



Western Australia

## **Land Drainage By-laws 1986**

Compare between:

[03 Sep 2012, 02-b0-01] and [18 Nov 2013, 02-c0-04]



Western Australia

Land Drainage Act 1925 <sup>2</sup>

## Land Drainage By-laws 1986

### 1. Citation

These by-laws may be cited as the *Land Drainage By-laws 1986* <sup>1</sup>.

### 2. Interpretation

- (1) In these by-laws, unless the contrary intention appears, *the Act* means the *Land Drainage Act 1925* <sup>2</sup> and, unless the contrary intention appears, words and expressions used in the by-laws that are used in that Act have the same meanings as in that Act.
- (2) Except as expressly provided in sub-by-law (1), that sub-by-law shall not be taken to exclude the operation of section 44(1) of the *Interpretation Act 1984*.

### 3. Interference with works

A person who interferes with, or does anything likely to interfere with, any work commits an offence.

**4. Trespass and injury**

A person who trespasses upon, or without proper authority enters upon —

- (a) any works; or
- (b) any land, occupied, held, or used in connection with any works,

not open to the public commits an offence.

**5. Damage to works**

A person who drives, takes, or rides a vehicle, conveyance, or animal, or who performs any other act, in such a manner as to endanger or damage any works commits an offence.

**6. Animals**

- (1) A person who, being the owner or person in control of an animal, permits it to damage any works commits an offence.
- (2) Any expense, loss, or damage incurred by the Corporation in consequence of an offence under sub-by-law (1) shall be payable by the offender.

*[By-law 6 amended in Gazette 29 Dec 1995 p. 6317-18.]*

**7. Bathing**

A person who, without the written permission of the Corporation, bathes in any drain or other works commits an offence.

*[By-law 7 amended in Gazette 29 Dec 1995 p. 6317-18.]*

**8. Pollution and nuisance**

- (1) A person who deposits or disposes of, or causes to be deposited or disposed of, any rubbish, litter, or other objectionable matter of any kind on or in the vicinity of any works or in any other place where it or any of its components constitutes a source or potential source of pollution, commits an offence.

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- (2) A person who carries on any operation, or does any other act, which creates or tends to create a nuisance on or in the vicinity of any works commits an offence.
- (3) An occupier of any property or a person using a boat on any works who allows any sullage or effluent —
- (a) containing sewage that has not been treated to a standard approved by the Corporation;
  - (b) having acidity or alkalinity outside the range of a pH value between pH5 and pH9;
  - (c) containing poisons; or
  - (d) containing any substance which is likely to —
    - (i) contribute to the formation of sludge or other deposit;
    - (ii) contribute to the formation of scum, fat, oil, grease or floating material;
    - (iii) contribute to the formation of objectionable odours or discoloration;
    - (iv) be injurious to marine, animal or human life; or
    - (v) deplete excessively the oxygen content of waters,to be discharged in or upon any works commits an offence.
- (4) Without limiting sub-by-law (3), a person who discharges or permits the discharge of waste into any of the waters in any works commits an offence unless —
- (a) every reasonable and practicable step has been taken to improve the quality and appearance of the waste, prior to discharge; and
  - (b) they conform with a bacterial, physical and chemical composition approved by the Corporation,
- and, in any event, commits an offence if it would have been reasonably practicable to dispose of them satisfactorily, in some other manner.

*[By-law 8 amended in Gazette 29 Dec 1995 p. 6317-18.]*

**8A. Amounts rounded**

Where a rate or charge, determined in accordance with the Act, is an amount which is not a whole number multiple of 5 cents the amount shall be rounded up or down, as the case may be, to the nearest whole number multiple of 5 cents.

*[By-law 8A inserted in Gazette 6 Jul 1992 p. 3078.]*

**9. Minimum rate**

For the purpose of section 90 of the Act, the minimum rate for adjoining rural land which is in the same ownership or which is operated as a unit is the minimum rate prescribed in the Schedule.

*[By-law 9 amended in Gazette 14 Jul 1987 p. 2648; 4 Jul 1988 p. 2177.]*

**10. Penalties**

A person who commits an offence against any of these by-laws is liable on conviction to a penalty not exceeding \$200 and in the case of a continuing offence, a further penalty not exceeding \$50 for each day or part of a day during which the offence continues after notice of the offence has been given by or on behalf of the Corporation to the offender.

*[By-law 10 amended in Gazette 29 Dec 1995 p. 6317-18.]*

**Schedule**

[by-law 9]

Minimum rate in respect of the  
rating year ending 30 June 1993 ..... \$18.10

*[Schedule inserted in Gazette 6 Jul 1992 p. 3078.]*

**Land Drainage By-laws 1986**

**Notes**

<sup>1</sup> This is a compilation of the *Land Drainage By-laws 1986* and includes the amendments made by the other written laws referred to in the following table<sup>1a</sup>. The table also contains information about any reprint.

**Compilation table**

Citation	Gazettal	Commencement
<i>Land Drainage By-laws 1986</i>	27 Jun 1986 p. 2136-7	27 Jun 1986
<i>Land Drainage Amendment By-laws 1987</i>	14 Jul 1987 p. 2648	14 Jul 1987
<i>Land Drainage Amendment By-laws 1988</i>	4 Jul 1988 p. 2177	4 Jul 1988
<i>Land Drainage Amendment By-laws 1989</i>	7 Jul 1989 p. 2076	7 Jul 1989
<i>Land Drainage Amendment By-laws 1990</i>	6 Jul 1990 p. 3316	6 Jul 1990
<i>Land Drainage Amendment By-laws 1991</i>	5 Jul 1991 p. 3379	5 Jul 1991
<i>Land Drainage Amendment By-laws 1992</i>	6 Jul 1992 p. 3078	6 Jul 1992
<i>Water Agencies (Amendment and Repeal) By-laws 1995 Pt. 6</i>	29 Dec 1995 p. 6305-32	1 Jan 1996 (see bl. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)

**Reprint of the *Land Drainage By-laws 1986* as at 12 Aug 1997** (includes amendments listed above)

**Reprint 2: The *Land Drainage By-laws 1986* as at 9 Jan 2004** (includes amendments listed above)

<sup>1a</sup> 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.

**Provisions that have not come into operation**

Short title	Number and year	Assent	Commencement
<a href="#">These by-laws were repealed by the <i>Water Services Legislation Amendment and Repeal Act-2012 s.-198(d)</i><sup>3</sup> (No. 25 of 2012) as at 18 Nov 2013 (see s. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5028)</a>	Deleted Cells		
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## Land Drainage By-laws 1986

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<sup>2</sup> These by-laws have effect for the purposes of the *Land Drainage Act 1925* but the formal power to make them is now given by the *Water Agencies (Powers) Act 1984* s. 34.

<sup>3</sup> ~~On the date as at which this compilation was prepared, the *Water Services Legislation Amendment and Repeal Act 2012* s. 198(d) had not come into operation. It reads as follows:~~

~~**198. Drainage legislation repealed**~~

~~These written laws are repealed:~~

~~(d) the *Land Drainage By-laws 1986*.~~