



Western Australia

Metropolitan Water Supply, Sewerage, and Drainage Act 1909

Compare between:

[25 Jul 2016, 11-b0-01] and [24 Jan 2017, 11-c0-02]

Western Australia

**Metropolitan Water Supply, Sewerage, and
Drainage Act 1909**

**An Act to constitute the Metropolitan Water, Sewerage, and
Drainage Area; to establish the method of control, and for other
purposes incidental thereto.**

*[Long title amended ~~by~~: No. 39 of 1963 s. 3; No. 37 of 1982
s. 4.]*

Part I — Preliminary

1. Short title

This Act may be cited as the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*¹.

2. Commencement

This Act shall come into operation on a day, not later than 1 May 1910, to be fixed by proclamation¹.

[Section 2 amended ~~by~~ No. 14 of 1967 s. 3.]

[3. Deleted ~~by~~ No. 25 of 1985 s. 53.]

[4. Omitted under the Reprints Act 1984 s. 7(4)(f) and (g).]

5. Terms used

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

Area means the Metropolitan Water, Sewerage, and Drainage Area constituted under this Act;

catchment area means all land over, through, or under which any water flows, runs, or percolates directly or indirectly into any reservoir erected or used in connection with any water supply;

CEO means the chief executive officer of the Department;

Department means the department of the Public Service principally assisting in the administration of this Act;

former Authority means the Water Authority of Western Australia under the *Water Authority Act 1984* before the commencement of Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*^{1,2};

former Metropolitan Authority means the Metropolitan Water Authority under the *Metropolitan Water Authority Act 1982*;

pollution area means an Underground Water Pollution Control Area constituted under section 57A;

Registrar of Deeds means the Registrar of Deeds and Transfers under the *Registration of Deeds Act 1856*;

watercourse means —

- (a) any river, creek, stream or brook, whether artificially improved or altered or not; or
- (b) any conduit that wholly or partially diverts a river, creek, stream or brook from its natural course and forms part of that river, creek, stream or brook; or
- (c) any natural collection of water into, through, or out of which any thing referred to in paragraph (a) or (b) flows, whether artificially improved or altered or not,

in which water flows or is contained whether permanently, intermittently or occasionally, together with the bed and banks of any thing referred to in paragraph (a), (b) or (c).

[(2) *deleted*]

- (3) The provisions of this Act are incorporated with, and may be read as one with, the *Metropolitan Water Authority Act 1982*, and a reference to **this Act** shall be read as including a reference to that Act and the *Water Agencies (Powers) Act 1984* or any subsidiary legislation made thereunder.

- (4) A reference in this Act to —
 - (a) by-laws, shall be construed as a reference to any by-laws made by the former Board, the former Metropolitan Authority, the former Authority or the Minister; and
 - (b) regulations, shall be construed as a reference to regulations made by the Governor,

for the purposes of this Act whether made under this Act, the *Metropolitan Water Authority Act 1982* or the *Water Agencies (Powers) Act 1984*.

- (5) Terms not otherwise assigned a meaning under this section but —
- (a) referred to in section 3 of the *Water Agencies (Powers) Act 1984* as having a meaning assigned for the purposes of a relevant Act; or
 - (b) assigned a meaning for the purposes of the *Metropolitan Water Authority Act 1982*,

have that meaning in and for the purposes of this Act.

[Section 5 amended by: No. 33 of 1955 s. 3; No. 39 of 1963 s. 5; No. 14 of 1967 s. 5; No. 11 of 1970 s. 3; No. 43 of 1972 s. 4; No. 59 of 1977 s. 3; No. 3 of 1979 s. 3; No. 63 of 1981 s. 4; No. 37 of 1982 s. 5; No. 100 of 1982 s. 4; No. 25 of 1985 s. 55; No. 24 of 1987 s. 20; No. 73 of 1995 s. 95 and 111; No. 14 of 1996 s. 4; No. 25 of 2005 s. 37; No. 38 of 2007 s. 33; No. 25 of 2012 s. 32.]

Part II — The Area

[Heading amended ~~by~~: No. 14 of 1967 s. 6.]

6. Constitution of Area

- (1) There is hereby constituted a water, sewerage, and drainage area for the purposes of this Act, by the name of the Metropolitan Water, Sewerage, and Drainage Area.

[(2) deleted]

- (3) The boundaries of the Area shall be as defined by Order in Council.

[Section 6 amended ~~by~~: No. 33 of 1955 s. 4; No. 14 of 1967 s. 7; No. 100 of 1982 s. 5.]

7. Altering or extending boundaries of Area

The Governor may, by Order in Council, from time to time alter or extend the boundaries of the Area.

[Section 7 inserted ~~by~~: No. 100 of 1982 s. 6.]

[Part III: s. 9-12, 12A-12I deleted ~~by~~: No. 37 of 1982 s. 6; s. 8 deleted ~~by~~: No. 73 of 1995 s. 96.]

Part IV — Water reserves

13. Water reserves and catchment areas

For the purposes of this Act, the Governor may, by proclamation from time to time —

- (a) constitute and define the boundaries of any water reserve or catchment area and may vest the water reserve or catchment area in the Minister; and
- (b) alter the boundaries of any water reserve or catchment area; and
- (c) describe the boundaries of a water reserve or catchment area as existing for the time being; and
- (d) unite 2 or more water reserves or 2 or more catchment areas; and
- (e) abolish any water reserve or catchment area.

[Section 13 inserted ~~by~~: No. 14 of 1967 s. 10; amended ~~by~~: No. 25 of 1985 s. 57; No. 73 of 1995 s. 108; No. 38 of 2007 s. 50.]

14. Water services licensees' power to take water

- (1) Subject to subsection (2), a licensee (as defined in the *Water Services Act 2012* section 3(1)) may divert, intercept, and store all water coming from the watercourses and other sources within the boundaries of any such reserve or catchment area, and alter the course of any watercourse, and may take any water found on or under such land.
- (2) A licensee shall not exercise the powers conferred by subsection (1) in relation to water to which section 5C of the *Rights in Water and Irrigation Act 1914* applies, except under a licence or right granted or conferred under Part III of that Act.

[Section 14 amended ~~by~~: No. 39 of 1963 s. 21; No. 25 of 1985 s. 57; No. 73 of 1995 s. 97; No. 49 of 2000 s. 85; No. 38 of 2007 s. 34; No. 25 of 2012 s. 33.]

15. Minister's power to take land

The Minister may take any alienated land within the boundaries of any water reserve or catchment area under and subject to the provisions of Part 9 of the *Land Administration Act 1997*.

[Section 15 amended-by: No. 39 of 1963 s. 22; No. 25 of 1985 s. 57; No. 73 of 1995 s. 110; No. 31 of 1997 s. 142; No. 25 of 2005 s. 38; No. 38 of 2007 s. 50.]

16. Unauthorised taking of water, offence

Any person who, other than with the authority of the Minister or under another written law —

- (a) diverts, or causes the diversion of, water coming from any watercourse or other source within a water reserve or catchment area; or
- (b) takes, or causes the taking of, any water found on or under land comprising a water reserve or catchment area; or
- (c) does, or causes the doing of, any act that may diminish the quantity or injure the quality or purity of water coming from any watercourse or other source within a water reserve or catchment area; or
- (d) alters, or causes the alteration of, the course of any watercourse within a water reserve or catchment area,

commits an offence against this Act.

Penalty: Not exceeding \$100 for each day during which that water is so diverted or taken, or the quantity, quality or purity of that water is so reduced, or the course of that watercourse is so altered.

[Section 16 inserted-by: No. 83 of 1976 s. 4; amended-by: No. 25 of 1985 s. 57; No. 73 of 1995 s. 98 and 108; No. 38 of 2007 s. 35.]

17. Pollution of water, Minister's powers to prevent

- (1) For preventing the pollution of water within or under a water reserve or catchment area, the Minister has all the powers and authority of a local government, including the power to make and enforce local laws under any Act relating to public health.
- (2) All the provisions of the *Health (Miscellaneous Provisions) Act 1911*, and of all Acts amending the same or incorporated therewith, shall apply to every water reserve and catchment area as if the same were the district of a local government.

[Section 17 amended-by: No. 39 of 1963 s. 24; No. 83 of 1976 s. 5; No. 25 of 1985 s. 57; No. 73 of 1995 s. 108; No. 14 of 1996 s. 4; No. 38 of 2007 s. ~~50~~50; No. 19 of 2016 s. 101.]

*[Part V: s. 18 deleted-by: No. 39 of 1963 s. 25;
s. 19-23 deleted-by: No. 100 of 1982 s. 7;
s. 23A-23C deleted-by: No. 59 of 1977 s. 9;
s. 24-30 deleted-by: No. 100 of 1982 s. 7;
s. 31-33 deleted-by: No. 25 of 2012 s. 35;
s. 34 deleted-by: No. 110 of 1985 s. 23;
s. 35 deleted-by: No. 38 of 2007 s. 36.]*

Part VI — The protection of underground water

[Heading inserted ~~by~~: No. 25 of 2012 s. 36.]

*[Division 1: s. 40A deleted ~~by~~: No. 24 of 1987 s. 25;
s. 44 deleted ~~by~~: No. 41 of 1951 s. 4(3);
s. 46 deleted ~~by~~: No. 73 of 1995 s. 101;
balance deleted ~~by~~: No. 25 of 2012 s. 37.]*

*[Division 2: s. 48 deleted ~~by~~: No. 110 of 1985 s. 26;
balance deleted ~~by~~: No. 25 of 2012 s. 37.]*

[Heading deleted ~~by~~: No. 25 of 2012 s. 38.]

57A. Underground Water Pollution Control Areas

- (1) The Governor may, on the recommendation of the Minister, by proclamation constitute and declare any part or parts of the Area to be an Underground Water Pollution Control Area with such name and from such date subsequent to the proclamation as may be specified therein.
- (2) The Governor may, on the recommendation of the Minister, by subsequent proclamation, extend or reduce any pollution area, change the name of or abolish any pollution area.

*[Section 57A inserted ~~by~~: No. 11 of 1970 s. 4; amended ~~by~~:
No. 25 of 1985 s. 59; No. 73 of 1995 s. 108; No. 38 of 2007
s. 50.]*

57B. By-laws for pollution areas

- (1) The Minister may make by-laws for all or any of the following purposes —
 - (a) protecting the purity of underground water within any pollution area for the supply of water;
 - (b) controlling, regulating, limiting or prohibiting, on lands, anywhere within a pollution area or within any specified part or parts thereof, the placing or discharging on, onto, or into the ground therein of anything that is liable to

effect detrimentally the purity of underground water in the pollution area either directly or indirectly.

- (2) The by-laws may be so made as to apply within the whole of a pollution area or within such part or parts thereof as may be specified in the by-law.
- (3) The by-laws may provide that any act or thing shall be done with the approval or to the satisfaction of a specified person or class of persons and may confer upon a specified person or class of persons a discretionary authority.
- (4) The by-laws may impose a penalty not exceeding \$200 for any breach thereof and in the case of a continuing breach a penalty not exceeding \$10 for each day the breach continues after the Minister serves notice of the breach on the offender.

[Section 57B inserted ~~by~~: No. 11 of 1970 s. 5; amended ~~by~~: No. 25 of 1985 s. 59; No. 73 of 1995 s. 108; No. 10 of 1998 s. 50(1); No. 38 of 2007 s. 50.]

57C. Dispensation from by-laws: grant by Minister

- (1) Nothing in any by-law prevents the Minister, if the Minister thinks fit, from granting to any person, upon his application to the Minister, a dispensation from observance of any by-law.
- (2) Any dispensation granted by the Minister under this section may be —
 - (a) subject to such terms and conditions as the Minister thinks fit; or
 - (b) cancelled by notice in writing given by the Minister to the person to whom it is given; or
 - (c) altered by a like notice and the terms and conditions to which it is subject may also, in like manner, be cancelled or altered.

[Section 57C inserted ~~by~~: No. 11 of 1970 s. 6; amended ~~by~~: No. 25 of 1985 s. 59; No. 73 of 1995 s. 108; No. 38 of 2007 s. 37 and 50.]

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57D. Dispensation from by-laws: review by SAT

- (1) Any person may apply to the State Administrative Tribunal for a review of —
- (a) a refusal by the Minister to grant him a dispensation from observance of any by-law; or
 - (b) the terms and conditions to which any dispensation granted by the Minister is subject or the cancellation or alteration of such a dispensation or the cancellation or alteration of such terms and conditions.

[(2) *deleted*]

[Section 57D inserted ~~by~~: No. 11 of 1970 s. 7; amended ~~by~~: No. 25 of 1985 s. 59; No. 73 of 1995 s. 108; No. 55 of 2004 s. 758; No. 38 of 2007 s. 50.]

[Division 4 (s. 57E, 57EA, 57F-57I) deleted ~~by~~: No. 25 of 2012 s. 40.]

*[Part VII: s. 62 deleted ~~by~~: No. 110 of 1985 s. 29;
s. 69A deleted ~~by~~: No. 100 of 1982 s. 28;
s. 71 deleted ~~by~~: No. 100 of 1982 s. 30;
balance deleted ~~by~~: No. 25 of 2012 s. 41.]*

[Part VIIA (s. 71A-71E) deleted ~~by~~: No. 100 of 1982 s. 31.]

[Part VIIB (s. 71F-71L) deleted ~~by~~: No. 37 of 1982 s. 7.]

*[Part VIII: Div. 1-3 (s. 72-89, 89A) deleted ~~by~~: No. 37 of 1982 s. 8;
Div. (4) and (5) (s. 90-102) deleted ~~by~~: No. 24 of 1987 s. 34;
Division (6) heading deleted ~~by~~: No. 24 of 1987 s. 34;
s. 107, 108 deleted ~~by~~: No. 24 of 1987 s. 41;
s. 111 deleted ~~by~~: No. 37 of 1982 s. 27;
s. 112 deleted ~~by~~: No. 24 of 1987 s. 44;
s. 118-124 deleted ~~by~~: No. 59 of 2004 s. 141;
heading deleted ~~by~~: No. 25 of 2005 s. 45;
s. 124A deleted ~~by~~: No. 25 of 2005 s. 45;
balance deleted ~~by~~: No. 25 of 2012 s. 41.]*

*[Part IX: s. 125 deleted-by: No. 39 of 1963 s. 118;
s. 129-131 deleted-by: No. 39 of 1963 s. 123;
s. 133 Deleted-by: No. 39 of 1963 s. 125;
s. 136 deleted-by: No. 39 of 1963 s. 128;
s. 138 deleted-by: No. 39 of 1963 s. 129;
s. 139 deleted-by: No. 39 of 1963 s. 130;
s. 140 deleted-by: No. 39 of 1963 s. 131;
s. 127, 127A, 128, 132, 134, 135, 137 deleted-by: No. 37
of 1982 s. 37;
s. 126 deleted-by: No. 25 of 1985 s. 73;
heading deleted-by: No. 74 of 2003 s. 82(2).]*

[Part X (s. 141-145) deleted-by: No. 37 of 1982 s. 38.]

Part XI — By-laws

146. Minister may make by-laws

- (1) Without prejudice to the generality of that power, the power conferred by section 34 of the *Water Agencies (Powers) Act 1984* to make by-laws may be exercised for the purposes of this Act with respect to the following matters, that is to say: —
- (a) for the prevention of the pollution of water within or under any water reserve or catchment area;
 - (b) preventing or minimising the pollution of watercourses and sources of supply;
 - (c) the regulation or prohibition of bathing in watercourses and reservoirs;
 - (d) the preservation of good order and decency on watercourses and dams and their banks.

[(2) *deleted*]

[Section 146 amended ~~by~~: No. 33 of 1955 s. 24; No. 39 of 1963 s. 135; No. 14 of 1967 s. 55; No. 14 of 1968 s. 7; No. 48 of 1970 s. 3; No. 43 of 1972 s. 19; No. 83 of 1976 s. 21; No. 19 of 1978 s. 3; No. 109 of 1979 s. 12; No. 37 of 1982 s. 39; No. 100 of 1982 s. 38; No. 25 of 1985 s. 74; No. 24 of 1987 s. 53; No. 73 of 1995 s. 105, 108, 109 and 111; No. 57 of 1997 s. 87; No. 39 of 1999 s. 11(6); No. 74 of 2003 s. 82(3); No. 25 of 2005 s. 46; No. 38 of 2007 s. 42; No. 19 of 2010 s. 51; No. 25 of 2012 s. 42.]

[146A. Deleted ~~by~~: No. 73 of 1995 s. 106(1).]

[147. Deleted ~~by~~: No. 25 of 1985 s. 76.]

[147A. Deleted ~~by~~: No. 32 of 1997 s. 14.]

Part XII — General provisions

[148. Deleted ~~by~~: No. 25 of 2012 s. 43.]

[148A. Deleted ~~by~~: No. 25 of 1985 s. 78.]

149. Notices and demands, form of

All notices and demands under this Act may be in writing or in print, or partly in writing and partly in print.

[150-152. Deleted ~~by~~: No. 25 of 2012 s. 44.]

152A. Limitation period for prosecutions

A prosecution for an offence against this Act may be commenced within 24 months after the date on which the offence was allegedly committed.

[Section 152A inserted ~~by~~: No. 84 of 2004 s. 80.]

153. Civil remedies not affected by convictions or proceedings

The institution of any proceedings, or the conviction of any person for any offence against this Act, shall not affect any remedy which the Crown or any person aggrieved may be entitled to in any civil proceedings.

[Section 153 amended ~~by~~: No. 39 of 1963 s. 141; No. 25 of 1985 s. 79; No. 73 of 1995 s. 110; No. 38 of 2007 s. 43; No. 25 of 2012 s. 45.]

[154, 155. Deleted ~~by~~: No. 25 of 2012 s. 46.]

156. Obstructing Minister, officers or authorised persons in performance of duty

A person who obstructs —

- (a) the Minister; or
- (b) an officer of the Department; or
- (c) a person authorised by the Minister,

in the performance of any act or thing which the Minister, officer or person is authorised or required to do in the execution

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of the *Metropolitan Arterial Drainage Act 1982* or this Act commits an offence.

Penalty: a fine of \$5 000.

[Section 156 inserted-by: No. 25 of 2012 s. 47.]

157. Refusing to give up possession of certain property, offence

Any person having charge of any works, the property of the Crown who refuses, on lawful demand, to give up peaceable and quiet possession of the same to any person entitled to possession under the provisions of this Act or the by-laws commits an offence.

Penalty: \$10 000.

[Section 157 amended-by: No. 39 of 1963 s. 144; No. 113 of 1965 s. 4(1); No. 37 of 1982 s. 50; No. 25 of 1985 s. 80; No. 73 of 1995 s. 110; No. 25 of 2005 s. 48; No. 38 of 2007 s. 45; No. 25 of 2012 s. 48.]

158. Arrest powers

Any officer of the Department authorised by the Minister for the purposes of this section may, without warrant, arrest any person found committing an offence against this Act or the by-laws if the offender refuses to give his name and address.

[Section 158 amended-by: No. 39 of 1963 s. 145; No. 37 of 1982 s. 51; No. 25 of 1985 s. 81; No. 73 of 1995 s. 110; No. 25 of 2005 s. 49; No. 38 of 2007 s. 46; No. 25 of 2012 s. 49.]

158A. General penalty

A person who is guilty of an offence against this Act or the by-laws, where no other penalty is expressly provided for the offence, is liable on conviction to a penalty of not more than \$10 000.

[Section 158A inserted-by: No. 14 of 1967 s. 61; amended-by: No. 37 of 1982 s. 52; No. 25 of 1985 s. 81; No. 25 of 2005 s. 50; No. 25 of 2012 s. 50.]

159. Prosecutions

- (1) Proceedings for an offence against this Act may only be taken by the Minister or an officer of the Department or a person authorised to do so by the Minister.
- (2) Proceedings for an offence against this Act shall be dealt with summarily in a court of summary jurisdiction.

[Section 159 inserted ~~by~~: No. 10 of 1998 s. 50(4); amended ~~by~~: No. 84 of 2004 s. 80; No. 38 of 2007 s. 47; No. 25 of 2012 s. 51.]

[160. Deleted ~~by~~: No. 38 of 2007 s. 48.]

[161. Deleted ~~by~~: No. 25 of 2012 s. 52.]

[162. Deleted ~~by~~: No. 35 of 1935 s. 48A (as amended No. 73 of 1954 s. 8).]

[163, 164. Deleted ~~by~~: No. 37 of 1982 s. 56.]

165. Proof of ownership or occupancy

In any legal proceedings under the *Water Agencies (Powers) Act 1984* or this Act or the by-laws, in addition to any other method of proof available —

- (1) evidence that the person proceeded against has been charged as owner or occupier of any land; or
- (2) evidence by the certificate, in writing, of —
 - (a) the Registrar of Titles, or any assistant registrar, that any person's name appears in the Register under the *Transfer of Land Act 1893*, as proprietor of any land; or
 - (b) the Registrar of Deeds, that any person appears from any memorial of registration of any deed, conveyance, or other instrument to be the owner of any land; or

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- (c) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* that any person is registered in the department as the owner, occupier, or lessee of any land,

shall until the contrary is proved, be evidence that such person is the owner or occupier, as the case may be, of such land.

[Section 165 amended ~~by~~: No. 37 of 1982 s. 58; No. 25 of 1985 s. 81; No. 24 of 1987 s. 55; No. 73 of 1995 s. 111; No. 81 of 1996 s. 153(1); No. 60 of 2006 s. 145(3); No. 25 of 2012 s. 53.]

[166. Deleted ~~by~~: No. 25 of 2012 s. 54.]

[Heading deleted ~~by~~: No. 19 of 2010 s. 42(3).]

[First Schedule omitted under the Reprints Act 1984 s. 7(4).]

[Second Schedule deleted ~~by~~: No. 14 of 1967 s. 63.]

[Third Schedule deleted ~~by~~: No. 37 of 1982 s. 59.]

[Fourth-Sixth Schedules deleted ~~by~~: No. 76 of 1978 s. 136.]

[Seventh, Eighth Schedules deleted ~~by~~: No. 25 of 2005 s. 52.]

[Ninth Schedule deleted ~~by~~: No. 25 of 2012 s. 55.]

[Tenth-Twelfth Schedules deleted ~~by~~: No. 59 of 2004 s. 141.]

[Thirteenth Schedule deleted ~~by~~: No. 39 of 1963 s. 159.]

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Notes

[†]—This is a compilation of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* and includes ~~the~~ amendments made by ~~the~~ other written laws ~~referred to in the following table~~^{†a}. ~~The table also contains.~~ [For provisions that have come into operation, and for information about any reprint reprints, see the compilation table.](#) [For provisions that have not yet come into operation see the uncommenced provisions table.](#)

Compilation table

Short title	Number and year	Assent	Commencement
<i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i>	43 of 1909 (9 Edw. VII No. 39)	21 Dec 1909	24 Jan 1910 in Perth, Fremantle, and Claremont Districts of the Metropolitan Water, Sewerage and Drainage Area (see s. 2 and Gazette 21 Jan 1910 p. 47)
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1925</i>	30 of 1925 (16 Geo. V No. 30)	16 Dec 1925	1 Jul 1926 (see s. 1 and Gazette 28 May 1926 p. 1083)
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1941</i>	2 of 1941 (5 Geo. VI No. 2)	25 Sep 1941	25 Sep 1941
Reprint of the <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> not in a Volume (includes amendments listed above)			
<i>Metropolitan Water Supply, Sewerage and Drainage Act Amendment Act 1951</i>	13 of 1951 (15 Geo. VI No. 13)	20 Nov 1951	20 Nov 1951
<i>Acts Amendment (Fire Brigades Board and Fire Hydrants) Act 1951 s. 4</i>	41 of 1951 (15 and 16 Geo. VI No. 41)	20 Dec 1951	4 Apr 1952 (see s. 2 and Gazette 4 Apr 1952 p. 799-800)
Reprint of the <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> approved 9 Oct 1953 in Vol. 6 of Reprinted Acts (includes amendments listed above)			
<i>Limitation Act 1935 s. 48A(1)</i>	35 of 1935 (26 Geo. V No. 35) (as amended by No. 73 of 1954 s. 5 and 8)	14 Jan 1955	Relevant amendments (see s. 48A and Second Sch. ³²) took effect on 1 Mar 1955 (see No. 73 of 1954 s. 2 and Gazette 18 Feb 1955 p. 343)

Metropolitan Water Supply, Sewerage, and Drainage Act 1909**Notes** Compilation table

Short title	Number and year	Assent	Commencement
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1955</i>	33 of 1955 (4 Eliz. II No. 33)	28 Nov 1955	28 Nov 1955
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1956</i>	27 of 1956 (5 Eliz. II No. 27)	29 Nov 1956	29 Nov 1956
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1960</i>	71 of 1960 (9 Eliz. II No. 71)	5 Dec 1960	Act other than s. 3-5, 13-15: 20 Jan 1961 (see s. 2 and <i>Gazette</i> 20 Jan 1961 p. 105); s. 3-5, 13-15: 1 Jul 1961 (see s. 2 and <i>Gazette</i> 16 Jun 1961 p. 1800)
Reprint of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 approved 28 Jul 1961 in Vol. 15 of Reprinted Acts (includes amendments listed above)			
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1962</i>	75 of 1962 (11 Eliz. II No. 75)	30 Nov 1962	30 Nov 1962
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1963</i>	39 of 1963 (12 Eliz. II No. 39)	25 Nov 1963	1 Jul 1964 (see s. 2 and <i>Gazette</i> 13 Mar 1964 p. 1577)
Reprint of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 approved 17 Mar 1964 in Vol. 18 of Reprinted Acts (includes amendments listed above)			
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1967</i>	14 of 1967	20 Oct 1967	1 Jan 1968 (see s. 2 and <i>Gazette</i> 1 Dec 1967 p. 3303-4)
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1968</i>	14 of 1968	8 Oct 1968	8 Oct 1968
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1969</i>	8 of 1969	6 May 1969	6 May 1969
Reprint of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 approved 21 Nov 1969 (includes amendments listed above)			
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1970</i>	11 of 1970	29 Apr 1970	29 Apr 1970

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Notes

Short title	Number and year	Assent	Commencement
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act (No. 2) 1970</i>	48 of 1970	8 Oct 1970	8 Oct 1970
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1972</i>	43 of 1972	16 Jun 1972	11 May 1973 (see s. 2 and <i>Gazette</i> 11 May 1973 p. 1157)
<i>Metric Conversion Act 1972</i>	94 of 1972	4 Dec 1972	Relevant amendments (see First Schedule ⁴³) took effect on 1 Jul 1973 (see s. 4(2) and <i>Gazette</i> 4 May 1973 p. 1110)
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1975</i>	24 of 1975	13 May 1975	13 May 1975
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1976</i>	83 of 1976	21 Oct 1976	Act other than s. 6-11: 21 Oct 1976 (see s. 2(1)); s. 6-11: 10 Dec 1976 (see s. 2(2) and <i>Gazette</i> 10 Dec 1976 p. 4879)
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1977</i>	59 of 1977	23 Nov 1977	9 Dec 1977 (see s. 2 and <i>Gazette</i> 9 Dec 1977 p. 4501)
Reprint of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 approved 13 Dec 1977 (includes amendments listed above)			
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1978</i>	19 of 1978	18 May 1978	18 May 1978
<i>Acts Amendment and Repeal (Valuation of Land) Act 1978 Pt. XI</i>	76 of 1978	20 Oct 1978	1 Jul 1979 (see s. 2 and <i>Gazette</i> 11 May 1979 p. 1211)
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act (No. 2) 1978</i>	105 of 1978	30 Nov 1978	30 Nov 1978
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1979</i>	3 of 1979	17 May 1979	22 Oct 1979 (see s. 2 and <i>Gazette</i> 14 Sep 1979 p. 2780)

Metropolitan Water Supply, Sewerage, and Drainage Act 1909

Notes Compilation table

Short title	Number and year	Assent	Commencement
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act (No. 3) 1979</i>	42 of 1979	25 Oct 1979	1 Jul 1979 (see s. 2)
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act (No. 4) 1979</i>	109 of 1979	17 Dec 1979	9 May 1980 (see s. 2 and <i>Gazette</i> 9 May 1980 p. 1446)
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act 1980</i>	3 of 1980	25 Aug 1980	26 Sep 1980 (see s. 2 and <i>Gazette</i> 26 Sep 1980 p. 3306)
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act 1981</i>	41 of 1981	25 Aug 1981	25 Aug 1981
<i>Acts Amendment (Statutory Designations) and Validation Act 1981 s. 4</i>	63 of 1981	13 Oct 1981	13 Oct 1981
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 2) 1981</i>	72 of 1981 (as amended by No. 25 of 1985 s. 83)	30 Oct 1981	30 Oct 1981
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act 1982</i>	37 of 1982	27 May 1982	1 Jul 1982 (see s. 2 and <i>Gazette</i> 25 Jun 1982 p. 2091)
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 3) 1982</i>	100 of 1982	24 Nov 1982	31 Dec 1982 (see s. 2 and <i>Gazette</i> 31 Dec 1982 p. 4969)
<i>Acts Amendment and Repeal (Water Authorities) Act 1985 Pt. V</i>	25 of 1985	6 May 1985	1 Jul 1985 (see s. 2 and <i>Gazette</i> 7 Jun 1985 p. 1931)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Water Authorities) Act 1985 Pt. IV</i>	110 of 1985 (as amended by No. 74 of 2003 s. 24)	17 Dec 1985	Act other than s. 26, 29, 30, 33 and 34: 14 Mar 1986 (see s. 2 and <i>Gazette</i> 14 Mar 1986 p. 726); s. 34: 14 Jul 1987 (see s. 2 and <i>Gazette</i> 14 Jul 1987 p. 2647); s. 29: 1 Feb 1990 (see s. 2 and <i>Gazette</i> 5 Jan 1990 p. 38); s. 26: 21 Dec 1990 (see s. 2 and <i>Gazette</i> 21 Dec 1990 p. 6199); s. 30 and 33 repealed by No. 74 of 2003 s. 24
<i>Acts Amendment (Water Authority Rates and Charges) Act 1987 Pt. III</i>	24 of 1987	25 Jun 1987	14 Jul 1987 (see s. 2 and <i>Gazette</i> 14 Jul 1987 p. 2647)
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995 Pt. 7-⁵⁴</i>	73 of 1995	27 Dec 1995	1 Jan 1996 (see s. 2(2) and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Sentencing (Consequential Provisions) Act 1995 Pt. 52 (s. 71-73)⁶⁵</i>	78 of 1995	16 Jan 1996	s. 71-72: 4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
Reprint of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 as at 28 May 1996 (includes amendments listed above except those in the <i>Acts Amendment (Water Authorities) Act 1985</i> s. 30 and 33 and the <i>Sentencing (Consequential Provisions) Act 1995</i>)			
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Transfer of Land Amendment Act 1996 s. 153(1) and (2)</i>	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2(1))
<i>Acts Amendment (Land Administration) Act 1997 s. 142</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Water Legislation Amendment Act 1997 Pt. 3</i>	32 of 1997	3 Oct 1997	15 Apr 1998 (see s. 2 and <i>Gazette</i> 15 Apr 1998 p. 2041)
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 87</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))

Metropolitan Water Supply, Sewerage, and Drainage Act 1909**Notes** Compilation table

Short title	Number and year	Assent	Commencement
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998 s. 50⁷⁶</i>	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<i>Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998 s. 38</i>	42 of 1998	4 Nov 1998	1 Jan 1999 (see s. 2 and <i>Gazette</i> 22 Dec 1998 p. 6833)
Reprint of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 as at 29 Jan 1999 (includes amendments listed above except those in the <i>Acts Amendment (Water Authorities) Act 1985 s. 30 and 33</i>)			
<i>Water Services Coordination Amendment Act 1999 s. 11(6)</i>	39 of 1999	9 Nov 1999	19 Jun 2000 (see s. 2 and <i>Gazette</i> 16 Jun 2000 p. 2939)
<i>Rights in Water and Irrigation Amendment Act 2000 s. 85</i>	49 of 2000	28 Nov 2000	10 Jan 2001 (see s. 2 and <i>Gazette</i> 10 Jan 2001 p. 163)
<i>Statutes (Repeals and Minor Amendments) Act 2003 s. 82</i>	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141⁸⁷</i>	59 of 2004 (as amended by No. 2 of 2008 s. 77(13))	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 84⁹⁸</i>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 s. 80</i>	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Water Legislation Amendment (Competition Policy) Act 2005 Pt. 5</i>	25 of 2005	12 Dec 2005	3 Jun 2006 (see s. 2 and <i>Gazette</i> 2 Jun 2006 p. 1985)
Reprint 9: The Metropolitan Water Supply, Sewerage, and Drainage Act 1909 as at 17 Feb 2006 (includes amendments listed above except those in the <i>Water Legislation Amendment (Competition Policy) Act 2005</i>)			

Metropolitan Water Supply, Sewerage, and Drainage Act 1909

Provisions that have not come into operation

Notes

Short title	Number and year	Assent	Commencement
<i>Land Information Authority Act 2006</i> s. 145	60 of 2006	16 Nov 2006	1 Jan 2007 (see s. 2(1) and <i>Gazette</i> 8 Dec 2006 p. 5369)
<i>Water Resources Legislation Amendment Act 2007</i> Pt. 4 ¹⁰⁹	38 of 2007	21 Dec 2007	1 Feb 2008 (see s. 2(2) and <i>Gazette</i> 31 Jan 2008 p. 251)
<i>Standardisation of Formatting Act 2010</i> s. 22, 42(3), 47 and 51	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
Reprint 10: The Metropolitan Water Supply, Sewerage, and Drainage Act 1909 as at 10 Jun 2011 (includes amendments listed above)			
<i>Personal Property Securities (Consequential Repeals and Amendments) Act 2011</i> Pt. 13 Div. 3	42 of 2011	4 Oct 2011	30 Jan 2012 (see s. 2(c) and Cwlth Legislative Instrument No. F2011L02397 cl. 5 registered 21 Nov 2011)
<i>Fire and Emergency Services Legislation Amendment Act 2012</i> Pt. 7 Div. 9	22 of 2012	29 Aug 2012	1 Nov 2012 (see s. 2(b) and <i>Gazette</i> 31 Oct 2012 p. 5255)
<i>Water Services Legislation Amendment and Repeal Act 2012</i> Pt. 4 (other than s. 34 and 39(2))	25 of 2012	3 Sep 2012	18 Nov 2013 (see s. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5028)
Reprint 11: The Metropolitan Water Supply, Sewerage, and Drainage Act 1909 as at 1 Jul 2016 (includes amendments listed above)			

^{10a} ~~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
<i>Water Services Legislation Amendment and Repeal Act 2012</i> s. 34 and 39(2)¹¹	25 of 2012	3 Sep 2012	To be proclaimed (see s. 2(b))

Metropolitan Water Supply, Sewerage, and Drainage Act 1909

Notes

2Uncommenced provisions table

Short title	Number and year	Assent	Commencement
<i>Public Health (Consequential Provisions) Act 2016</i> s. 101 and Pt. 5 Div. 15 ⁺²	19 of 2016	25 Jul 2016	s. 101 ; 24 Jan 2017 (see s. 2(1)(c) and <i>Gazette</i> 10 Jan 2017 p. 165); Pt. 5 Div. 15: to be proclaimed (see s. 2(1)(e)) 165)

²Uncommenced provisions table

To view the text of the uncommenced provisions see [Acts as passed on the WA Legislation website](#).

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
Water Services Legislation Amendment and Repeal Act 2012 s. 34 and 39(2)	25 of 2012	3 Sep 2012	To be proclaimed (see s. 2(b))
Public Health (Consequential Provisions) Act 2016 Pt. 5 Div. 15	19 of 2016	25 Jul 2016	To be proclaimed (see s. 2(1)(c))

Other notes

¹ The short title of the *Water Authority Act 1984* was changed to the *Water Agencies (Powers) Act 1984* by the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*.

³² Section 48A and the Second Schedule were inserted by the *Limitation Act Amendment Act 1954* s. 5 and 8.

⁴³ The Schedule to the *Metric Conversion Act 1972* was redesignated as the First Schedule by the *Metric Conversion Act Amendment Act 1973*.

⁵⁴ The *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995* s. 106(2) is a transitional provision that is of no further effect.

⁶⁵ The *Sentencing (Consequential Provisions) Act 1995* s. 73 was deleted by the *Statutes (Repeals and Minor Amendments) Act (No. 2) 1998* s. 50(5) before it came into effect.

⁷⁶ The *Statutes (Repeals and Minor Amendments) Act (No. 2) 1998* s. 50(2) reads as follows:

- (2) Any by-laws made and in operation under section 57B(1) of the Act as in force immediately before the commencement of this

section continue in operation and have effect for all purposes as if made under that subsection as amended by this section.

- ⁸⁷ The *Courts Legislation Amendment and Repeal Act 2004* Sch. 2 cl. 32 was repealed by the *Criminal Law and Evidence Amendment Act 2008* s. 77(13).
- ⁹⁸ 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.
- ⁴⁰⁹ The *Water Resources Legislation Amendment Act 2007* Pt. 11 deals with certain transitional issues some of which may be relevant for this Act.
- ¹¹ ~~On the date as at which this compilation was prepared, the *Water Services Legislation Amendment and Repeal Act 2012* s. 34 and 39(2) had not come into operation. They read as follows:~~

~~**Part 4 — Metropolitan Water Supply, Sewerage, and
Drainage Act 1909 amended**~~

~~**34. — Section 16 amended**~~

~~— In section 16(e) delete “Act” and insert:~~

~~— act~~

~~**39. — Section 57B amended**~~

~~— (2) In section 57B(3) delete “Act” and insert:~~

~~— act~~

~~— The sections that they seek to amend have been changed by Reprint 10.~~

- ¹² ~~On the date as at which this compilation was prepared, the *Public Health (Consequential Provisions) Act 2016* s. 101 and Pt. 5 Div. 15 had not come into operation. They read as follows:~~

~~**101. — Various references to “Health Act 1911” amended**~~

~~— (1) This section amends the Acts listed in the Table.~~

~~— (2) In the provisions listed in the Table delete “Health Act 1911” (each occurrence) and insert:~~

~~Health (Miscellaneous Provisions) Act 1911~~

Table

Metropolitan Water Supply, Sewerage, and Drainage Act 1909	s. 17(2)
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~~Part 5 — Other Acts amended~~

~~Division 15 — Metropolitan Water Supply, Sewerage, and Drainage Act 1909 amended~~

~~309. — Act amended~~

~~This Division amends the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*.~~

~~310. — Section 17 replaced~~

~~Delete section 17 and insert:~~

~~17. — Pollution of water~~

~~A person must not~~

~~(a) pollute any water within or under a water reserve or catchment area; or~~

~~(b) allow or permit any water within or under a water reserve or catchment area to become polluted.~~

~~Penalty: a fine of \$10 000 and imprisonment for one year.~~