

COUNTRY AREAS WATER SUPPLY.

No. 97 of 1981.

**AN ACT to amend the Country Areas Water Supply
Act 1947-1980.**

[Assented to 4 December 1981.]

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:—

1. (1) This Act may be cited as the *Country Areas Water Supply Amendment Act 1981*.

Short title
and citation.

(2) In this Act the Country Areas Water Supply Act 1947-1980 is referred to as the principal Act.

Reprinted as
approved 18
April 1980
and amended
by Act No. 75
of 1980.

(3) The principal Act as amended by this Act may be cited as the Country Areas Water Supply Act 1947-1981.

Section 5
amended.

2. Section 5 of the principal Act is amended in the definition of "farm land" by deleting "that is used or primarily used for the purposes of a market garden, orchard, piggery or poultry farm or any combination of those purposes;" and substituting the following—

“ that—

- (a) is used or primarily used for the purposes of a market garden, orchard, piggery, poultry farm, or horse stud farm, or the purposes of the agistment or grazing of horses, or for any combination of those purposes;
- (b) is comprised in a holding that is wholly within the boundaries of a townsite (and for the purposes of this paragraph "townsite" has the meaning given to it in section 6 (1) of the Local Government Act 1960);
- (c) is comprised in a holding the area of which is less than 4 hectares; or
- (d) is supplied from a main or other pipe the construction of which was not specified under section 15 (b) (iii) of this Act as being for farm land purposes,

unless the land was, immediately before the coming into operation of the Country Areas Water Supply Amendment Act 1981, rated under this Act as farm land and the purposes for which the land is used or primarily used are the same as when it was so rated; ” .

Section 12EE
inserted.

3. After section 12ED of the principal Act the following section is inserted—

Evidentiary
provisions.

“ 12EE. (1) In proceedings under this Part of this Act a document purporting to be—

- (a) a true copy of an aerial photograph marked so as to identify, and show the boundaries of, land according to official survey; and

- (b) signed and certified by the Surveyor General as being a true copy of a photograph taken under the authority of the Surveyor General on the date specified in the certificate and as correctly identifying, and showing the boundaries of, the land according to official survey,

is, without proof of the signature of the Surveyor General, admissible as evidence of the matters so certified and of the condition, on the date so specified, of the vegetation on the land so identified.

(2) A document shall not be admitted pursuant to subsection (1) of this section as evidence that the land has been cleared contrary to this Part of this Act unless the court is satisfied that the Minister or a person acting with his authority has entered upon and inspected the land for the purposes of ascertaining whether the land has been so cleared.

(3) Where, in proceedings for an offence against this Part of this Act, it is proved that land has been cleared, the person who was, at the time the land was cleared—

- (a) the occupier of the land is, in the absence of evidence to the contrary, deemed to have so cleared the land;

and

- (b) the owner of the land is, unless the contrary is proved, deemed to have permitted the land to be so cleared. ” .

Section 32
amended.

4. Section 32 of the principal Act is amended—

- (a) by inserting before “Whenever” the following subsection designation—

“ (1) ” ;

- (b) by deleting “water supplied:” and the proviso, and substituting the following—

“ water supplied,

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

- (c) by inserting at the end thereof the following subsections—

“ (2) The Minister 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 Minister or a person appointed by the Minister.

(3) Where, pursuant to a request under subsection (2) of this section, the Minister 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 Minister—

(a) the amount of the prescribed meter testing fee; or

(b) such greater amount as in the opinion of the Minister approximates the actual cost of testing the meter,

as the Minister 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;
- (b) the meter is found by an officer of the Minister to be so damaged or otherwise in such a condition that, in the opinion of that officer, the meter is likely to inaccurately show the quantity of water passing through it; or
- (c) the register of the meter is found to be unreadable.

(5) Where a meter through which water is supplied to land is found not to be in proper order the quantity of water supplied to the land through the meter may be assessed by the Minister in such manner as may be prescribed and, unless the contrary is shown, the quantity of water so supplied shall be deemed to be as so assessed.

(6) Where, pursuant to a request under subsection (2) of this section, the Minister causes a meter to be tested and upon being so tested the meter is found to register less than the quantity of water actually passed through it, the Minister may, as an alternative to assessing the quantity of water supplied to the land through the meter, deem the quantity of water shown by the index or register of the meter to be the quantity of water which has actually passed through the meter and been supplied, and a certificate purporting to be signed by an officer of the Minister stating the quantities so shown shall,

in any proceedings in which the quantity of water is in question, be *prima facie* evidence of the matters stated.

(7) Where an account is submitted upon the basis of an assessment, it shall be clearly marked as such and the Minister shall, upon request, give details of the basis upon which the assessment was made. ” .

Section 33
amended.

5. Section 33 of the principal Act is amended—

(a) in subsection (2), by inserting after “thereof” the following—

“ and the failure of the Minister to supply water where supply has been discontinued 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 ” ; and

(b) by inserting after subsection (2) the following subsection—

“ (3) Where the supply of water to any land has been discontinued pursuant to subsection (1) of this section, the Minister may, before resuming the supply of water to the land—

(a) require payment of—

(i) the amount of the prescribed reconnection fee; or

(ii) such greater amount as in the opinion of the Minister approximates the actual cost of discontinuing and resuming the supply of water to the land,

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. ” .

6. Section 63 of the principal Act is amended— Section 63 amended.

- (a) in subsection (1) by deleting “2.414016” and substituting the following—

“ 2.5 ” ; and

- (b) by inserting after subsection (2) the following subsection—

“ (3) Where by reason of section 6 of the Country Areas Water Supply Amendment Act 1981 the extent to which a holding is rateable is increased, the Minister at his discretion may, after the coming into operation of that Act—

- (a) make an entry, or adopt an entry made, in the relevant rate book in respect of the holding; and

- (b) assess a water rate in respect of the holding,

on the basis of the extent to which the holding was rateable before the increase effected by that section. ” .

7. Section 65 of the principal Act is amended in subsection (2) by deleting “4.942” and substituting the following— Section 65 amended.

“ 30 ” .

Transitional.

8. Sections 63 and 65 of the principal Act as in force immediately before the coming into operation of this Act continue to apply in relation to a water rate made or levied for the financial year that is current when this Act comes into operation.
