

WATER BOARDS (No. 2).

No. 97 of 1978.

AN ACT to amend the Water Boards Act, 1904-1978.

[Assented to 17th November, 1978.]

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 *Water Boards Act Amendment Act (No. 2), 1978.*

Short title
and citation.

(2) In this Act the Water Boards Act, 1904-1978, is referred to as the principal Act.

Reprinted as
approved for
reprint
18th August,
1971, and
amended by
Act No. 94
of 1972 (as
amended by
Act No. 19
of 1973) and
No. 51 of
1978.

(3) The principal Act as amended by this Act may be cited as the Water Boards Act, 1904-1978.

Commence-
ment.

2. The provisions of this Act shall come into operation on the day fixed by proclamation under subsection (2) of section 2 of the Water Boards Act Amendment Act, 1978, as the day on which sections 4, 5, 6, 7, 8 and 9 of that Act shall come into operation.

Section 2
amended.

3. Section 2 of the principal Act is amended in the reference to Part IV by deleting the number "65" and substituting the number "65A".

Section 3
amended.

4. Section 3 of the principal Act is amended—

(a) by deleting the definition of "chairman" and substituting the following definition—

"chairman", the chairman of a Water Board, and includes—

(a) the mayor of a city or town;
and

(b) the president of a shire,
within the meaning and for the
purposes of the Local Government
Act, 1960; ; and

(b) in line two of the definition of "local authority" by the deletion of the words "or the Board of a Road District".

Section 57
repealed and
re-enacted.

5. The principal Act is amended by repealing section 57 and re-enacting that section as follows—

Supply to
land not
rated.

57. (1) The owner or occupier of land not rated under this Act may in writing request the Water Board to supply water to that land.

(2) On receiving a request made under subsection (1) of this section, the Water Board may—

(a) comply with that request on and subject to such terms and conditions as may be mutually agreed; or

(b) refuse that request.

(3) Whenever the Water Board complies with a request made under subsection (1) of this section, it may, subject to the provisions of subsection (4) of this section, provide, lay down and fix all necessary pipes and fittings for supplying water to the land concerned.

(4) If compliance with a request made under subsection (1) of this section does not involve the construction of works on land other than land of the person who made that request, the Water Board may exercise the power of construction conferred on it by subsection (3) of this section without complying with the requirements of sections forty-one and forty-two of this Act and it shall not be necessary for—

- (a) the Minister to comply with the requirements of sections forty-three and forty-five; and
- (b) the Governor by Order in Council to authorise the construction of the works concerned under subsection (2) of section forty,

of this Act. .

6. The principal Act is amended by repealing section 62 and re-enacting that section as follows—

Section 62
repealed and
re-enacted.

62. (1) The owner or occupier of land not situated within a water area may request the Water Board of the water area closest to that land to supply water to that land.

Supply to
land
outside
water area.

(2) On receiving a request made under subsection (1) of this section, the Water Board may—

- (a) with the approval of the Minister, comply with that request on and subject to such terms and conditions as it thinks fit; or
- (b) refuse that request.

(3) Whenever the Water Board complies with a request made under subsection (1) of this section, it may, subject to the provisions of subsection (4) of this section, construct all necessary works for supplying water to the land concerned.

(4) If compliance with a request made under subsection (1) of this section does not involve the construction of works on land other than land of the person who made that request, the Water Board may exercise the power of construction conferred on it by subsection (3) of this section without complying with the requirements of sections forty-one and forty-two of this Act and it shall not be necessary for—

(a) the Minister to comply with the requirements of sections forty-three and forty-five; and

(b) the Governor by Order in Council to authorise the construction of the works concerned under subsection (2) of section forty,

of this Act.

(5) Any land to which a Water Board supplies water under this section and the owner and occupier of that land shall, while that land is so supplied, be subject to the provisions of this Act as modified by the terms and conditions referred to in subsection (2) of this section in the same manner as if that land were situated within the water area concerned.

(6) The Water Board may, for the purpose of supplying the land concerned with water, employ works and fittings of such nature, size and description as it thinks fit.

7. The principal Act is amended by adding after section 62 a section as follows—

62A. (1) A person or local authority (in this section called "the subdivider") who subdivides or wishes to subdivide land, whether rateable

Section
62A added.

Water
supply to
subdivided
land.

land or not and whether or not situated in a water area, into a lot or lots may in writing request the Water Board of the water area concerned or the Water Board of the water area closest to that land, as the case may be, to arrange for water to be supplied to the lot or lots.

(2) On receiving a request made under subsection (1) of this section, the Water Board may—

- (a) with the approval of the Minister, comply with that request on and subject to such terms and conditions, including the financial contribution to be made by the subdivider in respect of any works which benefit or will benefit the lot or all or any of the lots concerned, as may be mutually agreed; or
- (b) refuse that request.

(3) Whenever the Water Board complies with a request made under subsection (1) of this section, it may, subject to the provisions of subsection (4) of this section, carry out, construct or provide all or any of the necessary works.

(4) If compliance with a request made under subsection (1) of this section does not involve the construction of works on land other than land of the subdivider, the Water Board may exercise the power of construction conferred on it by subsection (3) of this section without complying with the requirements of sections forty-one and forty-two of this Act and it shall not be necessary for—

- (a) the Minister to comply with the requirements of sections forty-three and forty-five; and
- (b) the Governor by Order in Council to authorise the construction of the works concerned under subsection (2) of section forty,

of this Act. .

Section 63
amended.

8. Section 63 of the principal Act is amended in subsection (1)—

(a) by the insertion, before the definition of “Fire Brigades Act”, of the following definition—

“Board” means the Western Australian Fire Brigades Board constituted pursuant to section 6 of the Fire Brigades Act; ; and

(b) by the deletion of the definition of “Fire Brigades Board”.

Section 65A
added.

9. The principal Act is amended in Part IV by adding after section 65 a section as follows—

Acquisition
by agree-
ment of
works from
person or
local
authority.

65A. (1) A Water Board may, at the request of a person or local authority and with the approval of the Minister, acquire from the person or local authority the whole or part of any works of the person or local authority and all or any property used in connection with those works on and subject to such terms and conditions as may be mutually agreed.

(2) The Water Board concerned shall cause notice of the fact of any acquisition made under subsection (1) of this section to be published in the *Government Gazette*.

(3) As and from the date of the publication referred to in subsection (2) of this section, the works and property concerned shall, by force of this subsection and without any conveyance, transfer or assignment, be transferred to and vested in the Water Board concerned and shall be deemed to be works under and for the purposes of this Act. .