

LAND DRAINAGE.

No. 73 of 1972.

AN ACT to amend the Land Drainage Act, 1925-1954.

[Assented to 16th November, 1972.]

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 *Land Drainage Act Amendment Act, 1972.* Short title and citation.

(2) In this Act the Land Drainage Act, 1925-1954 is referred to as the principal Act. Vol. 21 Reprinted Acts. Approved for reprint 22nd May, 1967.

(3) The principal Act as amended by this Act may be cited as the Land Drainage Act, 1925-1972.

Amendment to s. 60 (Construction and maintenance of works).

2. Subsection (2) of section 60 of the principal Act is amended—

- (a) by substituting for the word “one” in line three, the word “five”;
- (b) by deleting paragraph (c) and substituting the following paragraph—
- (c) obtain from the Director of Engineering or officer deputed by him a certificate that he is satisfied that the proposed works will be of the capacity specified in the certificate.

S. 65A added.

3. The principal Act is amended by adding after section 65 a section as follows—

Benefits derived from works to be deducted from compensation payable.

65A. The compensation payable to any person for any damage sustained by him through the exercise of the powers conferred by section sixty-five of this Act shall be reduced by—

- (a) the amount, if any, by which the value of any property of that person wherever situate has been directly or indirectly enhanced by the construction of any drainage works in the course of the exercise of those powers; and
- (b) the value, if any, of any immediate or proximate benefit that has been gained by or become available to that person by reason of the construction, use or maintenance of any drainage works under this Act.

S. 164A added.

4. The principal Act is amended by adding after section 164 a section as follows—

Authority for certain works.

164A. Drainage works constructed before the coming into operation of the Land Drainage Act Amendment Act, 1972 shall not be deemed to have been constructed without the authority conferred by section sixty or sixty-two of the Land Drainage Act, 1925-1954 by reason only that a certificate in the form set out in paragraph (c) of subsection (2) of the firstmentioned section was not obtained before the construction of those works was undertaken.