

Metropolitan Arterial Drainage Act 1982

Compare between:

[03 Sep 2012, 02-d0-01] and [18 Nov 2013, 02-e0-03]

Western Australia

Metropolitan Arterial Drainage Act 1982

An Act to provide for objections to valuations for certain water service charges an Arterial Drainage Scheme and to authorise the provision declaration of certain drainage works and services courses.

[Long title inserted by No. 7325 of 19952012 s. 8121.]

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Part I — Preliminary

[Division heading deleted by No. 110 of 1985 s. 15.]

1. **Short title**

This Act may be cited as the *Metropolitan Water* Authority Arterial Drainage Act 1982¹.

[Section 1 amended by No. 25 of 2012 s. 22.]

2. Commencement

The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation ¹.

[3. Deleted by No. 25 of 1985 s. 30.]

4. Terms used in this Act

In this Act, unless the context otherwise requires — (1)

arterial drain means an existing or proposed draindrainage asset classified as suchan arterial drain in the Arterial Drainage Scheme:

Arterial Drainage Scheme or Scheme means the scheme of that name compiled pursuant to Part IX;

channel includes a stream or watercourse;

Corporation means drainage assets has the meaning given in the Water Corporation established by Services Act 2012 section 4 of the Water Corporation Act 1995;

drain means –

- (a) a conduit on or under any land; or
- (b) a channel,

whether natural or constructed, which was or is used or intended to be used to carry surplus water, and includes any part of such a conduit or channel;

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drainage area means an area declared to be a drainage area pursuant to section 104108;

drainage course means an area declared to be a drainage course pursuant to section 106;

drainage works means all works for drainage purposes;

former Authority means the Water Authority of Western Australia under the *Water Agencies (Powers) Act 1984*² before the commencement of Part 2 of the Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995³;

former Commission means the Water and Rivers Commission established by section 4 of the Water and Rivers Commission Act 1995⁴ and in existence before the repeal of that Act;

former Metropolitan Authority means the Metropolitan Water Authority under this Act before the commencement of section 36 of the Acts Amendment and Repeal (Water Authorities) Act 1985 1;

main drain means a drain which is declared to be a main drain pursuant to section 100;

underground water means all water that is below the surface of the ground whether it is flowing or not and, if it is flowing, whether it is in a defined channel or not;

works means waterworks, sewerage works and drainage works, including excavation, construction, structures, buildings and plant provided by or used or intended to be used by the Corporation for the purposes of water services.

licensee has the meaning given in the *Water Services Act 2012* section 3(1).

- In this Act, unless the context otherwise requires, terms not (1A) otherwise assigned a meaning under this section but referred to in section 3 of the Water Agencies (Powers) Act 1984 as having a meaning assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act.
- In Part IV f(2)deleted1

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occupied in relation to land, means actually occupied by a person;

owner has the same meaning as in section 6.1 of the *Local* Government Act 1995.

[Section 4 amended by No. 101 of 1982 s. 4; No. 25 of 1985 s. 31; No. 110 of 1985 s. 16; No. 24 of 1987 s. 12; No. 73 of 1995 s. 82 and 93; No. 14 of 1996 s. 4; No. 67 of 2003 s. 62; No. 55 of 2004 s. 753; No. 38 of 2007 s. 25; No. 19 of 2010 s. 5151; No. 25 of 2012 s. 23.]

- 5. Relation to the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* and references to the former Board etc.
 - (1) The provisions of this Act are incorporated with, and may be read as one with the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*, and a reference to "this Act" shall be read and construed as including a reference to that Act and to by-laws made under that Act or the *Water Agencies (Powers) Act 1984*.
 - (2) Any reference to the former Board or the former Metropolitan Authority made
 - (a) in a written law passed or made;
 - (b) in any document or instrument made, executed, entered into or done; or
 - (c) otherwise,

before the coming into operation of this subsection shall, unless the context is such that it would be incorrect or inappropriate so to do, be read and construed as a reference to the former Commission or the Corporation as the case requires.

[Section 5 amended by No. 25 of 1985 s. 32; No. 73 of 1995 s. 83 and 93; No. 67 of 2003 s. 62; No. 38 of 2007 s. 26.]

[Division heading repealed by No. 110 of 1985 s. 15.]

[6. Deleted by No. 25 of 1985 s. 33.]

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[7. Deleted by No. 25 of 1985 s. 34.]

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Part II — Administration

[Division heading deleted by No. 25 of 1985 s. 35.]

- [8. Deleted by No. 73 of 1995 s. 84.]
- [9. Deleted by No. 25 of 1985 s. 37.]
- [10. Deleted by No. 73 of 1995 s. 84.]
- [11. Deleted by No. 25 of 1985 s. 39.]

[Division heading deleted by No. 25 of 1985 s. 35.]

- [12-17. Deleted by No. 25 of 1985 s. 39.]
- [18. Deleted by No. 73 of 1995 s. 84.]

19. Exemption from personal liability

A person who is or has been a member, acting member or delegate of the former Commission, the former Board, the former Metropolitan Authority, the Board of the former Metropolitan Authority or the former Authority is not personally liable in civil proceedings, for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, under this Act or the *Metropolitan Water Supply*, *Sewerage, and Drainage Act 1909*.

[Section 19 amended by No. 101 of 1982 s. 7; No. 25 of 1985 s. 41; No. 73 of 1995 s. 85; No. 38 of 2007 s. 27.]

[Division heading deleted by No. 25 of 1985 s. 35.]

[20-25. Deleted by No. 25 of 1985 s. 42.]

[Division heading deleted by No. 25 of 1985 s. 35.]

[26-27. Deleted by No. 25 of 1985 s. 42.]

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[28. Deleted by No. 73 of 1995 s. 86.]

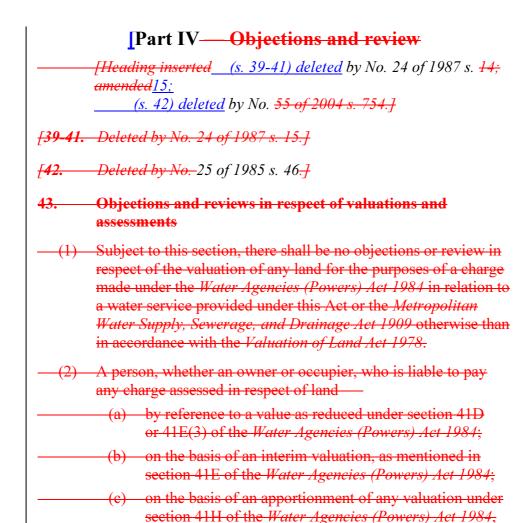
[Division heading deleted by No. 25 of 1985 s. 35.]

[29, 30. Deleted by No. 25 of 1985 s. 45.]

[Division heading deleted by No. 25 of 1985 s. 35.]

[31-34. Repealed by No. 25 of 1985 s. 45.]

[Part III (s. 35-38) deleted by No. 25 of 1985 s. 45.]



may object to the assessment in accordance with this section.

Notwithstanding that a charge made under the *Water Agencies* (Powers) Act 1984 is only in part assessed on the basis of a valuation of land adopted or apportioned by the Corporation, a person, whether an owner or an occupier, to whom an account for the charge is rendered may object to the Corporation as to the basis on which the charge is imposed as though it were an objection to an assessment to which section 32(1)(b) of the

Part II

Valuation of Land Act 1978 applied or to which subsection (2) applied, but, except as otherwise provided by this section, any reference of the decision on that objection to the State Administrative Tribunal for a review shall relate only to such part of the assessment of the charge as is based on a valuation of the land.



- (a) describe the relevant land so as to identify it;
- (b) identify the valuation and the assessment objected to; and
- (c) set out fully and in detail the grounds of objection.
- An objection to an assessment in relation to any land pursuant to subsection (2) may be made on the ground that the assessment is not fair or is unjust, inequitable or incorrect, whether by itself or having regard to other assessments or valuations in force under the Water Agencies (Powers) Act 1984 or the Valuation of Land Act 1978.
- (5) Any person who is charged in relation to water services in respect of land on the basis that the land is not used for residential purposes may object to the basis of the assessment on the ground that the land is used for residential purposes.
- An objection under subsection (2) or (5) shall be in writing and shall be served on the Corporation within 42 days (or such further period as the Corporation may, for reasonable cause shown by the person entitled to make the objection, allow) after the issue of the relevant assessment.
- The Corporation shall, with all reasonable despatch, consider any objection and may either disallow it or allow it, wholly or in part.
- The Corporation shall promptly serve upon the person by whom the objection was made written notice of its decision on the objection and a brief statement of the reasons for that decision.

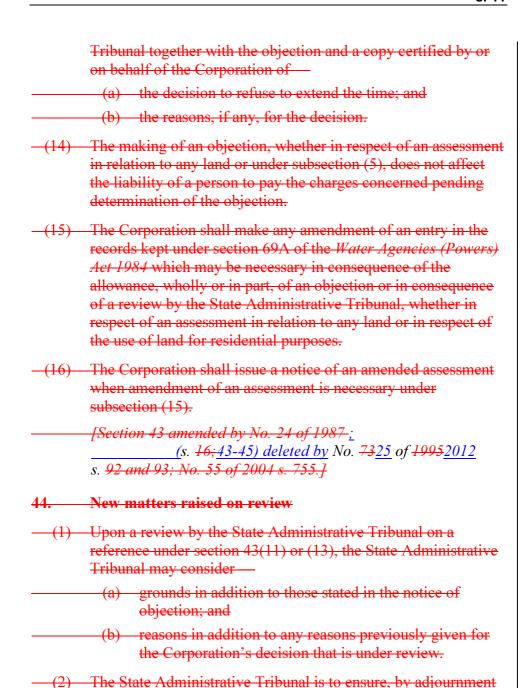
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- (9) Where the Corporation decides to disallow an objection, wholly or in part, it shall also advise the person by whom the objection was made of the time within which and the manner in which a review of the decision may be sought.
- (10) A person who is dissatisfied with the decision of the Corporation on an objection by that person may, within 42 days (or such further period as the Corporation may, for reasonable cause shown by the person, allow) after service of notice of the decision of the Corporation, serve on the Corporation a notice requiring that the Corporation refer the relevant assessment to the State Administrative Tribunal for a review.
- (11) Upon receipt of a notice under subsection (10) the Corporation shall promptly refer the relevant assessment to the State Administrative Tribunal for a review.
- (11a) The Corporation is to effect the reference by forwarding the notice to the executive officer of the State Administrative

 Tribunal together with the objection and a copy certified by or on behalf of the Corporation of
 - (a) the relevant assessment; and
 - (b) the reasons, if any, for the assessment.
- (12) A person who is dissatisfied with a decision of the Corporation to refuse to extend the time for service of an objection under this section, or for service of a notice requiring the Corporation to refer the relevant assessment to the State Administrative

 Tribunal for a review, may serve on the Corporation a notice requiring the Corporation to refer the decision to refuse to extend time to the State Administrative Tribunal for a review.
- —(13) Upon receipt of a notice under subsection (12) the Corporation shall promptly refer the decision to the State Administrative Tribunal for a review.
- (13a) The Corporation is to effect the reference by forwarding the notice to the executive officer of the State Administrative

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or otherwise, that each party and any other person entitled to be

heard has a reasonable opportunity of properly considering and responding to any new ground or reason that the State Administrative Tribunal proposes to consider in accordance with subsection (1).

[Section 44 inserted by No. 55 of 2004 s. 756.]

- Written reasons for certain determinations to be given and **published**
- If the State Administrative Tribunal considers that an order it makes determining a matter coming before it on a reference under section 43(11) or (13) is of general interest or significance, it is to prepare written reasons for its order and give a copy of the reasons to each party and publish the written reasons.
- This section is in addition to the provisions of the State Administrative Tribunal Act 2004.

[Section 45 inserted by No. 55 of 2004 s. 75624.]

[Part V (s. 46-64) deleted by No. 25 of 1985 s. 47.]

[Part VI (s. 65-68) deleted by No. 25 of 1985 s. 48.]

[Part VII (s. 69-76) deleted by No. 25 of 1985 s. 49.]

[Part VIII (s. 77-97) deleted by No. 25 of 1985 s. 50.]

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Part IX — Drainage

Division 1 — Arterial Drainage Scheme

[Heading inserted by No. 101 of 1982 s. 15.]

98. The Scheme

- (1) The Minister is charged with ensuring that a scheme is compiled, to be known as the Arterial Drainage Scheme, whereby practical and economic provision is made, in consultation with the Corporationall relevant licensees, for the planning, managing, maintaining, financing, extending and improving of drainage services to serve the Area.
- (2) The Minister shall prepare, and from time to time review and amend, plans which together will ultimately illustrate the Arterial Drainage Scheme in such a manner as to show
 - (a) drainage catchments; and
 - (b) lakes, swamps, wetlands, watercourses and other features related to natural drainage; and
 - (c) areas of existing, proposed or potential development; and
 - (d) the existing drainage system differentiating as to the kinds of drainage; and
 - (e) the proposed drainage system differentiating as to the proposed kinds of drainage and the persons or bodies to be liable for the provision and maintenance of that drainage; and
 - (f) land which, in the opinion of the Minister
 - (i) benefits from drainage; and
 - (ii) contributes to the need for drainage; and
 - (g) drainage areas and areas likely to be proclaimed as drainage areas.

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- any other matter or thing prescribed by regulations made under the Water Agencies (Powers) Act 1984 for the purposes of this section.
- (3) The Arterial Drainage Scheme shall make provision for
 - the classification of drainage assets as arterial drains; and
 - ([(b) main drains;
 - <u>), (c)</u> drainage areas; and deleted]
 - (d) drainage courses,

and may make provision for utilising the potential of the Scheme to conserve water, to re-charge aquifers, or in any other manner, in the best interests of the community and for the management of the natural environment.

- In planning and implementing the Scheme the Minister shall (4) consult and collaborate with the Corporationall relevant <u>licensees</u> and the local governments of the districts which are affected, and, in so far as that is practicable, shall consult with the respective authorities or bodies having responsibility for health, planning, roads, railways, conservation and environmental protection, and waterways, having regard to their statutory duties and practical requirements.
- In preparing the Scheme, the Minister shall take into account environmental, conservation and management considerations, and the financial implications as to the provision and maintenance of worksdrainage assets and the Scheme is to be prepared in such a manner as to ultimately make provision for the division of responsibilities, by agreement, as between the Minister, the Corporation relevant licensees, local governments and other persons.

[Section 98 inserted by No. 101 of 1982 s. 15; amended by No. 73 of 1995 s. 87; No. 14 of 1996 s. 4; No. 38 of 2007 s. 2828; No. 25 of 2012 s. 25.7

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Division 2 — Arterial drains

99. Management of arterial drains

- (1) The Minister has responsibility for the over-all administration of the system of arterial drainage and of arterial drainage worksdrains comprised within the Scheme, notwithstanding that the control, management and care of any particular arterial drain or any portion thereof, or responsibility for particular works of an arterial drain may for the time being be vested in some other person or body.
- A main drain may be, or comprise a portion of, an arterial

[(2) deleted]

- This Act does not vest in the Minister the control, management (3) or care of an arterial drain or proposed arterial drain.
- (4) The Minister shall
 - determine what drainsdrainage assets shall be designated (a) arterial drains, and what proposed drainsdrainage assets should be designated as arterial drains, and assign names to them respectively;
 - delineate the point of commencement, route and point of termination of arterial drains on a specified plan or plans;
 - (c) indicate the nature and size of the arterial drains:
 - notify in writing, accompanied by a copy of a relevant plan, the Corporationall relevant licensees and the local government of each district in which an arterial drain or proposed arterial drain is, or is to be, situated of the designation of that draindrainage asset as an arterial drain:
 - invite submissions from the Corporation licensees and (e) the local governments affected within such reasonable time as is specified in the notice of designation; and

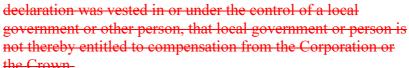
- review, and, as may be necessary, amend from time to time the designations made.
- (5) In so far as the course of an arterial drain or proposed arterial drain may traverse more than one district, and may affect the community or the environment, the Minister shall endeavour to evolve and coordinate measures to ensure the most practicable manner of control, management and care of the drain within the concept of an integrated scheme of drainage.

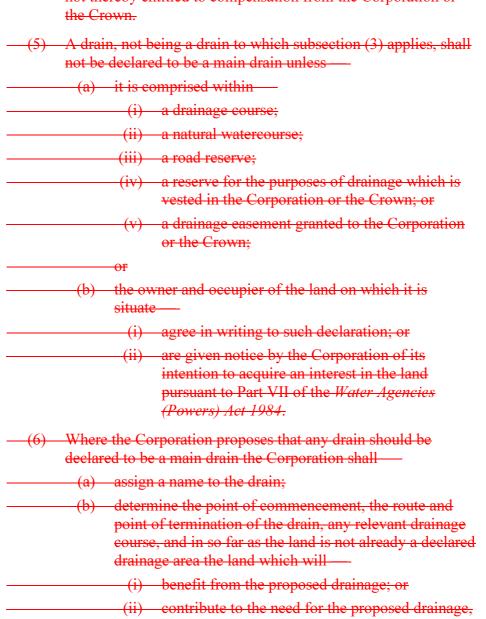
[Section 99 inserted by No. 101 of 1982 s. 15; amended by No. 73 of 1995 s. 88; No. 14 of 1996 s. 4; No. 38 of 2007 s. 2929; No. 25 of 2012 s. 26.]

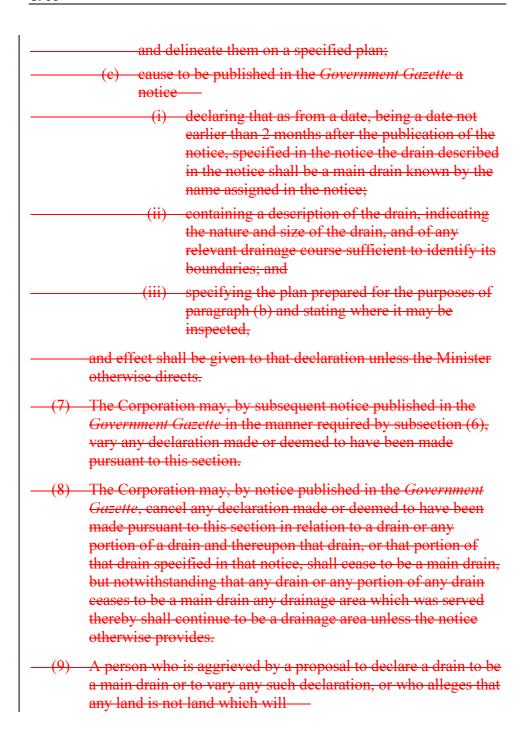
[Division-3— Main drains

(s. 100. Declaration-102) deleted by No. 25 of main drains

- The Corporation has the control and management of main drains and main drainage works, and shall cause all main drains and main drainage works to be constructed, maintained, kept and cleansed with due regard to the Scheme and the health and convenience of the public.
- The Corporation, subject to this section, may declare to be a main drain
 - (a) any existing drain; or
 - any drain which the Corporation proposes shall be provided.
- Any metropolitan main drain constituted pursuant to section 71C of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 as in force prior to the coming into operation of section 31 of the Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 3) 1982 shall be deemed to have been declared to be a main drain pursuant to this section.
- Where the Corporation declares to be a main drain any existing channel or existing conduit which prior to the time of that

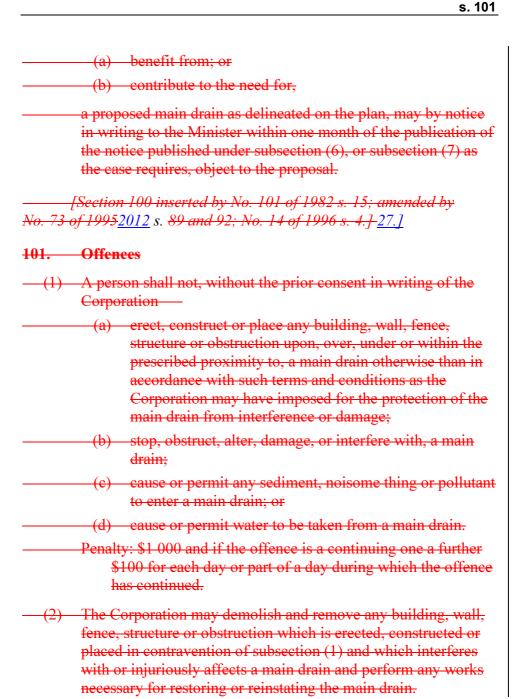


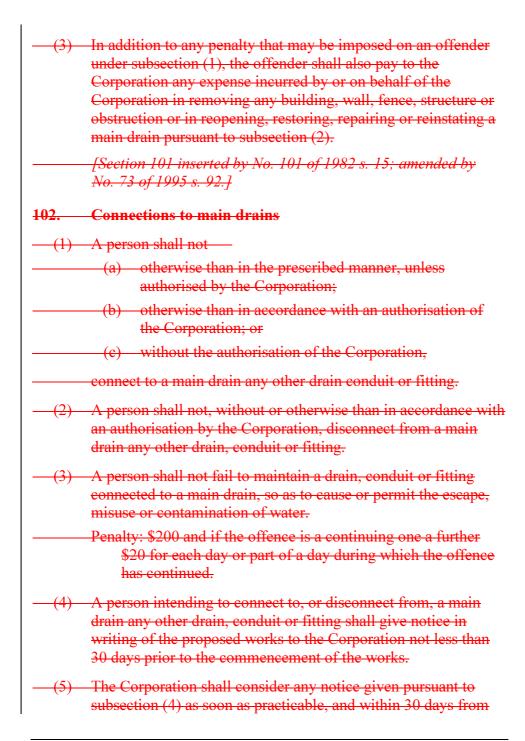


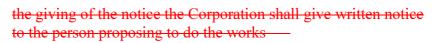


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- (a) authorising the proposed works;
- (b) declining to authorise the proposed works; or
- (c) delaying consideration of the proposed works until a time, or the occurrence of an event, specified in the notice.
- An authorisation given by the Corporation pursuant to this section may be made subject to conditions, including conditions as to the payment of prescribed charges, and may require that the applicant or some other person enter into an agreement with the Corporation under section 67 of the Water Agencies (Powers) Act 1984 with regard to the cost of works or water services provided or to be provided by the Corporation by reason of or in relation to the proposal.

[Section 102 inserted by No. 101 of 1982 s. 15; amended by No. 110 of 1985 s. 18; No. 73 of 1995 s. 92 and 93.1

[Division 4 — Drainage areas

4 (s. 103. Drainage areas

The Corporation, having regard to the land to be served and to any other land which may be affected, may, where drainage services are to be or are being provided, recommend to the Minister that any area of land, or any part of such an area, served by a main drain or to be served by a proposed main drain and which, in the opinion of the Corporation, benefits or will benefit from, or contributes or will contribute to the need for, the drainage, should be declared to be a drainage area.

[Section 103 inserted by No. 101 of 1982 s. 15; amended by No. 24 of 1987 s. 18; No. 73 of 1995 s. 92.1

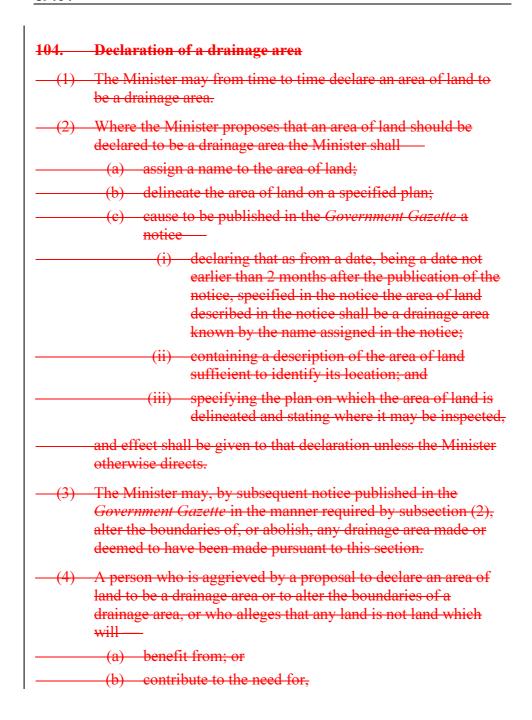
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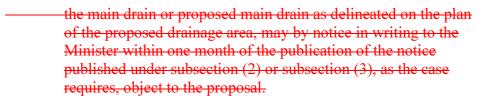
Drainage

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Drainage areas

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- (5) The Minister shall have regard to any objection notified to him pursuant to section 100(9) as though it were an objection of which he has received notice in accordance with subsection (4).
- (6) A local drainage area constituted pursuant to section 71E of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* as in force prior to the coming into operation of section 31 of the *Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 3) 1982*⁵ shall be deemed to have been declared to be a drainage area pursuant to this section.
- (7) A metropolitan main drainage district constituted pursuant to section 6 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* as in force prior to the coming into operation of section 5 of the *Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 3) 1982*⁵ shall be deemed to have been declared a drainage area pursuant to this section and in relation to that area the Corporation may determine that it be divided into 2 or more drainage areas, and subsection (2) shall be taken to apply to each of the respective areas as so divided as though the determination was a proposal to declare the area a drainage area but subsection (4) shall not apply.

Section 104 inserted by No. 101 of 1982 s. 15; amended by No. 73 of 1995 s. 92.7

-105. Agreements for the provisions of drainage works

Where any land, whether or not in a drainage area, in the opinion of the Corporation, benefits or is likely to benefit from, or contribute to the need for, a main drain or a proposed main drain, the Corporation may serve a notice under section 67 of the Water Agencies (Powers) Act 1984 requiring the owner or

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Division 5 Drainage courses

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occupier to enter into an agreement with the Corporation with regard to the provision of works or water services which in the opinion of the Corporation it is or will be necessary to provide for drainage purposes.

ection 105 inserted by No. 101 of 1982 s. 15; amended by No. 110 of 1985 s. 19; No. 73 of 1995 s. 92 and 93) deleted by No. 25 of 2012 s. 27.]

Division 5 — Drainage courses

106. Declaration of a drainage course

- (1) In relation to any main drain or arterial drain, drainage asset or proposed main drain or proposed arterial draindrainage asset, the Minister may determine that an area of land sufficient to contain the drainage works asset should be declared to be a drainage course.
- On determining the point of commencement, route, extent, (2) dimensions, and point of termination of a proposed drainage course and assigning a name to it, the Minister shall cause the lands comprising the drainage course, in sufficient detail to enable the boundaries to be ascertained, to be delineated on a specified plan and shall
 - serve notice in writing, accompanied by a copy of or relevant extract from that specified plan, to be served on the Corporationall relevant licensees and the local government of each district in which the course is, or is to be, situated and (so far as is practicable) on each person who is an owner or is an occupier of land within the boundaries of that drainage course, of the proposal providing that objections and submissions in relation thereto may be made to the Minister within one month from the date of service of the notice; and
 - cause an advertisement to be published in a newspaper (b) circulating in the area affected by the proposal

- specifying the proposal in general terms and indicating in what manner and the times when, and places at which, further particulars can be ascertained, and, upon request, furnish those particulars; and
- so far as is practicable, negotiate with the Corporationall relevant licensees and any local government or person making an objection or submission, and modify the proposal accordingly.
- (3) The Minister shall cause to be published in the Government Gazette a notice
 - declaring that as from the date specified in the notice the land within the boundaries described or referred to in the notice shall be a drainage course known by the name assigned in the notice; and
 - (b) containing a description of the boundaries sufficient to identify them or referring to descriptions whereby they can be ascertained; and
 - specifying the plan on which the lands are delineated and stating where it may be inspected,

and effect shall be given to that declaration.

- (4) The Minister may, by subsequent notice published in the Government Gazette in the manner required by subsection (3), vary any declaration made pursuant to this section.
- (5) The Minister may, by notice published in the Government Gazette, cancel any declaration made pursuant to this section in relation to any lands and thereupon the lands specified in that notice shall cease to be comprised within a drainage course.
- The declaration of a drainage course (6)
 - shall be taken to be notice of the intention of the Minister that the land is liable to be utilised for arterial drainage works; but

Part IX Drainage

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(b) does not thereby entitle any person to compensation from the Crown.

[Section 106 inserted by No. 101 of 1982 s. 15; amended by No. 73 of 1995 s. 90; No. 14 of 1996 s. 4; No. 38 of 2007 s. 3030; No. 25 of 2012 s. 28.]

107. Development in drainage courses

(1) When a drainage course has been declared pursuant to section 106 the land comprised within the drainage course shall be taken for the purposes of Part IV of the *Water Agencies* (Powers) Act 1984 to be land to which the Corporation proposes to provide water services.

[(1) deleted]

- (2) The Minister maymust inform a planning authority of the existence of a drainage course and may give advice and issue guidelines to the planning authority in accordance with section 66 of the *Water Agencies (Powers) Act 1984*.
- (3) A planning authority shall have regard to the existence of a drainage course when considering whether any conditions should be imposed in relation to any development or subdivision.
- (4) In this section the terms *development* and *subdivision* have the same meaning as those terms have in and for the purposes of Part IV of the *Water Agencies (Powers)* Services Act 19842012 Part 5 Division 3.

[Section 107 inserted by No. 101 of 1982 s. 15; amended by No. 110 of 1985 s. 20; No. 73 of 1995 s. 91, 92 and 93; No. 38 of 2007 s. 3131; No. 25 of 2012 s. 29.]

[108. Works in drainage courses

Subject to compliance with Part VIII of the *Water Agencies* (*Powers*) Act 1984, the Corporation is authorised to do drainage works within a drainage course, notwithstanding that the

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control, management or care of that course, or any portion of that course, does not vest in the Corporation.

[Section 108 inserted Deleted by No. 101 25 of 1982 2012 s. 15; amended by No 110 of 1985 s. 21; No. 73 of 1995 s. 92 and 9330.]

[Part X (s. 109-112) deleted by No. 25 of 1985 s. 51.]

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Notes

This is a compilation of the *Metropolitan Water Authority* Arterial Drainage Act-1982 and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
Metropolitan Water Authority Act 1982 ⁹	36 of 1982	27 May 1982	1 Jul 1982 (see s. 2 and <i>Gazette</i> 25 Jun 1982 p. 2091)
Metropolitan Water Authority Amendment Act 1982	101 of 1982	24 Nov 1982	31 Dec 1982 (see s. 2 and <i>Gazette</i> 31 Dec 1982 p. 4969)
Acts Amendment and Repeal (Water Authorities) Act 1985 Pt. IV	25 of 1985	6 May 1985	1 Jul 1985 (see s. 2 and <i>Gazette</i> 7 Jun 1985 p. 1931)
Acts Amendment (Water Authorities) Act 1985 Pt. III	110 of 1985	17 Dec 1985	14 Mar 1986 (see s. 2 and <i>Gazette</i> 14 Mar 1986 p. 726)
Acts Amendment (Water Authority Rates and Charges) Act 1987 Pt. II	24 of 1987	25 Jun 1987	14 Jul 1987 (see s. 2 and <i>Gazette</i> 14 Jul 1987 p. 2647)
Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995 Pt. 6	73 of 1995	27 Dec 1995	1 Jan 1996 (see s. 2(2) and <i>Gazette</i> 29 Dec 1995 p. 6291)
Local Government (Consequential Amendments) Act 1996 s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Reprint of the <i>Metropolitar</i> amendments listed above)	a Water Authoi	rity Act 1982 as	s at 21 Jan 2000 (includes
Economic Regulation Authority Act 2003 s. 62	67 of 2003	5 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5723)
State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 83 6,7	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

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Short title	Number and year	Assent	Commencement
Water Resources Legislation Amendment	38 of 2007	21 Dec 2007	1 Feb 2008 (see s. 2(2) and <i>Gazette</i> 31 Jan 2008 p. 251)

Reprint 2: The *Metropolitan Water Authority Act 1982* as at 4 Jul 2008 (includes amendments listed above)

Standardisation of 19 of 2010 28 Jun 2010 11 Sep 2010 (see s. 2(b) and Formatting Act 2010 s. 51 Gazette 10 Sep 2010 p. 4341)

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
Water Services Legislation Amendment and Repeal Act-2012 Pt3	25 of 2012	3 Sep 2012	To be proclaimed 18 Nov 2013 (see s. 2(b)) and <i>Gazette</i> 14 Nov 2013 p. 5028)

- Before the commencement of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995* Pt. 2 the *Water Agencies (Powers) Act 1984* was known as the *Water Authority Act 1984*. The short title of the *Water Authority Act 1984* was changed by the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995* s. 7.
- The Water Agencies Restructure (Transitional and Consequential Provisions) *Act 1995* Pt. 2 came into operation 1 Jan 1996.
- The *Water and Rivers Commission Act 1995* was repealed by the *Water Resources Legislation Amendment Act 2007* s. 189 which came into operation 1 Feb 2008.
- The Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 3) 1982 came into operation 31 Dec 1982.
- The State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 5, the State Administrative Tribunal Act 2004 s. 167 and 169, and the State Administrative Tribunal Regulations 2004 r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.
- The State Administrative Tribunal Regulations 2004 r. 58 reads as follows:

On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

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58. Metropolitan Water Authority Act 1982

(1) In this regulation —

commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 83 comes into operation; Corporation has the meaning given to that term in the MWA Act section 4(1);

the MWA Act means the Metropolitan Water Authority Act 1982.

- (2) If the Corporation receives, before the commencement day, a notice in accordance with the MWA Act section 43(10) (as in force when the notice was received by the Corporation) but does not before the commencement day refer the relevant assessment referred to in the notice to a Land Valuation Tribunal, on and after the commencement day the Corporation must refer the relevant assessment to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the MWA Act section 43(10).
- (3) If the Corporation receives, before the commencement day, a notice in accordance with the MWA Act section 43(12) (as in force when the notice was received by the Corporation) but does not before the commencement day refer a decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the decision to refuse to extend time to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the MWA Act section 43(12).
- (4) If a notice has been given under the MWA Act section 43(9) before the commencement day, on or after the commencement day the notice is to be taken to refer to the time within which and the manner in which a review of the decision may be sought.

The *Water Resources Legislation Amendment Act 2007* Pt. 11 deals with certain transitional issues some of which may be relevant for this Act.

On Now known as the date as at which this compilation was prepared, the *Water Services Legislation Amendment and Repeal Act 2012* Pt. 3 had not come into operation. It reads as follows:

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Act 1982 amended Act amended This Part amends the Metropolitan Water Authority Act 1982. Long title replaced Delete the long title and insert: An Act to provide for an Arterial Drainage Scheme and the declaration of drainage courses. 22. Section 1 amended In section 1 delete "Water Authority" and insert: Arterial Drainage Section 4 amended (1) In section 4(1) delete the definitions of: channel Corporation drain drainage area drainage works main drain underground water works (2) In section 4(1) insert in alphabetical order: drainage assets has the meaning given in the Water Services Act 2012 section 108; licensee has the meaning given in the Water Services Act 2012 section 3(1).

Part 3 Metropolitan Water Authority

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(3)	In section 4(1) in the definition of arterial drain:
	(a) delete "drain" and insert:
	drainage asset
	(b) delete "such" and insert:
	an arterial drain
(4)	Delete section 4(2).
24.	Part IV deleted
	Delete Part IV.
25.	Section 98 amended
(1)	In section 98(1) delete "the Corporation," and insert:
	all relevant licensees,
(2)	Delete section 98(2)(g) and insert:
	er matter or thing prescribed by regulations made Act 1982; short title ee note under the Water Agencies (Powers) Act 1984 for the purposes ion.s. 1).
(3)	Delete section 98(3)(a), (b) and (c) and insert:
	(a) the classification of drainage assets as arterial drains; and
(4)	In section 98(4) delete "the Corporation" and insert:
	all relevant licensees
	In section 98(5): (a) delete "works" and insert:

Extract from www.slp.wa.gov.au, see that website for further information

	(b) delete "the Corporation," and insert:
	relevant licensees,
(6)	In section 98(2) after each of paragraphs (a) to (e) insert:
	and
26.	Section 99 amended
(1)	In section 99(1):
	(a) delete "drainage works" and insert:
	(b) delete "thereof, or responsibility for particular works" and insert:
	of an arterial drain
(2)	Delete section 99(2).
(3)	In section 99(4):
()	(a) in paragraph (a) delete "drains" (first and third occurrences) and insert:
	(b) in paragraph (d) delete "the Corporation" and insert:
	——————————————————————————————————————
	— (c) in paragraph (d) delete "drain" (third occurrence) and insert:
	drainage asset

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	the licensees
27. 	Part IX Divisions 3 and 4 deleted
	Delete Part IX Divisions 3 and 4.
28.	Section 106 amended
(1)	In section 106(1):
	(a) delete "main drain or arterial drain, or proposed main drain or proposed arterial drain," and insert:
	drainage asset or proposed drainage asset,
	(b) delete "works" and insert:
	asset
(2)	In section 106(2)(a) and (c) delete "the Corporation" and insert:
	all relevant licensees
(3)	In section 106(6)(a) delete "drainage works; but" and insert:
	arterial drainage; but
29.	Section 107 amended
(1)	— Delete section 107(1).
(2)	— In section 107(2):
	(a) delete "may" (first occurrence) and insert:
	must
	(b) delete "course and may give advice and issue guidelines to the planning authority in accordance with section 66 of the Water Agencies (Powers) Act 1984." and insert:

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(3)	In section 107(4) delete "Part IV of the Water Agencies (Powers) Act 1984." and insert:
	the Water Services Act 2012 Part 5 Division 3.
30.	Section 108 deleted
	Delete section 108.