

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE.

No. 14 of 1968.

AN ACT to amend the Metropolitan Water Supply,
Sewerage, and Drainage Act, 1909-1967.

[Assented to 8th October, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1968.*

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Acts
approved for
reprint 17th
March, 1964
as amended
by Acts
Nos. 113 of
1965 and
14 of 1967.

(2) In this Act the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1967, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1968.

2. The principal Act is amended by adding after section sixty-nine, a section as follows—

69A. (1) Without limiting the generality of paragraph (c) of subsection (2) of section eight of this Act, the Board may purchase from a local authority any sewers and works connected with sewerage that have been constructed with money borrowed by the local authority under Division 2 or 3 of Part XXVI of the Local Government Act, 1960 and that are vested in it pursuant to section fifty-three of the Health Act, 1911.

Power of Board to acquire sewers etc. from a local authority.

(2) Any sewers and works connected with sewerage purchased by the Board from a local authority pursuant to this section—

(a) shall be acquired on such terms and conditions as the Board and the local authority, having regard to the terms and conditions upon which the money referred to in subsection (1) of this section was borrowed, agree upon and of which the Minister approves in writing;

(b) shall vest in and be the property of the Board;

(c) shall be subject to the provisions of this Act as though they had been constructed under the authority of this Act.

3. Section seventy-one C of the principal Act is amended—

Amendment to s. 71C (Metropolitan drains, power of Board to constitute).

(a) by substituting for the passage, “, the local authority” in line five of subsection (4) the passage, “or any person, local authority or that person”;

(b) by adding after the word, “drain” in line three of subsection (5), the words, “or part of any metropolitan main drain”; and

- (c) by adding after the word, "drain" in line five of subsection (5), the passage, "or part of a metropolitan main drain, as the case requires".

Amendment
to s. 71E
(Local
drainage
areas—
power of
Board to
constitute).

4. Subsection (5) of section seventy-one E of the principal Act is amended by adding after paragraph (d) a paragraph, as follows—

(e) In addition to any penalty that may be imposed on a person for an offence under paragraph (d) of this subsection, the person shall also pay to the Board the amount of the expense incurred by the Board in repairing the damage to the metropolitan main drain caused by or arising out of the act that constituted the offence. .

S. 100A
added.

5. The principal Act is amended by adding after section one hundred a section as follows—

Payment by
measure as
assessed in
certain
cases.

100A. Where—

- (a) an owner or occupier ceases to be the owner or occupier of land rated under this Act during a period in respect of which a rate is made;
- (b) neither the owner or occupier nor the succeeding owner or occupier complies with the provisions of section one hundred and forty-eight A of this Act; and
- (c) the whole of the water supplied by measure during the period to those owners or occupiers exceeds the prescribed quantity which is entitled to be received in respect of the rate,

the Board or any officer appointed by the Board may assess the amount of water in excess of that prescribed quantity that was consumed by each owner or occupier, and thereupon each

owner or occupier is liable to pay the prescribed charge in respect of the amount of water so assessed with respect to him. .

6. The principal Act is amended by adding after section one hundred and five a section as follows—

S. 105A
added.

105A. Where an occupier or owner ceases to be the occupier or owner of land in respect whereof a rate is made, before the end of the period in respect of which that rate is made—

Apportion-
ment of
rates not
to affect
entitlement
to water in
respect of
rates paid.

- (a) the prescribed quantity of water which is entitled to be received in respect of the rate is not apportionable between that occupier or owner and the succeeding occupier or owner in the manner in which the rate is apportionable pursuant to section one hundred and five of this Act; and
- (b) the succeeding occupier or owner is entitled to receive, in respect of the rate, the portion, if any, of that prescribed quantity of water, that has not been consumed when the change in occupancy or ownership takes place. .

7. Paragraph (13) of section one hundred and forty-six of the principal Act is amended by deleting from line three the word, "paid".

Amendment
to s. 146
(Board may
make
by-laws.
