of the principal Act is amended in paragraph (a) of subsection (2) by inserting before “works” the following—

“ existing or proposed ” .

Section 62B inserted.

25. After section 62A of the principal Act, the following section is inserted—

Water supply on development of land.

“ 62B. A person or local authority (in this section called “the developer”) who proposes to develop or redevelop land in any way that will result in a demand for the supply of water greater than that determined by the Water Board to be likely in the case of single residence on a lot in the area where the land is situate, whether the land is rateable or not or within the water area or not, shall in writing request the Water Board to arrange for water to be supplied to the land as so developed or redeveloped to meet the increased demand and before proceeding to undertake, construct, or effect that development or redevelopment shall comply with such terms and conditions as the Water Board may impose in respect of the proposal, including the financial contribution to be made by the developer in respect of any existing or proposed water works which benefit or will benefit the developed or redeveloped land. ” .



necessary for the Governor by Order in Council to authorise the construction of the sewerage works concerned under section 11 (6) of this Act. ” .

Section 40 amended.

28. Section 40 of the principal Act is amended—  
(a) in subsection (2)—

(i) by deleting “The Minister” where the expression first occurs and substituting the following—

“ Subject to section 46B (2), the Minister ” ; and

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

“ 1 000 ” ;

and

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

“ 500 ” .

Section 46A amended.

29. Section 46A of the principal Act is amended in paragraph (a) of subsection (2) by inserting before “sewerage works” the following—

“ existing or proposed ” .

Sections 46B and 46C inserted.

30. After section 46A of the principal Act, the following sections are inserted—

Drainage on development of land.

“ 46B. (1) A person or local authority (in this section called “the developer”) who proposes to develop or redevelop land in any way that will result in the quantity of sewage discharged into a sewer of the Minister increasing to a level greater than that determined by the Minister to be likely in the case of a single residence on a lot, whether the land is rateable or not or within a sewerage area or not, shall in writing request the Minister to arrange for the increased quantity of sewage resulting from the development or

redevelopment of the land to be received into a sewer of the Minister and before proceeding to undertake, construct, or effect the development or redevelopment shall comply with such terms and conditions as the Minister may impose in respect of the proposal, including the financial contribution to be made by the developer in respect of any existing or proposed sewerage works which benefit or will benefit the developed or redeveloped land.

(2) Notwithstanding the terms of subsection (2) of section 40, the Minister shall not be obliged under that subsection to return a plan with his directions indorsed thereon where and for such period as an owner or occupier has failed or omitted to comply with the requirements of, or his or its obligations under, subsection (1) of this section.

46C. (1) There shall be established and kept in the Treasury an account to be known as the "Country Towns Sewerage Developers' Contributions Trust Fund".

Establishment of Developers' Contributions Trust Fund.

(2) All moneys received from subdividers and developers by way of financial contributions under sections 46A and 46B of this Act shall be paid to the credit of the Fund.

(3) Moneys held in the Fund may be expended by the Minister as he considers appropriate on the construction or provision of sewerage works in any sewerage area.

(4) The Fund shall be managed in accordance with procedures approved by the Treasurer. " .

31. After section 66 of the principal Act, the following section is inserted—

Section 66A inserted.

" 66A. (1) For the purpose of making and levying the rate and fixing charges, the Minister may from time to time prescribe classes

Minister may prescribe classes of purposes.



the maximum amount of the rate to be paid in respect of any land classified for the purposes of section 66A of this Act; and

- (b) vary or revoke any notice published under paragraph (a) of this subsection. ” .

33. After section 73 of the principal Act the following section is inserted— Section 73A inserted.

“ 73A. (1) A person who is liable to pay money due for rates or charges for sewerage or other services under this Act— Discounts and additional charges.

- (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) of this subsection, 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 rates or charges shall be deemed to be part of the amount due for rates or charges, as the case may be, for the purposes of the recovery provisions of this Part of this Act. ” .

