

**METROPOLITAN WATER
SUPPLY, SEWERAGE AND
DRAINAGE.**

No. 14 of 1967.

AN ACT to amend the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1965.

[Assented to 20th October, 1967.]

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:—

1. (1) This Act may be cited as the *Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1967.*

(2) In this Act the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1965, is referred to as the principal Act.

Short title
and citation.
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March, 1964,
as amended
by Act No.
113 of 1965.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1967.

Commencement.

2. This Act shall come into operation on a date to be fixed by proclamation.

S. 2 amended.

3. Section two of the principal Act is amended by repealing the proviso thereto.

S. 3 amended.

4. Section three of the principal Act is amended—

(a) by deleting the words “AND DISTRICTS” in line three; and

(b) by adding after the word, “Rates” in line twenty-five, the words, “and Charges”.

S. 5 amended.

5. Section five of the principal Act is amended—

(a) by deleting the interpretation, “District” where first occurring;

(b) by adding after the interpretation “Fittings” an interpretation as follows —

“Fixtures” means all apparatus that may be attached to the plumbing or drainage system of a property for the collection or retention of any wastes or waste waters for ultimate discharge into the sewerage system and includes closet pans, urinals, baths, sinks, basins and troughs connected with the sewerage system; ; and

(c) by adding after the interpretation “Reservoir” an interpretation as follows—

“Sewage” includes faecal matter, urine and liquid wastes whether domestic or otherwise; .

6. The heading, "PART II.—THE AREA AND DISTRICTS." following after section five of the principal Act is amended by deleting the words, "AND DISTRICTS". Heading amended.

7. Section six of the principal Act is amended— S. 6 amended.

(a) by repealing subsection (2); and

(b) by repealing subsection (3) and re-enacting it as follows—

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

8. Section seven of the principal Act is amended— S. 7 amended.

(a) by deleting the words, "District or" in line two of paragraph (a); and

(b) by deleting the words, "Districts or" in line two and in line four of paragraph (b).

9. Paragraph (c) of subsection (2) of section eight of the principal Act is amended by adding after the word, "hold" in line one, the passage, "lease". S. 8 amended.

10. Section thirteen of the principal Act is repealed and re-enacted as follows— S. 13 repealed and re-enacted.

13. For the purposes of this Act, the Governor may, by proclamation from time to time— Power of Governor to constitute etc., water reserves or catchment areas.

(a) constitute and define the boundaries of any water reserve or catchment area and may vest the water reserve or catchment area in the Board;

(b) alter the boundaries of any water reserve or catchment area;

(c) describe the boundaries of a water reserve or catchment area as existing for the time being;

(d) unite two or more water reserves or two or more catchment areas; and

(e) abolish any water reserve or catchment area. .

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S. 16
amended.

11. Section sixteen of the principal Act is amended by substituting for the words, "five pounds" in line seven the words, "forty dollars".

S. 24
amended.

12. Paragraph (c) of section twenty-four of the principal Act is repealed and re-enacted as follows—

- (c) Construct, alter and maintain under, upon or above any street and under, upon or above any land, aqueducts, flumes, pipes, or other works necessary for conveying water; .

S. 29
amended.

13. Section twenty-nine of the principal Act is amended—

- (a) by adding after the word, "levels" in line three of subsection (1), the words, "and the width and location"; and
- (b) by adding after the word, "level" in line three of subsection (2), the words, "or width".

S. 34
amended.

14. Section thirty-four of the principal Act is amended—

- (a) by substituting for the words, "each District" in line two the words, "the Area"; and
- (b) by substituting for the word, "district" being the last word in the section, the word, "Area".

S. 36
amended

15. Section thirty-six of the principal Act is amended—

- (a) by deleting the words, "for domestic purposes" in line four; and
- (b) by deleting the words, "for domestic and other purposes" in lines seven and eight.

16. The principal Act is amended by adding after section forty a section as follows:— S. 40A added.

40A. Where during any particular period a meter on any land— Power to assess water consumption when meter out of order, etc.

(a) is not correctly indicating or has not correctly indicated the quantity of water consumed on the land during that period;

(b) is out of order; or

(c) has been removed from any land by or on behalf of the Board for repair,

the Board or any officer appointed by the Board, may assess the amount of water consumed during that period at an amount not exceeding the fair average amount of water consumed in respect of the land or any similar land during any similar previous period, and the consumer is liable to pay to the Board for the amount of water so assessed, as if that amount of water had passed through the meter and been supplied. . Vide S. 12E.

17. Section fifty-two of the principal Act is amended by substituting for the words, “fifty pounds” in line thirteen the words, “two hundred dollars”. S. 52 amended.

18. Section fifty-three of the principal Act is amended by substituting for the passage, “ten pounds, and forty shillings” in lines twelve and thirteen, the passage, “forty dollars, and five dollars”. S. 53 amended.

19. Section fifty-four of the principal Act is amended by substituting for the words, “fifty pounds” in line fourteen the words, “two hundred dollars”. S. 54 amended.

20. Section fifty-five of the principal Act is amended by substituting for the words, “fifty pounds” in line five the words, “two hundred dollars”. S. 55 amended.

S. 61A
added.

21. The principal Act is amended by adding after section sixty-one a section as follows—

Power of
Board to
construct
sewer for
land not
rated under
Act.

61A. (1) The owner or occupier of land not rated under this Act may, in writing, require the Board to construct a sewer for the purpose of draining the land into the sewer or to construct a connection to an existing sewer for that purpose.

(2) The Board may, if it thinks fit, comply with the request and on such terms as may be agreed upon between the Board and the owner or occupier of the land, construct the sewer or the connection, as the case may be. .

S. 62
amended.

22. Section sixty-two of the principal Act is amended by substituting for the words, "fifty pounds" in the last line thereof, the words, "two hundred dollars".

S. 63
amended.

23. Subsection (1) of section sixty-three of the principal Act is amended by substituting for the words, "ten pounds" in the last line thereof, the words, "forty dollars".

S. 64
amended.

24. Section sixty-four of the principal Act is amended by—

- (a) substituting for the words, "furnish the Board with a plan of the proposed work" in lines seven and eight of subsection (1), the passage, "send to the Board two copies of a plan of the proposed work, together with the prescribed fee for examining the plan";
- (b) substituting for the passage, "plan, return it" in line two of subsection (2), the passage, "plan and prescribed fee, return a copy of the plan";
- (c) substituting for the words, "twenty pounds" in lines eighteen and nineteen of subsection (2) the words, "eighty dollars"; and

- (d) substituting for the words, "ten pounds" in the last line of subsection (4), the words, "forty dollars".

25. Section sixty-six of the principal Act is repealed and re-enacted as follows—

S. 66
repealed and
re-enacted.

66. (1) A person shall not, without the prior consent in writing of the Board—

Construc-
tion over
sewers
prohibited
without
prior consent
of Board.

- (a) erect, construct or place any building, wall, fence or obstruction in, upon, over or under a sewer and then only upon and subject to such terms and conditions as the Board thinks fit to impose for the protection of the sewer from interference or damage; or
- (b) obstruct, fill in, close up or divert a sewer.

Penalty: Eighty dollars, and in the case of a continuing offence, a further penalty not exceeding twenty dollars for each day the offence continues after the Board serves notice of the offence on the offender.

(2) The Board may demolish and remove any building, wall, fence or obstruction which is erected, constructed or placed in contravention of subsection (1) of this section and which interferes with or injuriously affects a sewer in the carrying away of sewage or drainage, and perform any works necessary for restoring or reinstating the sewer.

(3) In addition to any penalty that may be imposed on an offender under subsection (1) of this section, the offender shall also pay to the Board the expense incurred by it in removing any building, wall, fence or obstruction or in re-opening, restoring, repairing or reinstating a sewer pursuant to subsection (2) of this section. .

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S. 67
amended.

26. Section sixty-seven of the principal Act is amended by substituting for the words, "ten pounds" in the last line thereof the words, "forty dollars".

S. 68
amended.

27. Section sixty-eight of the principal Act is amended by substituting for the words, "ten pounds" in line eight the words, "forty dollars".

S. 69
amended.

28. Section sixty-nine of the principal Act is amended by substituting for the words, "fifty pounds" in line six the words, "two hundred dollars".

S. 70
amended.

29. Section seventy of the principal Act is amended—

(a) by adding thereto subsections as follow—

Power to
construct
common
drains.

(1) Where in the opinion of the Board several portions of land in the separate occupation of several persons may be drained effectively by a common drain, the Board may, pursuant to section fifty-nine of this Act, give the notice therein referred to, to the owner or occupier of the several portions of land.

(2) Where the Board gives a notice pursuant to subsection (1) of this section, the provisions of this Act in general and section fifty-nine of this Act in particular, with such modifications as circumstances require, apply to the common drain. ;

(b) by adding after the section number "70.", the subsection designation, "(3)";

(c) by substituting for the word, "properties" in line one, three, six and eleven respectively, the words, "portions of land"; and

(d) by adding a subsection as follows—

(4) The Board may discontinue the use of a drain as a common drain by giving notice in writing to the owner or

occupier of each of the several portions of land that are drained by the common drain, if prior to the giving of the notice provision has been made for the several portions of land to be otherwise drained in accordance with this Act. .

30. Section seventy-one C of the principal Act is amended by adding after subsection (4) a subsection as follows—

S. 71C
amended.

(5) The Board may, by notice, published in the *Government Gazette*, declare that any metropolitan main drain which is specified in the notice, shall cease to be a metropolitan main drain, and effect shall be given to the notice according to its tenor. .

31. Subsection (6) of section seventy-one D of the principal Act is amended—

S. 71D
amended.

- (a) by substituting for the words, "Twenty pounds" in line five of paragraph (a) the words, "Sixty dollars"; and
- (b) by substituting for the words, "Five pounds" in line eight of paragraph (b) the words, "Ten dollars".

32. Paragraph (d) of subsection (5) of section seventy-one E of the principal Act is amended—

S. 71E
amended.

- (a) by deleting the paragraph designations (a) and (b) in lines fifteen and nineteen;
- (b) by substituting for the words, "twenty pounds" in line sixteen the words, "fifty dollars";
- (c) by substituting for the words, "one pound" in line seventeen, the words, "four dollars"; and
- (d) by substituting for the words, "twenty pounds" in lines twenty and twenty-one, the words, "fifty dollars".

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S. 72
amended.

33. Section seventy-two of the principal Act is amended by adding after the word, "Crown" being the last word in the section the following passage—

; and

- (iii) Any land declared by the Governor to be exempt from rates under this Act pursuant to paragraph (h) of this section shall be rateable land within the meaning of this Act, if the Governor by subsequent declaration so declares".

S. 73
amended.

34. Section seventy-three of the principal Act is amended—

- (a) by deleting the words, "for each District" in line two; and
(b) by substituting for the words, "in the District" in line four the words, "in the Area".

S. 75
amended.

35. Section seventy-five of the principal Act is amended—

- (a) by substituting for the words, "any District" in line one of subsection (1), the words, "the Area";
(b) by adding after the word, "in" in line six of subsection (1), the words, "any part of the Area that is within"; and
(c) by adding after the word, "land" in line two of subsection (2), the words, "that is within the district of a local authority".

S. 76
amended.

36. Subsection (1) of section seventy-six of the principal Act is amended by substituting for the words, "in the District" in line five, the words, "throughout the Area".

S. 79
amended.

37. Section seventy-nine of the principal Act is amended by substituting for the words, "twenty pounds" in the last line thereof, the words, "eighty dollars".

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38. Section eighty-six of the principal Act is amended by substituting for the words, "having jurisdiction within the District" in lines four and five, the words, "held nearest to the land to which the appeal relates".

S. 86
amended.

39. Paragraph (a) of subsection (3) of section eighty-seven of the principal Act is amended by adding after the word, "Board" in line three, the words, "at the time he gives the notice of appeal to the Board".

S. 87
amended.

40. Section ninety of the principal Act is amended—

S. 90
amended.

- (a) by substituting for the words, "several Districts" in line three of subsection (1), the word, "Area";
- (b) by substituting for the words, "a district" in line one of subsection (2), the words, "the Area"; and
- (c) by substituting for the word, "district" in line five of subsection (2), the word "Area".

41. Section ninety-one of the principal Act is amended by substituting for the words, "any District" in line three, the words, "the Area".

S. 91
amended.

42. Section ninety-three of the principal Act is repealed and re-enacted as follows—

S. 93
repealed and
re-enacted.

93. Rates shall be made for the following purposes to provide funds—

Purposes for
which rates
shall be
made.

- (a) to defray the expenses of the general administration of this Act;
- (b) to defray the expenses incurred in the maintenance and management of water works, sewerage works and metropolitan main drainage works;

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- (c) for paying the prescribed interest and sinking fund on the capital cost of works; and
- (d) for the construction, extension and improvement of works as may be provided, constructed, extended or improved out of revenue. .

S. 96
amended.

43. Section ninety-six of the principal Act is amended—

- (a) by substituting for the word, “thereof” in line four the words, “of the rate”; and
- (b) by substituting for the words, “of such notice” in the last line, the passage, “the pipe, sewer, or metropolitan main drain is laid down, or provided, or extended”.

S. 97A
amended.

44. Subsection (1) of section ninety-seven A of the principal Act is amended by adding after the word, “land” in line five, the passage, “or by reason of the land having been subdivided under and in accordance with the Town Planning and Development Act, 1928,” .

Heading
amended.

45. The principal Act is amended by adding after the word, “Rates” being the last word in the heading of Division (6) of Part VIII, following section one hundred and two, the words, “and Prescribed Charges”.

S. 103
amended.

46. Section one hundred and three of the principal Act is amended—

- (a) by repealing and re-enacting subsection (1) as follows—

(1) The amount of any rates made and levied under this Act and the amount of any prescribed charges levied under this Act shall be payable, in the first instance, by the occupier of the land rated or of the land in respect of which the charge is levied, as the case may be. ;

- (b) by repealing and re-enacting subsection (2) as follows—

(2) The amount of the rates or prescribed charges referred to in subsection (1) of this section may also, at the option of the Board, be recovered from the owner of the land rated or of the land in respect of which the charge is levied, as the case may be. ; and

- (c) by adding after the word, “rates” in line two and in line five of subsection (3), the words, “or prescribed charges”.

47. Section one hundred and four of the principal Act is amended by adding after the word, “rates” in line two the words, “or prescribed charges”. S. 104
amended.

48. Section one hundred and six of the principal Act is amended by adding after the word, “rates” in line two the words, “or prescribed charges”. S. 106
amended

49. Section one hundred and nine of the principal Act is amended by adding after the word, “Act” in line two the words, “or any prescribed charges levied under this Act”. S. 109
amended.

50. Section one hundred and eleven of the principal Act is amended by substituting for the words, “five pounds” in lines fourteen and fifteen, the words, “twenty dollars”. S. 111
amended

51. Section one hundred and twelve of the principal Act is amended by substituting for the words, “a District” in lines one and two, the words, “the Area”. S. 112
amended

52. Section one hundred and thirteen of the principal Act is amended by adding after the word, “rates” in line one the words, “or prescribed charges”. S. 113
amended.

S. 118
amended.

53. Subsection (1) of section one hundred and eighteen of the principal Act is amended by substituting for the words, "within or nearest to the District in which such land is situated" in lines eight and nine, the words, "nearest to the land".

S. 126
amended.

54. Section one hundred and twenty-six of the principal Act is amended by repealing subsections (4) and (5).

S. 146
amended.

55. Section one hundred and forty-six of the principal Act is amended—

(a) by adding after paragraph (4), a paragraph as follows—

(4a) Defining and specifying the classes of industry from which liquid trade or factory wastes may be discharged into the sewers and the terms and conditions, whether general in application or applying in any particular case, upon which those wastes may be so discharged, including the fees to be charged in respect thereof. ;

(b) by adding after the word, "drains" in line three of paragraph (7), the passage, " , fixtures";

(c) by adding after the word, "sewers" in line two of paragraph (11), the words, "or metropolitan main drains";

(d) by deleting the words, "or any district" in the last line of paragraph (18);

(e) by adding after the word, "pipes" in line two of paragraph (19), the passage, " , fixtures";

(f) by adding after the word, "drain" in line two of paragraph (20), the passage, " , fixtures";

(g) by adding after the word, "pipes" in line one of paragraph (21), the passage, " , fixtures";

Discharge of
trade wastes
into sewers.

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- (h) by adding after the word, "any" in line two of paragraph (22), the words, "fixtures or";
- (i) by adding after the word, "drains" in line one of paragraph (23) the passage, "fixtures";
- (j) by adding after the word, "drains" in line three and in line seven of paragraph (24), the passage, "fixtures".

56. Section one hundred and forty-six A of the principal Act is amended by adding after the word, "drains" in line five, the passage, "fixtures".

S. 146A amended.

57. The principal Act is amended by adding after the heading, "PART XII.—GENERAL PROVISIONS." a section as follows—

S. 148A added.

148A. Where, after the coming into operation of the Metropolitan Water Supply, Sewerage and Drainage Act Amendment Act, 1967, a person—

Person to give notice of becoming or ceasing to be owner of rateable land.

- (a) becomes or ceases to be the owner; or
- (b) not being the owner, becomes or ceases to be the occupier,

of any land rateable under this Act, he shall within a period of fourteen days of becoming or ceasing to be such owner or occupier, as the case may be, give to the Board notice of the fact. .

58. Section one hundred and fifty-two of the principal Act is amended by substituting for the words, "secretary to" in line five the words, "General Manager of".

S. 152 amended.

59. The principal Act is amended by adding after section one hundred and fifty-two a section as follows—

S. 152A added.

152A. Except as provided in section one hundred and forty-six A of this Act and notwithstanding anything in any other Act, the time limited for making complaint of an offence against this Act is two years from the time when the matter of complaint arose. .

Limitation of time for taking proceedings

S. 156
amended.

60. Section one hundred and fifty-six of the principal Act is amended by substituting for the words, "twenty pounds" in line six, the words, "eighty dollars".

S. 158A
added.

61. The principal Act is amended by adding after section one hundred and fifty-eight a section as follows—

General
penalty.

158A. A person who is guilty of an offence against this Act, where no other penalty is expressly provided for the offence, is liable on conviction to a penalty of not more than one hundred dollars. .

S. 166
amended.

62. Section one hundred and sixty-six of the principal Act is amended by deleting the passage, "or any District," in line three.

Second
Schedule
repealed.

63. The Second Schedule to the principal Act is repealed.
