



WESTERN  
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Gazette

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**WATER AGENCIES RESTRUCTURE  
(TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) ACT 1995**

**TRANSFER ORDER**

Made by the Minister under Section 190(1)

**1. Allocation of assets, rights and liabilities**

The assets, rights and liabilities of the Water Authority ("Authority") specified in Column 1 of Table A (other than the excluded assets, rights and liabilities specified in Schedule 1) are allocated to the Water Corporation and the Water and Rivers Commission as specified in Column 2 of that Table.

**2. Proceedings**

The proceedings in which the Water Corporation or the Water and Rivers Commission is to be, or both of these agencies are to be, substituted for the Authority as a party or parties are specified in Table B.

**3. Inspection of schedules**

The Schedules referred to in Table A have been signed by the Minister for identification and may be inspected during normal office hours at 629 Newcastle Street, Leederville.

**TABLE A**  
**ALLOCATION OF ASSETS, RIGHTS AND LIABILITIES**

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
<b>1. <u>Loans</u></b>	
1.1 With the exception of those assets, rights and liabilities allocated in Item 1.2, all assets, rights and liabilities of the Authority arising from or in connection with the loan arrangements listed in Schedule 2.	Corporation
1.2 All assets, rights and liabilities of the Authority arising from or in connection with the loan arrangements detailed in Schedule 3.	Commission
<b>2. <u>Sinking Fund Investments</u></b>	
All assets, rights and liabilities of the Authority arising from or in connection with the sinking fund investments made on behalf of the Authority in connection with the repayment of long term borrowing commitments.	Corporation
<b>3. <u>Investments, Cash and Securities</u></b>	
3.1 With the exception of those assets, rights and liabilities allocated in Item 3.2 or elsewhere in this Order, all assets, rights and liabilities of the Authority arising from or in connection with cash, cash at bank and other funds on deposit.	Corporation
3.2 A cash sum of \$4,000,000 plus a further amount equal to the value of the entitlements of employees of the Authority who transfer to the Commission.	Commission
3.3 The rights of the Authority to operate by withdrawal or deposit or otherwise any bank or other account in the name of the Authority established before the commencement day.	Corporation
<b>4. <u>Lease Liabilities - Finance Leases</u></b>	
All assets, rights and liabilities of the Authority arising from or in connection with arrangements entered into by the Authority in regard to finance leases.	Corporation

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
<p>5. <u><i>Lease Liabilities - Operating Leases</i></u></p> <p>All assets, rights and liabilities of the Authority arising from or in connection with leases entered into by the Authority for the lease of operating assets, to the extent not allocated by virtue of the allocation of assets, rights and liabilities elsewhere in this Order.</p>	Corporation
<p>6. <u><i>Funding Schemes</i></u></p> <p>All assets, rights and liabilities of the Authority arising from or in connection with:</p> <p>(a) funding schemes established to facilitate the establishment of reticulated water supply or sewer services</p> <p>(b) funding schemes established to facilitate connection to water or sewer schemes</p> <p>(c) funding schemes established to facilitate development of water resource management projects.</p>	<p>Corporation</p> <p>Corporation</p> <p>Commission</p>
<p>7. <u><i>Debtors and Creditors</i></u></p> <p>All assets, rights and liabilities of the Authority arising from or in connection with debtors and creditors of the Authority including, without limitation, customer and contractor deposits, to the extent not allocated by virtue of the allocation of assets, rights and liabilities elsewhere in this Order, that were acquired or incurred before the commencement day principally in the performance of:</p> <p>(a) a utility function including, without limitation, water tariff and contract debtors.</p> <p>(b) a water resources function including, without limitation, contract debtors; or</p> <p>(c) both or neither functions.</p>	<p>Corporation</p> <p>Commission</p> <p>Corporation</p>
<p>8. <u><i>Fixed Assets and Associated Plant and Equipment</i></u></p> <p>All assets, rights and liabilities of the Authority (excluding all assets, rights and liabilities allocated elsewhere in this Order) arising from or in connection with all plant, equipment, works in progress or under construction, stock, stores or other property in which the Authority has an interest:</p>	

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
(a) with the exception of those assets allocated under Item 8(b) all assets listed in Schedule 4;	Corporation
(b) assets listed in Schedule 5;	Commission
(c) with the exception of those assets allocated under Item 8(d) all assets listed in Schedule 6;	Commission
(d) assets listed in Schedule 7.	Corporation
<b>9. <u>Land Interests</u></b>	
9.1 (a) All assets, rights and liabilities of the Authority arising from or in connection with the land the subject of the Certificates of Title and Land Act Reserves specified in Schedule 8 (including, without limitation, all buildings and chattels on the land) excluding all assets, rights and liabilities allocated under Item 1, and 9.1(b) and 9.1(c) and all assets, rights and liabilities allocated elsewhere in this Order.	Corporation
(b) All assets, rights and liabilities of the Authority arising from or in connection with the freehold land listed in Schedule 9.	Commission
(c) All assets, rights and liabilities of the Authority arising from or in connection with the Land Act Reserves listed in Schedule 10.	
(i) Part 1 of Schedule 10	Commission
(ii) Part 2 of Schedule 10	Jointly
9.2 (a) With the exception of those assets, rights and liabilities allocated in Item 9.2(b), all assets, rights and liabilities of the Authority arising from or in connection with the land leasing agreements listed in Schedule 11.	Corporation
(b) All assets, rights and liabilities of the Authority arising from or in connection with land leasing agreements listed in Schedule 12.	Commission

<b>Column 1</b> <b>Assets, Rights and Liabilities</b>		<b>Column 2</b> <b>Allocation</b>
9.3	<p>(a) With the exception of those assets, rights and liabilities allocated in Item 9.3(b), all assets, rights and liabilities of the Authority arising from or in connection with land which has been acquired by contract of sale for which titles have not been issued, and which are listed in Schedule 13.</p> <p>(b) All assets, rights and liabilities of the Authority arising from or in connection with that portion of Murray Location 643 as is stippled on the plan annexed to Caveat E979509 and being part of the land comprised in Certificate of Title Volume 1202 Folio 878.</p>	<p>Corporation</p> <p>Commission</p>
9.4	<p>All assets, rights and liabilities of the Authority arising from or in connection with the following land (including, without limitation, all buildings and chattels on the land) but excluding all assets, rights and liabilities allocated elsewhere in this Order:</p> <p>(a) Land outlined in green on the sketch in Schedule 14 being part of the land comprised in Reserve 31145 (Albany).</p> <p>(b) Land outlined in pink on the sketch in Schedule 14 being the balance of land comprised in Reserve 31145 (Albany).</p> <p>(c) Land outlined in green on the sketch in Schedule 15 being part of the land comprised in Reserve 29298 of Lot 2635 (Geraldton).</p> <p>(d) Land outlined in pink on the sketch in Schedule 15 being the balance of the land comprised in Reserve 29298 of Lot 2635 (Geraldton).</p> <p>(e) Land outlined in green on the sketch in Schedule 16 being part of the land comprised in Reserve 30105 (Karratha).</p>	<p>Commission</p> <p>Corporation</p> <p>Commission</p> <p>Corporation</p> <p>Commission</p>

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
(f) Land outlined in pink on the sketch in Schedule 16 being the balance of land comprised in Reserve 30105 (Karratha).	Corporation
(g) Land outlined in green on the sketch in Schedule 17 being those Canning Locations 96, 104, 407, 408, 484, 502, 526, 534, 574 and 614 on Plan 4670 and being part of the land comprised in Certificate of Title Volume 1565 Folio 382.	Commission
(h) Land outlined in pink on the sketch in Schedule 17 being that portion of Canning Location 32 on Plan 4670 and being part of the land comprised in Certificate of Title Volume 1565 Folio 382.	Corporation
<p>9.5 All assets, rights and liabilities of the Authority arising from or in connection with all easements, access ways, restrictive covenants, memorials, caveats and all licence agreements entered into by the Authority to the extent that they were entered into, acquired, support or are currently used for:</p> <p>(a) utility function</p> <p>(b) water resource function</p> <p>(c) both or neither functions</p>	<p>Corporation</p> <p>Commission</p> <p>Jointly</p>
<b>10. <i>Employee Housing</i></b>	
(a) With the exception of those assets, rights and liabilities allocated in Item 10 (b), all assets, rights and liabilities of the Authority arising from or in connection with housing accommodation rented by Authority employees from the Government Employees Housing Authority.	Corporation
(b) All assets, rights and liabilities of the Authority arising from or in connection with housing properties listed in Schedule 18.	Commission

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
<p><b>11. <u>Motor Vehicles and Mobile Plant</u></b></p> <p>(a) With the exception of those assets, rights and liabilities allocated in Item 11(b), all assets, rights and liabilities of the Authority arising from or in connection with the motor vehicles, mobile plant and other equipment specified in Schedule 19.</p> <p>(b) All assets, rights and liabilities of the Authority arising from or in connection with vehicle and plant items listed in Schedule 20.</p>	<p>Corporation</p> <p>Commission</p>
<p><b>12. <u>Office Furnishings and Equipment</u></b></p> <p>(a) With the exception of those assets, rights and liabilities allocated in Items 12(b) and 12(c), all assets, rights and liabilities of the Authority arising from or in connection with the office equipment listed in either Schedule 21 or Schedule 23 together with fittings and equipment in Authority offices.</p> <p>(b) All assets, rights and liabilities of the Authority arising from or in connection with office furniture and equipment listed in Schedule 22.</p> <p>(c) All assets, rights and liabilities of the Authority arising from or in connection with I.T. equipment listed in Schedule 24.</p>	<p>Corporation</p> <p>Commission</p> <p>Commission</p>
<p><b>13. <u>Computer Hardware and Software</u></b></p> <p>13.1 Mainframe Hardware</p> <p>All assets, rights and liabilities of the Authority arising from or in connection with the Authority's mainframe hardware (including, without limitation, licences, associated operating systems and technical/user manuals).</p>	<p>Corporation</p>





Column 1 Assets, Rights and Liabilities	Column 2 Allocation
<p>14.2 All assets, rights and liabilities of the Authority arising from or in connection with any copyright or patents (except as otherwise allocated by virtue of the allocation of assets in this Order) relating principally to:</p> <p>(a) A utility function  (b) A water resource management function; or  (c) both or neither function</p>	<p>Corporation  Commission  Jointly</p>
<p>15. <u><i>Names and logos and trademarks and design applications and registrations</i></u></p> <p>All assets, rights and liabilities of the Authority arising from or in connection with the following names and logos and trademark applications and registrations:</p> <p>(a) Application No. 1836.91 - No. 115031 entitled Flow Control Valve (Design)  (b) Application No. 631344-51 entitled Water Drop Logo  (c) Application No. (TBD) Registered Design entitled "Plastic Hydrant"  (d) Application No (TBD) Registered Design entitled "Water Meter Locking Strap"  (e) Application No (TBD) Registered Design entitled "Stop Cock Lock Open U"  (f) Application No 651256 (AIPO) entitled Waterwise Western Australia Logo</p>	<p>Corporation  Corporation  Corporation  Corporation  Corporation  Jointly</p>
<p>16. <u><i>Library and Reference Materials</i></u></p> <p>(a) With the exception of those assets, rights and liabilities allocated in Item 16(b), all assets, rights and liabilities of the Authority arising from or in connection with library and other reference resources.</p>	<p>Corporation</p>

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
<p>(b) All assets, rights and liabilities of the Authority arising from or in connection with</p> <p style="padding-left: 40px;">(i) 900 Library Books relevant to a water resource management function</p> <p style="padding-left: 40px;">(ii) Publications &amp; Journals</p>	<p>Commission</p> <p>Jointly</p>
<p>17. <b><i>Employee Liabilities</i></b></p>	
<p>17.1 All assets, rights and liabilities of the Authority relating to employees of the Authority (including, without limitation, all superannuation and workers' compensation and related common law assets, rights and liabilities) transferring to the:</p> <p style="padding-left: 40px;">(a) Water Corporation</p> <p style="padding-left: 40px;">(b) Water and Rivers Commission</p>	<p>Corporation Commission</p>
<p>17.2 All assets, rights and liabilities of the Authority arising from or in connection with the Government Employees Superannuation Fund and the State Superannuation Pension Fund in respect of former employees of the Authority:</p> <p style="padding-left: 40px;">(a) if the relevant employee's last day of service with the Authority was principally in a utility function.</p> <p style="padding-left: 40px;">(b) if the relevant employee's last day of service with the Authority was principally in a water resources function.</p> <p style="padding-left: 40px;">(c) if the relevant employee's last day of service with the Authority cannot be identified as principally in service of either of a water services or a water resources function.</p>	<p>Corporation</p> <p>Commission</p> <p>Corporation</p>

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
<p><b>18. <u>Contracts</u></b></p> <p>All assets, rights and liabilities of the Authority arising from or in connection with:</p> <p>18.1 The contracts specified in:</p> <ul style="list-style-type: none"> <li>(a) Part A1 and Part A2 of Schedule 26</li> <li>(b) Part B of Schedule 26</li> <li>(c) Part C of Schedule 26</li> </ul> <p>18.2 Subject to any other allocation in this Order, all other contracts entered into before the commencement day in the performance of:</p> <ul style="list-style-type: none"> <li>(a) principally a utility function</li> <li>(b) principally a water resource function</li> <li>(c) both functions</li> </ul>	<p>Corporation Commission Corporation and Commission in accordance with specified share</p> <p>Corporation Commission Corporation and Commission, as tenants in common in equal shares</p>
<p><b>19. <u>Insurance Policies</u></b></p> <p>All assets, rights and liabilities of the Authority arising from or in connection with:</p> <p>19.1 the insurance policies which remain current after the commencement day.</p> <p>19.2 to the extent not allocated elsewhere in this Order, insurance policies entered into by the Authority which have lapsed prior to the commencement day including, without limitation, any workers' compensation policies and claims:</p> <ul style="list-style-type: none"> <li>(a) where that policy supported a utility function</li> <li>(b) where that policy supported a water resource function</li> <li>(c) where that policy supported both functions</li> </ul>	<p>Corporation</p> <p>Corporation Commission</p> <p>Jointly</p>

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
<p><b>20. <u>Communications Equipment</u></b></p> <p>(a) With the exception of those assets, rights and liabilities allocated in Items 20(a) and 20(b) and Item 8, all assets, rights and liabilities of the Authority arising from or in connection with telephonic and radio communication equipment.</p> <p>(b) All assets, rights and liabilities of the Authority arising from or in connection with radio equipment listed in Schedule 27.</p> <p>(c) All assets, rights and liabilities of the Authority arising from or in connection with telephonic equipment listed in Schedule 28.</p>	<p>Corporation</p> <p>Commission</p> <p>Commission</p>
<p><b>21. <u>Inventories</u></b></p> <p>21.1 All inventories of consumable products to the extent not allocated by virtue of the allocation of assets, rights and liabilities elsewhere in this Order acquired by the Authority on or before the commencement day.</p> <p>21.2 All material stores, stock manufacture and major project works inventories, to the extent not allocated by virtue of the allocation of assets, rights and liabilities elsewhere in this Order, that were acquired by the Authority on or before the commencement day principally in the performance of:</p> <p>(a) a utility function</p> <p>(b) a water resources function</p> <p>(c) both or neither functions</p>	<p>Corporation</p> <p>Corporation</p> <p>Commission</p> <p>Corporation</p>
<p><b>22. <u>Litigation and Other Claims</u></b></p> <p>With the exception of those assets, rights and liabilities allocated in accordance with Table B, the assets, rights and liabilities of the Authority arising from or in connection with litigation and other claims involving the Authority to the extent that they relate principally to:</p> <p>(a) a utility function</p> <p>(b) a water resources function</p> <p>(c) both or neither functions</p>	<p>Corporation</p> <p>Commission</p> <p>Jointly</p>

Column 1 Assets, Rights and Liabilities	Column 2 Allocation
<p>23. <i>General</i></p> <p>Subject to the allocations in this Order, all other assets, rights and liabilities of the Authority that were acquired or incurred before the commencement day principally in the performance of:</p> <ul style="list-style-type: none"><li>(a) a utility function</li><li>(b) a water resources function</li><li>(c) both or neither functions</li></ul>	<p>Corporation Commission Jointly</p>

## TABLE B

## SUBSTITUTION FOR THE WATER AUTHORITY IN PROCEEDINGS

Column 1 Proceedings	Column 2 Allocation
Crown Solicitor's Office Ref. Numbers - 5356/95 & 5410/89	Corporation
Crown Solicitor's Office Ref. Number 2906/83	Commission
Crown Solicitor's Office Ref. Number 9698/92	Corporation
Crown Solicitor's Office Ref. Number 9662/91	Corporation
Crown Solicitor's Office Ref. Number 9758/91	Commission
Federal Court Ref. Number WA 69/95	Corporation
Federal Court Ref. Number WA 131/94	Corporation & Commission Jointly
WA Industrial Relations Commission Ref. Number C189/95	Corporation
Australian Industrial Relations Commission Ref. Number C20028/95	Corporation
Australian Industrial Relations Commission Ref. Number C2222/95	Corporation
Australian Industrial Relations Commission Ref. Number C60512/95	Corporation
Australian Industrial Relations Commission Ref. Number C60590/95	Corporation
Supreme Court Ref. Number 1013/88	Corporation
Supreme Court Ref. Number 1331/95	Corporation
Supreme Court Ref. Number 1291/95	Corporation
Supreme Court Ref. Number 1807/95	Corporation
Supreme Court Ref. Number 1345/93	Corporation
Supreme Court Ref. Number 2093/95	Corporation
Supreme Court Ref. Number 1053/93	Corporation
Supreme Court Ref. Number 1884/49	Corporation
District Court No. CIV/996/86	Corporation
District Court No. CIV/3578/86	Corporation
District Court No. CIV/28/87	Corporation
District Court No. CIV/788/87	Corporation
District Court No. CIV/2788/87	Corporation

Column 1 Proceedings	Column 2 Allocation
District Court No. CIV/1812/88	Corporation
District Court No. CIV/2566/89	Corporation
District Court No. CIV/3459/90	Corporation
District Court No. CIV/7032/90	Corporation
District Court No. CIV/8015/90	Corporation
District Court No. CIV/7061/91	Corporation
District Court No. CIV/3171/95	Corporation
District Court No. CIV/2911/95	Corporation
District Court No. WC93D/317/95	Corporation
District Court No. WC93D/303/95	Corporation
District Court No. WC93D/216/95	Corporation
District Court No. WC93D/205/95	Corporation
District Court No. WC93D/86/95	Corporation
District Court No. CIV/6051/94	Corporation
District Court No. CIV/5816/94	Corporation
District Court No. CIV/5626/94	Corporation
District Court No. CIV/5377/94	Corporation
District Court No. CIV/4986/94	Corporation
District Court No. CIV/4602/94	Corporation
District Court No. CIV/3880/94	Corporation
District Court No. CIV/3756/94	Corporation
District Court No. CIV/3659/94	Corporation
District Court No. CIV/3465/94	Corporation
District Court No. CIV/3162/94	Corporation
District Court No. CIV/2515/94	Corporation
District Court No. CIV/1731/94	Corporation
District Court No. CIV/7420/93	Corporation
District Court No. CIV/5301/93	Corporation
District Court No. CIV/2751/93	Corporation

Column 1 Proceedings	Column 2 Allocation
District Court No. CIV/2004/93	Corporation
District Court No. CIV/2533/92	Corporation
District Court No. CIV/3198/92	Corporation
District Court No. CIV/4881/92	Corporation
District Court No. CIV/5872/94	Corporation
District Court No. CIV/2615/95	Corporation
District Court No. CIV/7279/86	Corporation
District Court No. CIV/4342/88	Corporation
District Court No. CIV/2657/89	Corporation
District Court No. CIV/4758/91	Corporation
District Court No. CIV/8311/91	Corporation
District Court No. CIV/8312/91	Corporation
District Court No. CIV/421/94	Corporation
District Court No. CIV/10/91	Corporation
District Court No. CIV6499/94	Corporation
District Court No. CIV8313/91	Corporation
District Court No. CIV/5160/94	Corporation
District Court No. CIV/416/94	Corporation
District Court No. CIV/5606/93	Corporation
District Court No. CIV/4824/93	Corporation
District Court No. CIV/615/92	Corporation
All court proceedings relating to the recovery of debts to the Authority	Corporation

P. G. FOSS, Acting Minister for Water Resources.



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