

## WATER BOARDS.

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No. 51 of 1978.

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AN ACT to amend the Water Boards Act, 1904-1973.

[Assented to 6th September, 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, 1978*.

Short title  
and citation.

(2) In this Act the Water Boards Act, 1904-1973 is referred to as the principal Act.

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

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

Commence-  
ment.

2. (1) Subject to subsection (2) of this section the provisions of this Act shall come into operation on the day on which this Act receives the Royal Assent.

(2) Sections 4, 5, 6, 7, 8 and 9 of this Act shall come into operation on a day to be fixed by proclamation.

Section 10A  
added.

3. The principal Act is amended by adding after section 10 a section as follows—

Supply of  
goods or  
services by  
member.

10A. (1) A person is not disqualified from being or continuing a member of a Water Board, on the grounds that he is concerned or participates in the profit of a contract with the Board, by reason only that in the ordinary course of business, and in good faith, he sells goods to, supplies services to, or does work for, the Board or any person who has entered into a contract with the Board so long as the value of goods so sold by him, services so supplied by him, or work so done by him, during any one financial year of the Board does not exceed the prescribed amount.

(2) In subsection (1) of this section "prescribed amount" means five hundred dollars or such greater amount as is, in any particular case, determined in writing by the Minister.

Section 40  
amended.

4. Section 40 of the principal Act is amended—

- (a) by adding after the section designation "40." the subsection designation "(1)"; and
- (b) by adding a subsection as follows—

(2) A Water Board shall not undertake the construction of works in the Water Area pursuant to subsection (1) of this section, other than works consisting wholly of exempt works, unless the requirements of sections forty-one, forty-two, forty-three and forty-five have been complied with 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. .

5. The principal Act is amended by repealing section 41 and re-enacting that section as follows—

Section 41  
repealed and  
re-enacted.

41. Where a Water Board formulates proposals for the construction of works in the Water Area pursuant to subsection (1) of section forty, other than works consisting wholly of exempt works, the Water Board shall—

Preliminaries  
to  
construction.

- (a) cause the necessary surveys and levels of lands to be made and taken;
- (b) cause to be prepared plans of the proposed works, and cause the same, or certified copies thereof, to be deposited in the office of the Minister, and also in the office of the Water Board; and
- (c) cause an advertisement to be published in the *Government Gazette*, and in one or more newspapers generally circulating in the Water Area, specifying—
  - (i) a description of the proposed works;
  - (ii) the localities at which they will be constructed;
  - (iii) the purposes for which they are to be constructed;
  - (iv) the times when and places at which the plans may be inspected.

6. The principal Act is amended by repealing section 42 and re-enacting that section as follows—

Section 42  
repealed and  
re-enacted.

42. The plans so deposited shall be open to inspection by any person interested at the advertised times and places, and every such person shall be allowed to make copies of and extracts from the same free of charge. .

Plans open to  
inspection.

Section 43  
amended.

7. Section 43 of the principal Act is amended by deleting the passage “, sections, specifications, books of reference, and estimates” in lines one and two.

Section 45  
repealed and  
re-enacted.

8. The principal Act is amended by repealing section 45 and re-enacting that section as follows—

Submission  
for approval.

45. (1) Where the Minister considers that the requirements of sections forty-one, forty-two and forty-three have been complied with and that the objections, if any, are, in the general public interest, not sufficient to cause the proposals to be amended, the Minister shall submit the proposals to the Governor and shall obtain from the Water Board and furnish to the Governor such plans, specifications, estimates or other information as the Governor may require relating thereto.

(2) After considering the proposals submitted to him the Governor may—

(a) make an Order in Council pursuant to section forty; or

(b) decline to make such an Order. .

Section 45A  
added.

9. The principal Act is amended by adding after section 45 a section as follows—

Exempt  
works.

45A. For the purposes of this Part of this Act the Governor may from time to time by Order in Council declare that reticulation works of the nature specified in that Order shall be exempt works not subject to the provisions of subsection (2) of section forty or section forty-one, forty-two, forty-three, forty-four or forty-five notwithstanding that such works may form part of or be related to works comprised in proposals to which those provisions apply.