

**METROPOLITAN WATER  
SUPPLY, SEWERAGE, AND  
DRAINAGE (No. 3).**

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**No. 100 of 1982.**

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**AN ACT to amend the Metropolitan Water Supply,  
Sewerage, and Drainage Act 1909-1982.**

*[Assented to 24 November 1982.]*

**B**E 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:—

1. (1) This Act may be cited as the *Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 3) 1982*.

Short title  
and citation.

(2) In this Act the Metropolitan Water Supply, Sewerage, and Drainage Act 1909-1982 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Water Supply, Sewerage, and Drainage Act 1909-1982.

Commence-  
ment.

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

Section 3  
amended.

3. Section 3 of the principal Act is amended—

(a) by deleting “WORKS, ss. 18-35.” and substituting the following—

“ WORKS, ss. 31-35. ” ;

(b) by deleting “Part VII—SEWERAGE, ss. 58-71.” and substituting the following—

“ PART VII—SEWERAGE, ss. 58-70. ” ; and

(c) by deleting “PART VIIA—METROPOLITAN MAIN DRAINAGE, ss. 71A-71E. ” .

Section 5  
amended.

4. Section 5 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting the definitions of “drain”, “land”, “local authority”, “metropolitan main drain”, “metropolitan main drainage works”, “street”, “surplus water”, “underground water” and “works”;

(ii) in the definition of “fittings” by deleting “drain” and inserting the following—

“ property sewer ” ;

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(iii) by inserting after the definition of “pollution area” the following definition—

“ “property sewer” means every part of any conduit laid through, under, or upon any street, way or land, whether public or private, by or at the expense of the owner or occupier of any premises for the carriage therefrom of any wastewater or sewage to any sewer; ” ; and

(iv) in the definition of “sewer” by deleting “drain” and inserting the following—

“ property sewer ” ;

(b) in subsection (3) by deleting “VIIA,”; and

(c) by inserting after subsection (4) the following subsection—

“ (5) Terms assigned a meaning for the purposes of the Metropolitan Water Authority Act 1982 by section 4 of that Act have the same meaning for the purposes of this Act. ” .

5. Section 6 of the principal Act is amended by deleting subsection (4). Section 6 amended.

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

“ 7. The Governor may, by Order in Council, from time to time alter or extend the boundaries of the Area. ” .

7. Sections 19 to 30, both inclusive, of the principal Act are repealed. Sections 19 to 30 repealed.

Section 31  
amended.

8. Section 31 of the principal Act is amended—

(a) by deleting “private sewer or drain” wherever occurring and substituting the following—

“ property sewer ” ; and

(b) by deleting “sewer or drain” and substituting the following—

“ property sewer ” .

Section 32  
amended.

9. Section 32 of the principal Act is amended by deleting “and drains” wherever it occurs.

Section 33  
amended.

10. Section 33 of the principal Act is amended—

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

“ For the purpose of ventilation, the ” ;

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

“ property sewer ” ; and

(c) by deleting “within any sewerage district”.

Section 34  
amended.

11. Section 34 of the principal Act is amended by deleting “drains” and substituting the following—

“ property sewers ” .

Section 37  
amended.

12. Section 37 of the principal Act is amended by deleting “Subject to the provisions of Part VIIB of this Act, on” and substituting the following—

“ Upon such terms as it thinks fit and are agreed upon, on ” .

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13. Section 38 (2) of the principal Act is Section 38  
amended. amended—

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

“ and upon such terms as it thinks fit and  
as are agreed upon ” ; and

(b) by deleting “on such terms as may be agreed  
upon,”.

14. Section 45 (9) of the principal Act is Section 45  
amended. amended by deleting “the last two preceding  
sections” and substituting the following—

“ subsections (7) and (8) of this section ” .

15. Section 58 of the principal Act is Section 58  
amended. amended by deleting “drains” wherever occurring and sub-  
stituting the following—

“ property sewers ” .

16. Section 59 of the principal Act is Section 59  
amended. amended by deleting “drains” wherever occurring and sub-  
stituting the following—

“ property sewers ” .

17. Section 60 of the principal Act is Section 60  
amended. amended by deleting “drains” and substituting the fol-  
lowing—

“ property sewers ” .

18. Section 61 of the principal Act is Section 61  
amended. amended—

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

“ property sewers ” ; and

(b) in subsection (2) by deleting “at five per cent. per annum” and substituting the following—

“ payable at the rate and in the manner prescribed in the by-laws ” .

Section 61A  
amended.

19. Section 61A (2) of the principal Act is amended—

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

“ and upon such terms as it thinks fit and as are agreed upon ” ; and

(b) by deleting “on such terms as may be agreed upon between the Board and the owner or occupier of the land,” .

Section 62  
amended.

20. Section 62 of the principal Act is amended by deleting “drain” wherever occurring and substituting the following—

“ property sewer ” .

Section 63  
amended.

21. Section 63 of the principal Act is amended—

(a) by deleting “drains” wherever occurring and substituting the following—

“ property sewers ” ; and

(b) in subsection (1) by deleting “drain” and substituting the following—

“ property sewer ” .

Section 64  
amended.

22. Section 64 (1) of the principal Act is amended by deleting “drain” and substituting the following—

“ property sewer ” .

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23. Section 65 of the principal Act is amended by deleting “drain” wherever occurring and substituting the following— Section 65 amended.

“ property sewer ” .

24. Section 66 of the principal Act is amended— Section 66 amended.

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

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

(b) in subsection (2) by deleting “or drainage”.

25. Section 67 of the principal Act is amended by deleting “drain” wherever occurring and substituting the following— Section 67 amended.

“ property sewer ” .

26. Section 68 of the principal Act is amended by deleting “drain” wherever occurring and substituting the following— Section 68 amended.

“ property sewer ” .

27. Section 69 of the principal Act is amended by deleting “drain” wherever occurring and substituting the following— Section 69 amended.

“ property sewer ” .

28. Section 69A of the principal Act is repealed. Section 69A repealed.

29. Section 70 of the principal Act is amended— Section 70 amended.

(a) by deleting “drain” wherever occurring and substituting the following—

“ property sewer ” ; and

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- (b) by deleting “drained” wherever occurring and substituting the following—

“ served ” .

Section 71  
repealed.

30. Section 71 of the principal Act is repealed.

Part VIIA  
and heading  
repealed.

31. Part VIIA of the principal Act and the heading thereto are repealed.

Section 90A  
inserted.

32. The principal Act is amended by inserting after section 90 the following section—

Special  
charging  
methods.

“ 90A. (1) The Governor, on the recommendation of the Minister after consultation with the Authority, may make regulations authorising the Authority to refrain, where directed by the Minister and in respect of a period approved by the Minister, from making and levying rates or charges in the manner otherwise provided by this Act and the Metropolitan Water Authority Act 1982 and instead to impose charges upon the basis of which the Authority may render an account in respect of water services provided or to be provided.

(2) Regulations made for the purposes of this section and the charges imposed and accounts rendered thereunder may—

- (a) make differing provision in relation to any land or any land use;
- (b) make provision for the imposition of a charge of a minimum amount, or of a charge not exceeding a maximum amount, notwithstanding that the charge when calculated by reference to the basis otherwise required by the regulations would differ;



- (c) be varied, and make provision for discounts or additional charges for deferred payment, in any manner in which the Authority is otherwise authorised in relation to any rate or other charge;
- (d) require payment of any account for charges imposed otherwise than by measure to be made in advance of the provision of the service; and
- (e) adopt by reference, either wholly or in part or with modifications, any provision of by-laws made by the Authority, this Act or the Metropolitan Water Authority Act 1982.

(3) The Authority shall cause a direction given by the Minister under this section, or such a summary of any direction as is approved by the Minister, to be published in the *Government Gazette*, but in so far as no such direction is applicable the provisions of this Act (other than this section) and of the Metropolitan Water Authority Act 1982 shall have effect.

(4) For the purposes of any Act or law, a charge imposed under regulations made for the purposes of this section in relation to any separately assessed area of rateable land shall be deemed to have been imposed by way of a rate or a component of a rate lawfully levied by the Authority, and to be recoverable as such (notwithstanding that it may not be assessed, either wholly or in part, by reference to the rating records or a rating valuation) in so far as—

- (a) the person liable;
- (b) the land to which it relates; and
- (c) any land use by reference to which it is imposed,

are identifiable and the provisions of by-laws made by the former Board or the Authority in relation to rates or other charges shall, in so far as they are not inconsistent with the regulations, continue to have effect in relation to charges of a similar kind imposed under this section.

(5) Where charges in relation to any land are assessed wholly or in part upon a basis other than a rating valuation, the rating record as to that land shall (in addition to containing the information otherwise prescribed) be annotated to show the total amount payable in respect of each service provided and the basis upon which the calculation was made.

(6) Notwithstanding that a charge imposed is not, in part, assessed on the basis of a valuation of land adopted or apportioned by the Authority, a person, whether an owner or an occupier, to whom an account is rendered under this section may make an objection to the Authority as to the basis on which a charge is imposed as though it were an objection to an assessment to which paragraph (b) of section 32 (1) of the Valuation of Land Act 1978 applied or to which subsection (2) of section 43 of the Metropolitan Water Authority Act 1982 applied, but in relation to any appeal to the Land Valuation Tribunal those provisions shall have effect only in so far as the assessment of the charge is based on a valuation of the land.

(7) In considering the factors whereby charges should be assessed for the purposes of this section, the Authority may have regard to—

- (a) the cost to the Authority of providing the service either to the particular land or generally;

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- (b) the nature of the land and of the services;
- (c) the extent to which, and the purpose for which, the services provided are to be used or are used;
- (d) the extent to which the use of the service is, or can be, measured;
- (e) the grant of standard allowances and whether charges should be made additional to or in substitution for the standard allowances; and
- (f) other matters intended to reflect the concept that the charge made should relate to the service provided,

and may determine that provision should be made for the adoption of graduated or tapered scales of charging, whether or not related to the physical characteristics of the works by means of which the services are, or are to be, provided.

(8) Unless the Minister in relation to any land, or any class of land specified by him, otherwise directs or the regulations otherwise provide, subsection (1) of section 94 of this Act applies to any charge imposed pursuant to this section as though it had been an amount payable by way of rates for the kind of service in question, and the reference in subsection (3) of that section to rates under section 90 of this Act shall be taken to include a reference to charges imposed under this section.

(9) In assessing the charges to be imposed under this section the Authority shall have regard to the limitation imposed on annual increases of rates pursuant to subsection (4)

of section 94 of this Act, and, in relation to any land that was separately assessed rateable land, subsection (4) and subsection (5) of that section apply to any charge imposed under this section as though it had been an amount payable in respect of a rate for a like kind of service made and levied on the basis of a rating valuation adopted by the Authority pursuant to section 41 of the Metropolitan Water Authority Act 1982.

(10) The restrictions imposed on the Authority by paragraphs (a), (b) and (c) of section 44 (3) of the Metropolitan Water Authority Act 1982, as to the land in respect of which rates may be levied and the matters in relation to costs that the Authority may have regard to under that subsection, apply to and in relation to this section and the moneys derived from such charges shall be attributable to, and held for the purposes of, the general requirements of the Authority. ” .

Section 94  
amended.

33. Section 94 of the principal Act is amended by deleting “metropolitan main” wherever occurring.

Section 96  
amended.

34. Section 96 of the principal Act is amended by deleting “metropolitan” wherever occurring.

Section 101  
amended.

35. Section 101 of the principal Act is amended by inserting after “The Authority may” the following—

“ , but is not required to, ” .

Section 110  
amended.

36. Section 110 of the principal Act is amended—

(a) by deleting “striking and”; and

(b) by deleting “striking or”.

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37. Section 112 of the principal Act is amended— Section 112  
amended.

(a) by deleting “metropolitan main drainage district,” and substituting the following—

“ the declaration of, or alteration to the boundaries of, any drainage area, ” ;

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

“ , extended, declared or altered ” ;

and

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

“ extension, declaration or alteration ” .

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

(a) in paragraph (4) by deleting “metropolitan main”;

(b) by deleting paragraph (6) and substituting the following paragraph—

“ (6) The construction, maintenance, cleansing, repair, management, and use of the water works, sewerage works, drainage works, sewers, drains, property sewers, pipes, main drains and other property of the Authority. ” ;

(c) in paragraph (7)—

(i) by deleting “metropolitan main” wherever occurring; and

- (ii) by deleting “sewers, drains,” and substituting the following—
  - “ sewers, property sewers, ” ;
- (d) in paragraph (7a) by deleting “metropolitan”;
- (e) in paragraph (8)—
  - (i) by inserting after “sewers,” the following—
    - “ property sewers, ” ; and
  - (ii) by deleting “metropolitan”;
- (f) in paragraph (9)—
  - (i) by inserting after “sewers,” the following—
    - “ property sewers, ” ; and
  - (ii) by deleting “metropolitan”;
- (g) in paragraph (10) by inserting after “drain” the following—
  - “ , property sewer ” ;
- (h) in paragraph (11) by deleting “metropolitan”;
- (i) in paragraph (12)—
  - (i) by deleting “metropolitan main drainage rates” and substituting the following—
    - “ drainage rates and charges ” ;
    - and
  - (ii) by deleting “minimum rates and maximum rates” and substituting the following—
    - “ minimum amount and maximum amount ” ;

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(j) in paragraph (13) by inserting after  
“rates” the following—

“ , charges or allowances ” ;

(k) in paragraph (16)—

(i) by inserting after “water” wherever  
occurring the following—

“ services ” ; and

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

“ , including the fees and other  
charges applicable, ” ;

(l) in paragraph (20) by inserting after  
“drain” the following—

“ , property sewer ” ;

(m) in paragraph (23) by inserting after  
“drains,” the following—

“ property sewers, ” ; and

(n) in paragraph (24) by inserting after  
“drains,” wherever occurring the follow-  
ing—

“ property sewers, ” .

39. Section 146A of the principal Act is amended Section 146A  
amended. by inserting after “drains,” the following—

“ property sewers, ” .

40. Section 156 of the principal Act is amended Section 156  
amended. by deleting “person employed by” and substituting  
the following—

“ officer of ” .

41. Section 161 of the principal Act is amended Section 161  
amended. by deleting “or other member of the staff”.