

## COUNTRY AREAS WATER SUPPLY.

13° Elizabeth II., No. LXVI.

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No. 66 of 1964.

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### AN ACT to amend the Country Areas Water Supply Act, 1947-1960.

[Assented to 4th December, 1964.]

**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 *Country Areas Water Supply Act Amendment Act, 1964.*

Short title  
and citation.

(2) In this Act the Country Areas Water Supply Act, 1947-1960, is referred to as the principal Act.

Reprinted as  
approved for  
reprint 9th  
July, 1963.

(3) The principal Act as amended by this Act may be cited as the *Country Areas Water Supply Act, 1947-1964.*

S. 2  
amended.

2. Section two of the principal Act is amended—
  - (a) by substituting for the passage, “WATER RESERVES, AND RATING ZONES”, in the arrangement of Part II, the words, “AND WATER RESERVES”; and
  - (b) by substituting for the numerals, “47”, in line one, and again, in line two of the arrangement of Part VI, the expression “46A”, in each case.

S. 5  
amended.

3. Section five of the principal Act is amended—
  - (a) by substituting for the words, “declared by Proclamation to be a country water area for the purposes”, in lines five and six of the interpretation, “country water area”, the words, “constituted a country water area under the provisions”;
  - (b) by deleting the interpretation, “country land”;
  - (c) by substituting for the passage, “Municipal Corporations Act, or a road district constituted under the Road Districts Act”, in lines three, four and five of the interpretation, “district”, the passage, “Local Government Act, 1960”;
  - (d) by adding, immediately after the interpretation, “district”, the following interpretation—

“farm land” means land within a country water area that is used, or primarily used, for agricultural, pastoral, grazing or dairying purposes or any combination of them; but does not include land that is used or primarily used for the purposes of a market garden, orchard, piggery or poultry farm or any combination of those purposes; ;
  - (e) by deleting the words, “or the board of a road district”, in line two of the interpretation, “local authority”;

(f) by deleting the interpretation, "Municipal Corporations Act";

(g) by substituting for the interpretation, "rateable land", the following interpretation—

"rateable land" means all land that is rateable under the provisions of section forty-six A of this Act; ;

(h) by deleting the interpretation, "rating zone";

(i) by deleting the interpretation, "Road Districts Act"; and

(j) by deleting the interpretation, "townsite".

4. The heading to Part II of the principal Act is amended by substituting for the passage, "WATER RESERVES, AND RATING ZONES", therein appearing, the words, "AND WATER RESERVES".

Heading to Part II amended.

5. Section eight of the principal Act is amended by deleting paragraph (b) of subsection (2).

S. 8 amended.

6. Section ten of the principal Act is repealed and the following section substituted:—

S. 10 repealed and section substituted.

10. The Governor may, by Order in Council, declare any land in a country water area to be exempt from rates under this Act, and may, in like manner, declare any land that is exempt from rates to be rateable land, for the purposes of this Act. .

Exemption and inclusion of land for rating purposes.

7. Section fifteen of the principal Act is amended by substituting for the words, "value of the rateable", in line six of paragraph (a), the words, "estimated rateable value of the".

S. 15 amended.

s. 46A  
added.

8. The principal Act is amended by adding in Part VI immediately below the sub-heading, "Division 1.—Rate Books", the following section—

Rateable  
land.  
Cf. Act No.  
32 of 1948,  
s. 47.

46A. All land shall, subject as hereinafter provided, be rateable land within the meaning of this Act, save and except—

- (a) land the property of the Crown and used for public purposes, or unoccupied;
- (b) land vested in or in the use and occupation of a local authority and not held or occupied by any tenant under the local authority;
- (c) land belonging to any religious body, and used or held exclusively as or for a place of public worship, a Sunday-school, a place of residence of a minister of religion, a convent, nunnery, or monastery, or by a religious brotherhood or sisterhood;
- (d) land used exclusively as a public hospital, benevolent asylum, orphanage, public school, private school (being the property of a religious body), public library, public museum, public art gallery, or mechanics' institute;
- (e) land used, occupied, or held exclusively for charitable purposes;
- (f) land vested in any board under the Parks and Reserves Act, 1895, or in trustees for agricultural or horticultural show purposes, or zoological or acclimatisation gardens or purposes, or for public resort and recreation;
- (g) land used or held as a cemetery; and
- (h) land declared by the Governor, under section ten of this Act, or by any Act declared, to be exempt from rates under this Act:

Provided that no exempted land shall become liable to be rated by reason of such land being used for the purposes of any bazaar, or as a place of meeting for any religious, charitable, temperance, or benevolent object, or for a polling place at any parliamentary or other election.

9. Section forty-seven of the principal Act is amended— S. 47  
amended.

- (a) by deleting the words, "rating zone in the", in line three;
- (b) by substituting for the words, "rating zone", in line six, the word, "area"; and
- (c) by substituting for the word, "country", in line nine and again in line ten, the word, "farm", in each case.

10. Section forty-eight of the principal Act is repealed and the following section substituted— S. 48  
repealed and  
section  
substituted.

48. The estimated net annual value referred to in section forty-seven of this Act may, at the option of the Minister, be— Estimated  
net annual  
value.

- (a) the current net annual value adopted by the local authority in the district of which the land is situated; or
- (b) a sum equal to the estimated full fair, average amount of rent at which the land may reasonably be expected to let from year to year, on the assumption (if necessary to be made) that the letting is allowed by law, less a deduction of forty pounds per centum for all outgoings; or
- (c) an amount not exceeding six pounds per centum of the capital value of the land;

but, in estimating the net annual, or the unimproved capital, value of mines, no regard shall be had to the minerals therein or the mining machinery, whether fixed to the soil or not, or to buildings used exclusively for the housing of machinery. .

S. 50  
amended.

11. Section fifty of the principal Act is amended—

- (a) by substituting for the words, “rating zone” where they occur in the last line of subsection (1), and again in line four of subsection (2), the words, “country water area”, in each case; and
- (b) by substituting for the passage commencing with the word, “Where”, being the first word in subsection (3), down to and including the word, “necessary” in line four of that subsection, the words, “Where in respect of any country water area the Minister is of opinion at any time that the making and levying of a water rate for a part of a year only is expedient”.

S. 54  
amended.

12. Section fifty-four of the principal Act is amended by inserting, immediately after the word, “The”, in line one and again after the word, “of”, in line four, the word, “estimated”, in each case.

S. 58  
amended.

13. Section fifty-eight of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

- (1) Any ratepayer may appeal against the estimated net annual value of any land of which he is the owner or occupier included in a rate book, or any amendment thereof.

S. 63  
repealed  
and section  
substituted.

14. Section sixty-three of the principal Act is repealed and the following section substituted—

Land  
subject to  
water rate.

63. The Minister may make and levy water rates in respect of all rateable land in a country water area, whether actually occupied or not, and although the land may not be actually supplied with water if,—

- (a) in the case of land not being farm land, the land is situated wholly or partly within one hundred yards of any main or other pipe from which the Minister is prepared to supply water; and

(b) in the case of farm land, the land is situated wholly or partly within ten chains of a main or other pipe from which the Minister is prepared to supply water,

but a holding shall be rateable so far only as it extends to a distance not exceeding one mile and a half from the pipe. .

15. The principal Act is amended by adding after section sixty-three the following section—

S. 63A  
added.

63A. (1) For the purpose of making and levying the water rate and fixing the charges to be made for water supplied under this Act, the Minister may from time to time prescribe classes of purposes for which water may be used or primarily used by owners or occupiers of holdings or parts of holdings, and may by entry in the rate book classify holdings or parts of holdings for those purposes.

Minister may  
prescribe  
classes of  
purposes.

(2) The Minister may at any time and from time to time by notice in the *Gazette* vary or cancel any of the classes prescribed under subsection (1) of this section, and may in addition to those classes prescribe a class of vacant land and classify as such any unoccupied rateable land. .

16. Section sixty-four of the principal Act is repealed and the following section substituted—

S. 64  
repealed  
and section  
substituted.

64. Water rates may be made and levied for each country water area and for different parts of an area and may be varied in respect of any holding or any part of a holding or in respect of any class prescribed pursuant to section sixty-three A of this Act. .

Rates may  
be varied  
from area  
to area  
and within  
an area.

S. 65  
amended.

17. Section sixty-five of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

(1) In the case of rateable land that is not farm land, the water rate shall not in any one year exceed—

(a) on holdings or parts of holdings classified for the purposes of the class prescribed pursuant to section sixty-three A of this Act as domestic purposes, one shilling and sixpence in the pound; and

(b) on holdings or parts of holdings classified for the purposes of any class so prescribed other than as domestic purposes, two shillings in the pound,

of the estimated net annual value of the land; but where the water rate computed on the estimated net annual value of a holding, or as the case may be, part of a holding, would be an amount less than one pound, the Minister may fix the water rate to be charged at the amount of one pound ;

(b) by substituting for the word, “country”, where appearing in lines one, eight and sixteen of subsection (2), the word, “farm”, in each case;

(c) by substituting for the words, “five pence” in line two of subsection (2), the passage, “two and two-fifths pence”;

(d) by inserting, immediately after the word, “unimproved”, in line four and, again, in line five of subsection (2), the word, “capital”, in each case; and

(e) by substituting for the words, “and not being a townsite”, in line five of paragraph (d) of the proviso to subsection (2), the words, “of farm land”.



18. Section sixty-six of the principal Act is amended— S. 66  
amended.

- (a) by substituting for the words, “rating zone”, in lines two and three of subsection (1), the words, “country water area”;
- (b) by substituting for the words, “rating zone”, in line seven of subsection (1), the word, “area”; and
- (c) by inserting immediately after the word, “of”, in line three of subsection (2), the word, “estimated”.

19. Section sixty-seven of the principal Act is amended— S. 67  
amended.

- (a) by substituting for the words, “rating zone”, in line one, the words, “country water area”; and
- (b) by substituting for the word, “zone”, in line three, the word, “area”.

20. Section sixty-nine of the principal Act is repealed and the following section substituted— S. 69  
repealed  
and section  
substituted.

69. (1) Where it appears to the Minister, during the currency of any year, that, by reason of improvements made to, or erected upon, rateable land, the estimated net annual value has become greater, or that, by reason of the destruction, damage or demolition of improvements made and standing upon rateable land, the estimated net annual value of the land has become less, than the estimated net annual value of that land stated in the rate book for that year, he may cause the estimated net annual value to be restated for, and in respect of, the then unexpired portion of the year and may, to the extent that the restatement justifies the making of an amendment and adjustment, amend and adjust, either by increase or reduction, as the case may require, the amount of the water rates payable on the land. Estimated  
net annual  
values may  
be restated  
during year.

(2) For the purposes of section fifty-eight of this Act (relating to appeals), the restatement of the estimated net annual value of rateable land under this section is an amendment of the estimated net annual value.

S. 72  
repealed  
and section  
substituted.

21. Section seventy-two of the principal Act is repealed and the following section substituted—

Payment  
for water  
when land  
rated.

72. Where water is supplied by measure to the owner or occupier of land rated under this Act, such owner or occupier shall pay for all water in excess of the prescribed quantity that he is entitled to receive in respect of the rate, but where no such quantity is prescribed the owner or occupier shall pay for all water supplied to him by measure, and in either case the water shall be paid for at the prescribed price.

S. 83  
amended.

22. Section eighty-three of the principal Act is amended—

- (a) by substituting for the words, “rating zone”, in lines one and two, the words, “country water area”; and
- (b) by substituting for the words, “a valuation to be made” in line seven, the words, “an estimated net annual value to be stated in respect”.

S. 99  
amended.

23. Section ninety-nine of the principal Act is amended by substituting for the passage, “forty-six of the Trustees Act, 1900”, in lines four and five of the proviso, the passage, “ninety-nine of the Trustees Act, 1962”.

24. Section one hundred and five of the principal Act is amended— S. 105  
amended.

(a) by substituting for paragraph (x), the following paragraph—

(x) Prescribing the purposes and classes of purposes for which water may be used or primarily used under this Act, classifying holdings and parts of holdings for those purposes, and varying or cancelling any such classes. ;

(b) by substituting for paragraph (xi), the following paragraph—

(xi) Prescribing scales of charges for water supplied by measure and the minimum quantity of water to be charged for and any other charges in relation to the supply of water, and providing for the assessment, levying and collection of such charges. ;

and

(c) by substituting for paragraph (xxii), the following paragraph—

(xxii) Providing service charges to be paid in lieu of water rates by persons supplied with water. .

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