



Western Australia

Water Supply, Sewerage, and Drainage Act 1912

Compare between:

[21 Dec 2007, 01-c0-02] and [01 Feb 2008, 01-d0-05]

Water Supply, Sewerage, and Drainage Act 1912

An Act with respect to the designation of the Minister administering certain Acts relating to water supply, sewerage, drainage, and irrigation as a body corporate for the purposes of those Acts and for related purposes.

[Long title inserted by No. 64 of 1981 s. 2; amended by No. 25 of 1985 s. 22.]

1. Short title

This Act may be cited as the *Water Supply, Sewerage, and Drainage Act 1912*¹.

2. Minister to be body corporate

- (1) For the purposes of the Acts mentioned in the Schedule the Minister administering those Acts shall be known under such designation as is conferred on him by the Governor under the *Constitution Acts Amendment Act 1899* or the *Alteration of Statutory Designations Act 1974*, whichever applies and under that designation —
 - (a) shall be a body corporate;
 - (b) shall have an official seal;
 - (c) may acquire, hold and dispose of real and personal property; and
 - (d) may sue and be sued in his corporate name.
- (2) The Minister may, with the approval in writing of the Treasurer, borrow moneys for the purposes of any Act set out in Part II of the Schedule.

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- (3) An alteration of the designation of the Minister is hereby declared not to affect and never to have affected the corporate identity of the Minister and by force of this section the corporate identity of the Minister is continued under such designation as applies to him from time to time.
- (4) In subsection (5) —
- “**commencement date**” means the date on which the *Water Supply, Sewerage, and Drainage Amendment and Validation Act 1981* came into operation ²;
- “**department**” means a department of the Government, under whatever designation, assisting the Minister with the administration of this Act;
- “**relevant Act**” has the same meaning as that term has in and for the purposes of the *Water Agencies (Powers) Act 1984*;
- “**the body corporate**” means the body corporate constituted under this Act.
- (5) It is hereby declared that no act, matter, or thing done or purportedly done by reference to, under, by, or in relation to —
- (a) the Minister;
 - (b) the body corporate;
 - (c) a department, or an officer in a department,
- before the commencement date is or ever has been invalid by reason that the act, matter or thing was done by reference to, under, by, or in relation to —
- (d) the Minister;
 - (e) the body corporate;
 - (f) a department, or an officer in a department,
- under a designation other than the designation applicable under this Act in relation to —
- (g) the Minister;
 - (h) the body corporate;

- (i) a department, or an officer in a department.

[Section 2 inserted by No. 64 of 1981 s. 3; amended by No. 25 of 1985 s. 24; No. 73 of 1995 s. 162.]

[3. Repealed by No. 25 of 1985 s. 23.]

4. Lands and works vested in Minister

- (1) Lands acquired for or dedicated to the purposes of any of the Acts mentioned in the Schedule, and all water works, sewerage, drainage, and irrigation works constructed or in course of construction under any of the said Acts, or constructed by the Government and declared by the Governor to be subject to any of the said Acts, not being vested in the Commission or the Corporation, vest in the Minister administering the respective Act on behalf of the Crown in right of the State —
 - (a) unless and until such lands and works to which the Acts mentioned in Part II of the Schedule apply are vested in a board; or
 - (b) on the dissolution of any board in which such lands and works may have been vested.
- (2) Subject to the provisions of any relevant Act and of the *Water Agencies (Powers) Act 1984*, the Minister may exercise the powers and authorities, and shall have the immunities, conferred on a board by the Acts mentioned in Part II of the Schedule in respect of such works —
 - (a) until the works are vested in a duly constituted board; and
 - (b) after the dissolution of the board in which the works may have been vested.

[Section 4 amended by No. 25 of 1985 s. 25; No. 73 of 1995 s. 161 and 162.]

[5. Repealed by No. 64 of 1981 s. 5.]

[6-7. Repealed by No. 25 of 1985 s. 23.]

8. Transfer of assets and liabilities on the dissolution of a board

Subject to section 4 of this Act and section 8 of the *Water Agencies (Powers) Act 1984*, on the dissolution of a board for any district or area under any of the Acts mentioned in the second part of the Schedule, all the property and assets of the board, and all rates, charges, and other moneys whatsoever due or accruing to the board, shall become vested in and be recoverable by the Minister, and all the liabilities of the board shall become the liabilities of the Minister.

[Section 8 amended by No. 25 of 1985 s. 26; No. 73 of 1995 s. 162.]

9. Receipts and expenditure

Notwithstanding anything contained in the Acts mentioned in the Schedule to the contrary —

- (a) except as hereinafter provided, all moneys received by the Minister from rates, charges, rents, or otherwise howsoever under the said Acts (including all moneys in hand at the commencement of this Act) shall be credited to the Consolidated Account, or to an account at the Treasury to the credit of which such moneys may be lawfully paid; and
- (b) except as hereinafter provided, all expenditure incurred by the Minister in the construction, maintenance, and management of the works under the said Acts shall be defrayed out of moneys to be appropriated by Parliament to the purposes of this Act.

[Section 9 amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 77 of 2006 s. 4.]

[10.] *Repealed by No. 25 of 1985 s. 23.]*

11. Books to be kept

The Minister shall cause books to be provided and kept, and true and regular accounts to be entered therein —

- (a) of all moneys received and paid, and of all moneys owing to and by the Minister under the Acts administered by him, and of the several purposes for which such moneys are received and paid, and owing; and
- (b) of all the assets and liabilities of the Minister under the said Acts.

[12-14. Repealed by No. 25 of 1985 s. 23.]

15. Books may be inspected

The books of the department assisting the Minister in the administration of this Act shall be open to the inspection of the Auditor General, and any person authorised by the Auditor General to inspect the same, and copies or extracts may be taken therefrom.

[Section 15 amended by No. 64 of 1981 s. 6.]

16. Accounts to be balanced

The accounts of the department assisting the Minister in the administration of this Act shall be balanced every year on 30 June, or such other date as the Governor may prescribe.

[Section 16 amended by No. 64 of 1981 s. 6.]

17. Accounts to be audited

- (1) The Minister shall, in every year, cause a full and true balance sheet of the assets and liabilities of the department assisting the Minister in the administration of this Act generally, and in respect of each undertaking, together with a profit and loss account, and such other statements as may be necessary, to be

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compiled from the books and submitted to the Auditor General for audit.

- (2) The Auditor General shall certify that he has found the accounts in order, or otherwise, as the case may be; and whether, in his opinion, the accounts are properly drawn up so as to present a true and correct view of the transactions for the period under review as shown by the books; and all items of receipts and payments and all known liabilities and assets have been brought into account, and the value of all assets fairly stated.
- (3) The Auditor General shall, in respect to such accounts, have all the powers conferred on him by the *Audit Act 1904*³.

[Section 17 amended by No. 64 of 1981 s. 6.]

[18-19. Repealed by No. 25 of 1985 s. 23.]

20. Regulations

The Governor may make regulations for the purposes of this Act.

[21. Repealed by No. 11 of 1913 s. 4.]

The Schedule

Part I

[s. 2.]

The Water Supply Act 1893 ⁴

Part II

[s. 2 and 4(2).]

Rights in Water and Irrigation Act 1914

Land Drainage Act 1925

Water Boards Act 1904

Country Areas Water Supply Act 1947

Country Towns Sewerage Act 1948

[The Schedule amended by No. 8 of 1950 s. 3; No. 64 of 1981 s. 7.]

Notes

- ¹ This is a compilation of the *Water Supply, Sewerage, and Drainage Act 1912* and includes the amendments made by the other written laws referred to in the following table ^{4a, 5, 6}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Water Supply, Sewerage, and Drainage Act 1912</i>	67 of 1912	17 Dec 1912	17 Dec 1912
<i>Water Supply, Sewerage, and Drainage Act Amendment Act 1913 s. 4</i>	11 of 1913	8 Nov 1913	8 Nov 1913
<i>Land Drainage Act 1925 s. 8</i>	43 of 1925	31 Dec 1925	1 Jul 1926 (see s. 1 and <i>Gazette</i> 7 May 1926 p. 945)
<i>Water Supply, Sewerage and Drainage Act Amendment Act 1950</i>	8 of 1950	15 Nov 1950	15 Nov 1950
<i>Water Supply, Sewerage and Drainage Amendment and Validation Act 1981</i>	64 of 1981	13 Oct 1981	13 Oct 1981
<i>Acts Amendment and Repeal (Water Authorities) Act 1985 Pt. III</i>	25 of 1985	6 May 1985	1 Jul 1985 (see s. 2 and <i>Gazette</i> 7 Jun 1985 p. 1931)
<i>Financial Administration Legislation Amendment Act 1993 s. 11</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995 Pt. 10</i>	73 of 1995	27 Dec 1995	1 Jan 1996 (see s. 2(2) and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
Reprint of the <i>Water Supply, Sewerage, and Drainage Act 1912</i> as at 22 Nov 2002 (includes amendments listed above)			
<i>Financial Legislation Amendment and Repeal Act 2006 s. 4</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)

^{1a} ~~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
<u>This Act was repealed by the <i>Water Resources Legislation Amendment Act 2007</i> s. 190⁶ (1) (No. 38 of 2007) as at 1 Feb 2008 (see s. 2(2) and <i>Gazette</i> 31 Jan 2008 p. 251)</u>	38 of 2007 21 Dec 2007

² The *Water Supply, Sewerage and Drainage Amendment and Validation Act 1981* came into operation on 13 October 1981.

³ Repealed by the *Financial Administration and Audit Act 1985*.

⁴ Repealed by the *Statutes (Repeals and Minor Amendments) Act 1994*.

⁵ The *Water Resources Legislation Amendment Act 2007* Pt. 11 deals with certain transitional issues some of which may be relevant for this Act.

⁶ ~~On the date as at which this compilation was prepared, the~~The *Water Resources Legislation Amendment Act 2007* s. ~~190~~ 190(2) had not come into operation. ~~It~~ 190(2) reads as follows:

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190. The *Water Supply, Sewerage, and Drainage Act 1912* repealed and savings provision

~~(1) The *Water Supply, Sewerage, and Drainage Act 1912* is repealed.~~

(2) Despite the repeal of the *Water Supply, Sewerage, and Drainage Act 1912*, the effect of section 2(4) and (5) continues in respect of any act, matter or thing in respect of which those subsections had effect prior to their repeal.

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