



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

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No. XXXIV.

AN ACT to amend the Metropolitan Water Works Act, 1896.

[Assented to, 16th December, 1899.]

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

1. THIS Act may be cited as the Metropolitan Water Works Act, 1899, and shall be read with the Metropolitan Water Works Act, 1896 (hereafter called the principal Act), and the Water Works Act, 1889, incorporated therewith.

Short title.

2. A COPY of the *Government Gazette* containing notice of the appointment or removal of the chairman or any member of the Board shall be *prima facie* evidence thereof, and all Courts, Judges, and persons acting judicially shall take judicial notice of the signature of the chairman or acting chairman of the Board.

*Government Gazette* to be *prima facie* evidence of appointment of Board, and judicial notice to be taken of signature of chairman.

## 63° VICTORIÆ, No. 34.

### *Metropolitan Waterworks.*

Board may make  
by-laws.

3. NOTWITHSTANDING anything in the principal Act contained, the Board shall have and be deemed to have had full power to make, alter, and repeal by-laws under the provisions of section fourteen of the Water Works Act, 1889.

Power to Board to  
cut off supply of  
water to any  
premises ;

4. (1.) THE Board may cut off the supply of water to any premises, whether rated or not, and whether supplied by meter or otherwise, if any owner or occupier of such premises or any part thereof :

on refusal to attach  
a meter ;

(1.) Refuses or neglects to attach a meter to such premises after demand so to do by the Board :

or on neglect to pay  
rates ;

(2.) Refuses or neglects, after demand, to pay all rates and moneys due and payable to the Board for water supplied to such premises or to any owner or occupier hereof, or supplied to the person on whom such demand is made in respect of any other premises owned or occupied by him when supplied ; or

or commits any  
breach of Act or  
by-law ;

(3.) Commits or permits any breach or neglect, or the continuance of any breach or neglect, of any of the provisions of the Water Works Act, 1896, or of the principal Act, or this Act, or of any of the by-laws made under any such Act :

or of any agreement  
with the Board.

(4.) Neglects or fails to carry out or commits a breach of any agreement with the Board.

Provided that no water shall be cut off under this section until after seven days' previous notice has been given.

Demand may be  
made by advertise-  
ment.

(2.) Any demand or notice under this section may be served or given by delivering the same personally, or by leaving it on the premises, or by advertisement inserted twice in two daily papers published in Perth.

Town Clerk to  
deliver to Board  
copy of rate book ;

5. (1.) THE town clerk, or the person acting as such for the time being, of the City of Perth and of every other municipality which is wholly or partly supplied with water by the Board, or in which any main is for the time being laid down, shall, as soon as practicable after the third Saturday in December in each year, and not later than one calendar month thereafter, deliver to the Board a copy of the rate book in section one hundred and sixty-two of the Municipal Institutions Act, 1895, mentioned: Provided that, with the exception of the town clerk of the City of Perth or the person for the time being acting as such, no town clerk or person so acting in any other municipality shall supply such copy rate book until thereto required in writing by the Board.

## 63° VICTORIÆ, No. 34.

### *Metropolitan Waterworks.*

(2.) Such copy shall be certified as a true copy by the town clerk or person acting as such within the municipality to which such rate book relates.

to be certified by town clerk.

(3.) The municipality of the City of Perth shall be paid by the Board the sum of Fifty pounds for each such copy, and every other municipality shall be entitled to charge the Board for the said copy at the rate of one penny per folio of seventy-two words for everything written therein.

Board to pay for copy rate book.

6. IF any alteration or amendment is made to any such rate book under section one hundred and sixty-three of the Municipal Institutions Act, 1895, or by reason of any appeal under that Act, the same shall be forthwith notified to the Board by the town clerk or person acting as such within the municipality to which such rate book relates, and the certified copy of the rate book shall be altered or amended accordingly by the Chairman of the Board.

Town Clerk to notify to Board amendments.

7. (1.) AT any time after receipt of the said copy rate books, or any of them, the Board may order to be struck a rate not exceeding One shilling in the pound in any one year upon the annual value of all ratable land liable to the general rate as shown by such copy rate books, and the chairman of the Board shall thereupon enter a memorandum of such order in the minute book of the Board on a separate page thereof, and shall sign the same, and thereupon give public notice thereof by publishing a copy of the same in the *Government Gazette* and in one newspaper published in Perth, and thereupon, at the expiration of fourteen days after the publication of such notice, the amount payable in respect of such rate shall, subject to any alterations as aforesaid, and to any by-laws made by the Board, become due from and payable by the person who at the time of the rate being struck was the occupier of the land rated, or if there be no occupier, or if the Board have levied a distraint upon the goods of the occupier as aforesaid and have failed to recover the amount payable, then from and by the owner for the time being of such land.

Striking rate;

by whom payable.

(2.) No such rate shall be paid or payable in respect of lands wholly situate from any pipe laid down for the purpose of water supply a distance of one hundred and eighty feet exclusive of the roadway in which such pipe is laid.

In respect of what property payable.

8. ANYTHING required or authorised to be done by the mayor under any provision of the Municipal Institutions Act, 1895, applicable to the Board or incorporated with this or the principal Act or the Water Works Act of 1889, may be done by the chairman of the Board.

Powers of chairman.

## 63° VICTORIÆ, No. 34.

### *Metropolitan Waterworks.*

Striking rate for  
unexpired portion of  
year in case of new  
main.

9. WHENEVER a main pipe is laid down or extended after a rate has been struck for the year, the Board may at any time after the publication of the notice in section forty-eight of the Water Works Act, 1889, mentioned, make and order to be struck, and levy a rate for the unexpired portion of the year.

Premises exempted  
from rating to be  
supplied by agree-  
ment.

10. NO premises exempted from rating under section one hundred and fifty-two of the Municipal Institutions Act, 1895, shall be entitled to a supply of or to use any water for any purpose unless by written agreement with the Board.

For what period  
rates payable.

11. ALL rates shall cover and be paid in respect of the period of twelve calendar months from the first day of January next following the striking thereof if struck in the month of December, or if struck after December, then in respect of the twelve calendar months from the first day of January next preceding the striking thereof.

Copy rate book to be  
evidence.

12. (1.) IN any proceeding to levy or recover or consequent upon the levying or recovering of the amount due in respect of any rate, the copy rate book, signed by the town clerk or person acting as such, and all entries, alterations, and amendments purporting to be made therein, in manner directed or authorised by this Act or the Municipal Institutions Act, 1895, shall, upon production thereof, alone be *prima facie* evidence of the contents and of the obligation of the person charged with the amount payable in respect of any rate to pay the same without any evidence being required of notice, publication, or demand having been given or complied with, or that any default has been made.

Recovery of past  
rates.

(2.) If, before the passing of this Act, the Board has served in the manner authorised by section two hundred and twenty-seven of the Municipal Institutions Act, 1895, or in any other manner, written notice requiring payment of any sum as a rate upon the owner or occupier of any property liable to be rated under the principal Act or the Water Works Act, 1889, proof of the service of such notice shall, subject to the proviso hereafter set forth in all proceedings by the Board, be conclusive evidence that such sum is due and payable by such owner or occupier, or by any subsequent owner or occupier during the year in respect of which such sum was claimed, and no further proof shall be necessary or required as the striking, making, or publication of such rate or notice: Provided that no owner or occupier shall be liable to a greater extent than provided by section forty-six of the Water Works Act, 1889.

## 63° VICTORIÆ, No. 34.

### *Metropolitan Waterworks.*

13. THE production of a copy of the *Government Gazette* containing any notice of the striking of a rate shall be conclusive evidence of the due striking, making, and publication thereof.

Notice in *Gazette* to be evidence of striking of rate.

14. THE Council of the City of Perth or of any other municipality shall, when requested by the Board, deliver full particulars to the Board as to the levels of any street or streets in which it is proposed to lay any new main or alter any existing main.

Municipal councils to give to Board particulars as to levels of streets.

15. (1.) IN respect to any rate struck by the Board under section seven of this Act and the recovery thereof, sections one hundred and fifty-three to one hundred and sixty-seven, both inclusive, of the Municipal Institutions Act, 1895, shall not apply.

Secs. 153 to 167 of 59 Vict., 10, not to apply to rate struck under this Act.

(2.) In lieu of section one hundred and sixty-five of the Municipal Institutions Act, 1895, the following shall be read in respect of the matters aforesaid :—

Sec. 165 amended.

The Board shall, as soon as practicable after the striking of any rate, cause to be served upon every owner or occupier whose name is inserted in any such copy rate books a notice in the form or to the effect of the form contained in the Seventh Schedule to the Municipal Institutions Act, 1895, but without the indorsement contained in such form. Two or more properties may be included in one notice.

Notice of rate.

16. SECTIONS two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and thirty-three, two hundred and thirty-four, two hundred and thirty-five, and two hundred and thirty-nine of the Municipal Institutions Act, 1895, shall be incorporated with this Act and apply *mutatis mutandis*.

Application of Secs 226, 227, 228, 233 234, 235, and 239 of 59 Vict., 10.

17. ALL moneys due and payable to the Board, including every reward or payment for a supply of water or otherwise, shall be payable by the same persons and in the same manner in every respect as if such amount were actually due and payable as a water rate duly struck, and be enforced by the same remedies and in the same manner in every respect: Provided that no owner not in occupation shall be liable for any sum in excess of the water rate.

Payment of all moneys due to Board to be enforced as a rate.

18. SECTION four of the principal Act is hereby amended by adding after the words "Mayor of Perth for the time being," the following words:—"or a member of the Municipal Council of the City of Perth nominated by the said council from time to time."

Amendment of section 4 of 60 Vict., No. 19.

## 63° VICTORIÆ, No. 34.

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### *Metropolitan Waterworks.*

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Amendment of  
section 6 of 60 Vict.,  
No. 19.

**19.** SECTION six of the principal Act is hereby amended by adding after the words "Mayor of Perth," the words "or the member of the Municipal Council nominated as aforesaid."

Board may exercise  
powers of Local  
Board of Health over  
catchment area.

**20.** THE Board may exercise over the catchment area of every water supply for the time being under the management of or vested in the Board, all powers and authorities conferred upon Local Boards of Health by the Health Act, 1898, and all Acts amending the same or incorporated therewith.

Application of pro-  
visions of Health Act,  
1898.

**21.** ALL the provisions of the Health Act, 1898, and of all Acts amending the same or incorporated therewith, shall apply to every such catchment area as if the same were the district of a Local Board of Health.

Definition of catch-  
ment area.

**22.** "CATCHMENT area" means and includes all land over, through, or under which any water flows, runs, or percolates directly or indirectly into any reservoir now or hereafter erected or used by the Board in connection with any water supply.

In the name and on behalf of the Queen I hereby assent  
to this Act.

GERARD SMITH, Governor.