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at 28 May 1996

WESTERN AUSTRALIA

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT 1909

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WESTERN AUSTRALIA

**METROPOLITAN WATER SUPPLY,
SEWERAGE, AND DRAINAGE
ACT 1909**

**AN ACT to constitute the Metropolitan Water, Sewerage,
and Drainage Area; to establish the method of
control, and for other purposes incidental thereto.**

*[Long title amended by No. 39 of 1963 s.3; No. 37 of
1982 s.4.]*

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

PART I — PRELIMINARY

Short title

1. This Act may be cited as the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*^{1, 1a, 1b}.

Commencement

2. This Act shall come into operation on a day, not later than 1 May 1910, to be fixed by proclamation¹.

[Section 2 amended by No. 14 of 1967 s.3.]

[3. Repealed by No. 25 of 1985 s.53.]

Repeal First Schedule

4. The Acts mentioned in the First Schedule are hereby repealed:

But such repeal shall not affect any right privilege, obligation or liability acquired, accrued, or incurred under such Act, or any Act thereby repealed, or any act, deed, matter, or thing lawfully done thereunder;

And notwithstanding such repeal:

All proceedings and things lawfully had or done by the proper authority under or in pursuance of any of the said Acts shall be and continue of the same force and effect, to all intents and purposes, as if no repeal had taken place.

All by-laws lawfully made under any of the said Acts, and in force at the commencement of this Act, shall, until amended or

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and Drainage Act 1909*

s. 4

repealed under this Act, continue in force and be deemed to have been made under this Act.

All rate books and lists of ratepayers made under any of the said Acts, and in force at the commencement of this Act, shall be deemed to have been made under this Act, and this Act shall apply to the same accordingly.

All rates and other moneys which, at the commencement of this Act, are due and payable, or accruing due under any of the said Acts, shall be and become due and payable to, and shall be received and may be recovered by the Authority.

All penalties and forfeitures imposed under any of the said Acts, and incurred before the commencement of this Act, may be enforced by the Authority.

All rights, liabilities, contracts, and engagements of any authority constituted under any of the said Acts, and existing at the commencement of this Act, shall be vested in and shall attach to and may be enforced by or against the Authority.

All actions and proceedings pending at the commencement of this Act by or against any authority constituted under any repealed Act may be carried on and prosecuted by or against the Authority.

All books and documents made evidence under any of the said Acts shall continue evidence to the same extent as if the said Acts had not be repealed.

Except so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things made, done, or commenced under any of the said repealed Acts, as if this Act had been in force at the time and a reference in the repealed Acts to the Minister were to be construed as a reference to the Authority.

[Section 4 amended by No. 25 of 1985 s.54.]

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and Drainage Act 1909*

Interpretation

5. (1) In this Act, unless the context otherwise requires —

“**aquifer**” means a porous geologic formation that bears water;

“**Area**” means the Metropolitan Water, Sewerage, and Drainage Area constituted under this Act;

“**artesian bore**” means a bore in which the level of water rises above the top of the aquifer in which the water is encountered;

“**catchment area**” means all land over, through, or under which any water flows, runs, or percolates directly or indirectly into any reservoir erected or used in connection with any water supply;

“**Commission**” means the Water and Rivers Commission established by section 4 of the *Water and Rivers Commission Act 1995*;

“**Corporation**” means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

“**former Authority**” means the Water Authority of Western Australia under the *Water Authority Act 1984* before the commencement of Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*¹;

“**former Metropolitan Authority**” means the Metropolitan Water Authority under the *Metropolitan Water Authority Act 1982*;

“**local government Act**” means an Act whereby a municipality or regional council within the meaning of the *Local Government Act 1960* is constituted or a Commissioner is appointed pursuant to that Act;

“officer”, in relation to —

- (a) the Commission, means a member of staff as defined in section 3 of the *Water and Rivers Commission Act 1995*;
- (b) the Corporation, means a member of the staff of the Corporation engaged under section 15 of the *Water Corporation Act 1995*;

“pollution area” means an Underground Water Pollution Control Area constituted under section 57A of this Act;

“prescribed” means prescribed under the *Water Agencies (Powers) Act 1984* for the purposes of this Act or that Act, as the case requires;

“sewerage charge”, in relation to land, means a water charge in respect of that land relating to the provision of sewerage under this Act;

“sewerage works” means the sewers to which this Act extends, and all treatment works, pumps, pumping stations and machinery, fittings, and things connected therewith, and all land acquired, held, or used for the purposes of this Act in relation to sewerage;

“water charge”, in relation to land, means a charge made under the *Water Agencies (Powers) Act 1984* in respect of that land relating to a water service provided under this Act or the *Metropolitan Water Authority Act 1982*;

“water supply charge”, in relation to land, means a water charge in respect of that land relating to the provision of a water supply under this Act;

“watercourse” means —

- (a) any river, creek, stream or brook, whether artificially improved or altered or not;

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and Drainage Act 1909*

- (b) any conduit that wholly or partially diverts a river, creek, stream or brook from its natural course and forms part of that river, creek, stream or brook; or
- (c) any natural collection of water into, through, or out of which any thing referred to in paragraph (a) or (b) flows, whether artificially improved or altered or not,

in which water flows or is contained whether permanently, intermittently or occasionally, together with the bed and banks of any thing referred to in paragraph (a), (b) or (c);

“waterworks” means all reservoirs, storage dams, weirs, wells, bores, pumps, pumping stations and machinery, tanks, aqueducts, tunnels, buildings, engines, pipes, or other works for the supply, treatment, and distribution of water, and all lands acquired, held, or used for the purposes of this Act in relation to water supply.

(2) A reference in sections 37, 38, 43, 61 or 61A of this Act to an occupier shall be construed as a reference to that occupier acting with the consent of the owner.

(3) The provisions of this Act are incorporated with, and may be read as one with, the *Metropolitan Water Authority Act 1982*, and a reference to **“this Act”** shall be read as including a reference to that Act and the *Water Agencies (Powers) Act 1984* or any subsidiary legislation made thereunder.

(4) A reference in this Act to —

- (a) by-laws, shall be construed as a reference to any by-laws made by the former Board, the former Metropolitan Authority, the former Authority or the Minister; and

- (b) regulations, shall be construed as a reference to regulations made by the Governor,

for the purposes of this Act whether made under this Act, the *Metropolitan Water Authority Act 1982* or the *Water Agencies (Powers) Act 1984*.

(5) Terms not otherwise assigned a meaning under this section but —

- (a) referred to in section 3 of the *Water Agencies (Powers) Act 1984* as having a meaning assigned for the purposes of a relevant Act; or
- (b) assigned a meaning for the purposes of the *Metropolitan Water Authority Act 1982*,

have that meaning in and for the purposes of this Act.

[Section 5 amended by No. 33 of 1955 s.3; No. 39 of 1963 s.5; No. 14 of 1967 s.5; No. 11 of 1970 s.3; No. 43 of 1972 s.4; No. 59 of 1977 s.3; No. 3 of 1979 s.3; No. 63 of 1981 s.4; No. 37 of 1982 s.5; No. 100 of 1982 s.4; No. 25 of 1985 s.55; No. 24 of 1987 s.20; No. 73 of 1995 ss.95 and 111.]

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and Drainage Act 1909*

PART II — THE AREA

[Heading amended by No. 14 of 1967 s.6.]

Constitution of Area

6. (1) There is hereby constituted a water, sewerage, and drainage area for the purposes of this Act, by the name of the Metropolitan Water, Sewerage, and Drainage Area.

[(2) repealed]

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

[Section 6 amended by No. 33 of 1955 s.4; No. 14 of 1967 s.7; No. 100 of 1982 s.5.]

Power to alter boundaries

7. The Governor may, by order in Council, from time to time alter or extend the boundaries of the Area.

[Section 7 inserted by No. 100 of 1982 s.6.]

[PART III (section 8). Repealed by No. 73 of 1995 s.96.]

[9 — 12. Repealed by No. 37 of 1982 s.6.]

*[12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I. Repealed
by No. 37 of 1982 s.6.]*

PART IV — WATER RESERVES

Power of Governor to constitute etc., water reserves or catchment areas

13. For the purposes of this Act, the Governor may, by proclamation from time to time —

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

[Section 13 inserted by No. 14 of 1967 s.10; amended by No. 25 of 1985 s.57; No. 73 of 1995 s.108.]

Power to divert, intercept, and store water

14. (1) Subject to subsection (2), the Corporation may divert, intercept, and store all water coming from the watercourses and other sources within the boundaries of any such reserve or catchment area, and alter the course of any watercourse, and may take any water found on or under such land.

(2) The Corporation shall not exercise the powers conferred by subsection (1) —

- (a) in relation to water to which Division 1 of Part III of the *Rights in Water and Irrigation Act 1914* applies, except in accordance with that Division;

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- (b) in relation to water from —
- (i) an artesian well (as defined in the *Rights in Water and Irrigation Act 1914*); or
 - (ii) a non-artesian well (as defined in that Act) within an area proclaimed under section 26B of that Act,

except under the authority of a licence issued under section 26D of that Act.

[Section 14 amended by No. 39 of 1963 s.21; No. 25 of 1985 s.57; No. 73 of 1995 s.97.]

Power to take land

15. The Commission or the Corporation may take any alienated land within the boundaries of any water reserve or catchment area under and subject to the provisions of the *Public Works Act 1902*⁵.

[Section 15 amended by No. 39 of 1963 s.22; No. 25 of 1985 s.57; No. 73 of 1995 s.110.]

Penalty for diverting or taking water

16. Any person who, without the authority of the Commission —

- (a) diverts, or causes the diversion of, water coming from any watercourse or other source within a water reserve or catchment area;
- (b) takes, or causes the taking of, any water found on or under land comprising a water reserve or catchment area;

- (c) does, or causes the doing of, any act that may diminish the quantity or injure the quality or purity of water coming from any watercourse or other source within a water reserve or catchment area; or
- (d) alters, or causes the alteration of, the course of any watercourse within a water reserve or catchment area,

commits an offence against this Act.

Penalty: Not exceeding \$100 for each day during which that water is so diverted or taken, or the quantity, quality or purity of that water is so reduced, or the course of that watercourse is so altered.

[Section 16 inserted by No. 83 of 1976 s.4; amended by No. 25 of 1985 s.57; No. 73 of 1995 ss.98 and 108.]

Commission may exercise powers of Local Board of Health

17. (1) For preventing the pollution of water within or under a water reserve or catchment area, the Commission has all the powers and authority of a Local Board of Health, including the power to make and enforce by-laws under any Act relating to public health.

(2) All the provisions of the *Health Act 1911*, and of all Acts amending the same or incorporated therewith, shall apply to every water reserve and catchment area as if the same were the district of a Local Board of Health.

[Section 17 amended by No. 39 of 1963 s.24; No. 83 of 1976 s.5; No. 25 of 1985 s.57; No. 73 of 1995 s.108.]

**PART V — VESTING OF PROPERTY AND THE
CONSTRUCTION AND MAINTENANCE OF WORKS**

[18. *Repealed by No. 39 of 1963 s.25.*]

[19 — 23. *Repealed by No. 100 of 1982 s.7.*]

[23A, 23B, 23C. *Repealed by No. 59 of 1977 s.9.*]

[24 — 30. *Repealed by No. 100 of 1982 s.7.*]

Altering sewers

31. The Corporation may open the ground and change the level of or otherwise amend or enlarge any sewer lying under any public or private street or place within the district for better communicating with the main sewers.

Provided that no person shall, by means of any such alteration, amendment, or enlargement, be deprived of the use and enjoyment of any property sewer which he shall be entitled to use; but the Corporation shall, at its own cost and charges, so construct and alter any such property sewer as to render the same as effectual for the purposes for which it was intended as any such property sewer may be at the time of such alteration.

[*Section 31 amended by No. 33 of 1955 s.12; No. 39 of 1963 s.37; No. 100 of 1982 s.8; No. 25 of 1985 s.58; No. 73 of 1995 s.109.*]

Corporation to keep sewers cleansed

32. The Corporation shall cause all sewers which shall at any time be vested in it to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, flushed, and emptied, and for the purpose of such clearing, cleansing, flushing and emptying the Corporation may construct or place, either above or underground, such reservoirs, sluices, engine and fittings as it may think necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as it may think proper, and may cause the sewage and refuse therefrom to be collected for sale, or for any purpose whatsoever, but not so as to create a nuisance.

[Section 32 amended by No. 39 of 1963 s.38; No. 100 of 1982 s.9; No. 25 of 1985 s.58; No. 73 of 1995 s.109.]

As to ventilators, etc.

33. For the purposes of ventilation, the Corporation may cause any ventilating shaft, pipe, or tube for any sewer or property sewer to be attached to any wall of any building. Provided that the mouth of every such shaft, pipe, or tube shall be at least 1.80 metres higher than any window or door situate within a distance of 9 metres therefrom; and also make use of the chimney of any public building or of any factory, or of any tramway building as a ventilating shaft or tube.

Provided that no ventilating shaft for the purpose of ventilating any sewer shall be attached to any private residence.

[Section 33 amended by No. 39 of 1963 s.39; No. 94 of 1972 s.4; No. 100 of 1982 s.10; No. 25 of 1985 s.58; No. 73 of 1995 s.109.]

[34. *Repealed by No. 110 of 1985 s.23.]*

**Artesian bores not to be sunk without approval of
Commission**

35. After the commencement of this Act it shall be unlawful for any person to sink an artesian bore, or increase the depth of any existing artesian bore, within the Area without the authority of the Commission, and the Supreme Court may, at the suit of the Commission, restrain any person by injunction from so doing.

*[Section 35 amended by No. 39 of 1963 s.41; No. 25 of
1985 s.58; No. 73 of 1995 ss.99 and 108.]*

PART VI — WATER SUPPLY

(1) The Supply and Distribution of Water

Land to be supplied with water

36. The owner or occupier of land in respect of which a water supply charge has been made for a period is entitled, as far as practicable and subject to this Act and the *Water Agencies (Powers) Act 1984*, to have water supplied to the land in that period by the Corporation.

[Section 36 inserted by No. 24 of 1987 s.21; amended by No. 73 of 1995 ss.109 and 111.]

Request for supply to rated land

37. Upon such terms as it thinks fit and are agreed upon, on receiving from the owner or occupier of any land referred to in section 36 a written request for a supply of water, the Corporation shall, as soon as conveniently may be, provide, lay down to the boundary of the land, and fix the communication pipe and fittings necessary for complying with such request.

[Section 37 amended by No. 39 of 1963 s.43; No. 83 of 1976 s.13; No. 100 of 1982 s.12; No. 25 of 1985 s.59; No. 24 of 1987 s.22; No. 73 of 1995 s.109.]

Supply to land not rated

38. (1) The owner or occupier of land not being land referred to in section 36 may, in writing, request the Corporation to supply water.

(2) In such case the Corporation may, if it thinks fit and upon such terms as it thinks fit and as are agreed upon, comply

with the request, and provide, lay down, and fix all necessary pipes and fittings for supplying water to such land.

[Section 38 amended by No. 39 of 1963 s.44; No. 100 of 1982 s.13; No. 25 of 1985 s.59; No. 24 of 1987 s.23; No. 73 of 1995 s.109.]

Corporation may supply meter and charge by measure

39. (1) The Corporation may cause a meter to be attached to any pipe on any land supplied with water under this Act.

(2) When a meter is so attached, the owner or occupier shall not receive a supply of water except by means of the meter, unless the Corporation consents to its removal, or to a supply of water to a part of the land otherwise than by means of the meter.

(3) The Corporation may charge the prescribed rent for the use of the meter, and the by-laws may prescribe a charge for fixing, removing, or replacing it and its fittings whenever in the opinion of the Corporation necessary, except that, in respect of each separately assessed piece of land on which there is at least one private residence, one meter of the prescribed size shall be free of any such rent or other such charge.

[Section 39 amended by No. 39 of 1963 s.45; No. 25 of 1985 s.59; No. 24 of 1987 s.24; No. 73 of 1995 ss.100 and 109.]

Record of meter to be *prima facie* evidence of water supplied

40. Whenever a meter is used —

- (1) the quantity of water shown by the index or register shall be taken *prima facie* to be the quantity of water which has actually passed through the meter and has been supplied; and

- (2) a certificate purporting to be signed by an officer of the Corporation stating the quantity so shown shall, in any proceeding in which the quantity of water is in question, be *prima facie* evidence of the quantity of water supplied.

Provided that in case of dispute a test shall be made by the Corporation, the cost of which shall be borne by the party found to be in error.

[Section 40 amended by No. 39 of 1963 s.46; No. 25 of 1985 s.59; No. 73 of 1995 s.109.]

[40A. Repealed by No. 24 of 1987 s.25.]

Water may be cut off from unoccupied premises

41. (1) The Corporation may turn or cut off or reduce the available rate of flow of the water supply to any land —

- (a) if the land to which water is supplied is unoccupied; or
- (b) when any water supply charges remain unpaid for 30 days after they become due; or
- (c) when any person refuses or neglects, after demand, to pay all water supply charges due and payable by that person to the Corporation; or
- (d) if the occupier refuses to permit a meter to be attached to any pipe on his land; or
- (e) if the occupier commits or permits any breach of any of the provisions of this Act or the by-laws.

(2) Turning or cutting off or reducing the available rate of flow of the water supply to land shall be a cumulative remedy for enforcing payment of moneys referred to in subsection (1), and

shall not relieve the owner or occupier from liability in respect thereof.

(3) Where under this section the Corporation has turned or cut off or reduced the available rate of flow of the water supply to land, the Corporation may, before restoring the water supply, require payment of the amount of such fees as the Corporation may from time to time determine in respect of —

- (a) the turning or cutting off or reduction; and
- (b) the restoration of the water supply.

(4) Where prior to 30 October 1981 the former Board reduced the available rate of flow of the water supply to land or demanded and received payment of any amount of money in respect of turning or cutting off or reducing the available rate of flow of the water supply to land or in respect of restoring the water supply to land, such reduction shall be deemed to have been lawfully effected and such money shall be deemed to have been lawfully demanded and received.

[Section 41 amended by No. 39 of 1963 s.47; No. 72 of 1981 s.2; No. 25 of 1985 ss.59 and 61; No. 110 of 1985 s.25; No. 24 of 1987 s.26; No. 73 of 1995 s.109.]

Provision for supplying groups of houses

42. The Corporation may supply a group of dwelling-houses by means of a stand-pipe or other prescribed fittings, and the Corporation shall be entitled to receive and recover water supply charges from the owners thereof in the same manner as if the supply had been distributed in each of the dwelling-houses in the ordinary manner.

[Section 42 amended by No. 39 of 1963 s.48; No. 25 of 1985 s.59; No. 24 of 1987 s.27; No. 73 of 1995 s.109.]

Supply to persons outside area

43. (1) The owner or occupier of land not situated within the Area may request the Corporation to supply water to such land.

(2) In each case the Corporation may comply with such request on such terms as it may think fit, and, if it complies, may construct all necessary works for supplying water to such land.

Provided that any land to which the Corporation supplies water under this section, and the owner or occupier of such land, shall thenceforth be subject to the provisions of this Act, as modified by such terms as aforesaid, in the same manner as if such lands were situated within the Area.

Provided further that the nature, size and description of the works, pipes, and fittings for supplying the land with water shall be entirely in the discretion of the Corporation.

[Section 43 amended by No. 39 of 1963 s.49; No. 25 of 1985 s.59; No. 73 of 1995 s.109.]

44. *Repealed by No. 41 of 1951 s.4 (3).*

Fire hydrants

45. (1) In this section, unless the context requires otherwise —

“Fire Brigades Act” means the *Fire Brigades Act 1942*;

“Fire Brigades Board” means the Western Australian Fire Brigades Board constituted pursuant to the Fire Brigades Act;

“fire district” means a fire district constituted as such by or pursuant to the provisions of the Fire Brigades Act;

“fire hydrant” means a fire-plug or fixed pillar hydrant;

“proclaimed day” means the day fixed by proclamation for the coming into operation of the *Acts Amendment (Fire Brigades Board and Fire Hydrants) Act 1951*³;

“re-instatement” means the filling in of ground opened up and the re-instating and making good of the paving of any street broken up in the course of installing or abolishing a fire hydrant, or keeping a fire hydrant in effective order.

(2) Subject to the provisions of the succeeding subsections of this section, the Corporation shall fix hydrants upon the main or other pipes within the Area, or abolish fire hydrants.

(3) The Fire Brigades Board may request the Corporation to instal or abolish a fire hydrant at such location in a fire district as the Fire Brigades Board specifies.

(4) A local authority may request the Corporation to instal or abolish a fire hydrant at such location in the district of the local authority elsewhere than in a fire district as the local authority specifies.

(5) So soon after receiving the request as is reasonably practicable, the Corporation shall comply with the request.

(6) The Corporation shall keep all fire hydrants in the Area in effective order.

(7) The Corporation on installing, abolishing, or keeping a fire hydrant in effective order, shall render to the Fire Brigades Board, where the fire hydrant is in a fire district, a statement of account of the cost to the Corporation of the labour and materials incurred in doing so, except the cost of re-instatement, and shall render to the local authority in whose district the work is done a statement of account of the cost to the Corporation of the labour and materials incurred in re-instatement.

(8) The Corporation on installing, abolishing or keeping a fire hydrant in effective order, shall render to the local authority, where the fire hydrant is in the district of the local authority but elsewhere than in a fire district, a statement of the cost to the Corporation of the labour and materials in doing so, including that of re-instatement.

(9) In the event of non-payment of the amount shown in a statement of account rendered pursuant to the provisions of subsections (7) and (8) of this section it shall be recoverable from the Fire Brigades Board or the local authority to whom the statement is rendered at the suit of the Corporation in a court of competent jurisdiction as a debt due.

(10) The property in fire hydrants, whether installed before, on, or after the proclaimed day, shall —

if the fire hydrant is in a fire district, whether constituted wholly or partly before, on, or after the proclaimed day, vest in the Fire Brigades Board as owner;

if the fire hydrant is in the district of a local authority but elsewhere than in a fire district, vest in the local authority as owner.

(11) The Corporation shall on installing, abolishing or keeping a fire hydrant in effective order deposit the keys of the fire hydrant at such station as shall be specified —

by the Fire Brigades Board where the fire hydrant is in a fire district;

by the local authority where the fire hydrant is in the district of the local authority elsewhere than in a fire district.

(12) A person having the possession or control of the keys to a fire hydrant shall at the request of the Corporation deliver them to such person at such time as the Corporation specifies.

[Section 45 inserted by No. 41 of 1951 s.4; amended by No. 39 of 1963 s.50; No. 100 of 1982 s.14; No. 25 of 1985 s.62; No. 73 of 1995 s.109.]

[46. *Repealed by No. 73 of 1995 s.101.]*

(2) *The Protection of Works and Prevention of Waste*

Duty to keep fittings in repair

47. Every person supplied with water under this Act shall keep the service or communication pipe and all prescribed fittings within or attached to his land in good repair, so as to effectually prevent the water from running to waste.

[48. *Repealed by No. 110 of 1985 s.26.*]

Power to enter and examine whether water is wasted, etc.

49. (1) Any officer of the Corporation may, at all reasonable times, enter upon any land to which water is supplied under this Act, and may examine and ascertain —

- (a) what quantity of water has been consumed there;
- (b) whether there has been or is any waste, misuse, fouling, or contamination of the water; and
- (c) whether all fittings, with the materials and mode of arrangement thereof, used or intended to be used are in accordance with the by-laws, and in proper order and repair.

(2) When a fitting is not in accordance with the by-law, or is out of proper order and repair, the officer of the Corporation may repair or remove it, and if necessary substitute others in its stead, or may alter the mode of arrangement, as the case requires.

(3) Any expense incurred by the Corporation in that behalf shall, on demand, be repaid by the owner or occupier of the land, and if not repaid on demand may be recovered by the

Corporation in the same manner in which water charges may be recovered.

[Section 49 amended by No. 39 of 1963 s.53; No. 25 of 1985 s.59; No. 24 of 1987 s.28; No. 73 of 1995 s.109.]

Protection of fittings

50. (1) No person shall remove, alter, repair, renew, or uncover any pipe or other fitting which is the property of the Corporation until the prescribed notice has been given to the Corporation, and the consent of the Corporation in writing obtained.

(2) No such pipe or fitting shall be subject or liable to be seized or taken in execution by process of law, or under distress for rent.

[Section 50 amended by No. 39 of 1963 s.54; No. 25 of 1985 s.59; No. 73 of 1995 s.109.]

Construction over water mains prohibited without consent of Corporation

50A. (1) A person shall not, without the prior consent of the Corporation, erect, construct or place any building, wall, fence or obstruction in, upon, under or within the prescribed proximity to a main or reticulation pipe of the Corporation used for the purposes of water supply and then only upon and subject to such terms and conditions as the Corporation thinks fit to impose for the protection of the pipe from interference or damage.

Penalty: \$2 000 and in the case of a continuing offence, a further penalty not exceeding \$200 for each day the offence continues after the Corporation serves notice of the offence on the offender.

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(2) The Corporation may demolish and remove any building, wall, fence or obstruction which is erected, constructed or placed in contravention of subsection (1) and which interferes with or injuriously affects a pipe in the supply of water, and perform any works necessary for restoring or reinstating the pipe.

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

*[Section 50A inserted by No. 110 of 1985 s.27;
amended by No. 73 of 1995 s.109.]*

Power to enter on land and fix fittings

51. (1) Any person authorized by the Corporation may at all reasonable times enter upon any land to which water is or is intended to be supplied under this Act, and may place and fix thereon and attach thereto, wherever the Corporation thinks proper, such fittings as the Corporation may think expedient, and may do all other acts and execute all other works which the Corporation may think fit.

(2) Any person so authorized may at all reasonable times enter upon such lands and examine, remove, repair, alter or replace all or any of such fittings.

[Section 51 amended by No. 39 of 1963 s.55; No. 25 of 1985 s.59; No. 73 of 1995 s.109.]

Penalty for using unauthorized fittings

52. If any person supplied with water by the Corporation does any of the following things for the purpose of taking water in a manner not authorized by this Act, that is to say —

- (a) uses in, places upon or attaches to the land, or permits to be so used, placed, or fitted, any fitting,

instrument, or thing not authorized by or under by-laws made under the power conferred by section 34 (3) (k) of the *Water Agencies (Powers) Act 1984*; or

- (b) alters, misuses, injures, or removes any authorized fitting, except for the purpose of necessary repair,

he shall forfeit and pay to the Corporation a sum not exceeding \$2 000, and shall, in addition, be liable to pay to the Corporation any damages sustained by the Corporation in respect of any injury done to its property, and the value of any water wasted, misused, or unduly consumed.

[Section 52 amended by No. 39 of 1963 s.56; No. 14 of 1967 s.17; No. 25 of 1985 s.59; No. 110 of 1985 s.35; No. 73 of 1995 ss.102 and 109.]

Penalty for not repairing fittings

53. If any person supplied with water by the Corporation causes or suffers any pipe, receptacle, fitting, or other apparatus used in connection with water supplied to him by the Corporation to be out of repair without repairing it within a reasonable time, or to be so used or contrived that the water supplied to him by the Corporation is, or is likely to be wasted, misused, unduly consumed, or contaminated so as to allow the return of foul air or any noisome or impure matter into a pipe belonging to the Corporation, or connected with any such pipe, he shall forfeit and pay to the Corporation a sum not exceeding \$1 000, and \$100 for every day during which such default shall continue.

[Section 53 amended by No. 39 of 1963 s.57; No. 14 of 1967 s.18; No. 25 of 1985 s.59; No. 110 of 1985 s.35; No. 73 of 1995 s.109.]

Penalty for destroying valves, etc.

54. If any person, not being authorized by the Corporation —

- (a) wilfully or carelessly breaks, injures, opens or shuts, or wilfully permits to be broken, injured, opened or shut, any lock, sluice, cock, valve, pipe, or other authorized fitting, or any work belonging to the Corporation; or
- (b) flushes or draws off the water from any waterworks of the Corporation; or
- (c) does any other wilful act, or wilfully permits to be done any act whereby such water is wasted,

he shall forfeit and pay to the Corporation a sum not exceeding \$2 000, and shall, in addition, be liable to pay to the Corporation any damage sustained in respect thereof, as well as for the value of the water wasted as in repairing the fittings or other parts of the works; and the amount of such damage shall be ascertained, determined, and recovered in the same manner as such forfeited sum.

[Section 54 amended by No. 39 of 1963 s.58; No. 14 of 1967 s.19; No. 25 of 1985 s.59; No. 110 of 1985 s.35; No. 73 of 1995 s.109.]

Penalty for taking, etc., water in contravention of this Act

55. If any person uses or consumes, or permits to be used or consumed, any water belonging to the Corporation, contrary to the provisions of this Act or the by-laws, he shall forfeit and pay to the Corporation a sum not exceeding \$1 500.

[Section 55 amended by No. 39 of 1963 s.59; No. 14 of 1967 s.20; No. 25 of 1985 ss.59 and 63; No. 110 of 1985 s.35; No. 73 of 1995 s.109.]

Fraudulent taking of water

56. Any person who fraudulently takes or causes to be taken any water belonging to the Corporation from a reservoir, main, or pipe belonging to or vested in the Corporation, or from any pipe leading to or from any such reservoir, main, or pipe, is guilty of a misdemeanour.

Penalty: \$2 000 or imprisonment for a term of 2 years, or both.

[Section 56 amended by No. 39 of 1963 s.60; No. 25 of 1985 ss.59 and 64; No. 110 of 1985 s.28; No. 73 of 1995 s.109.]

Other consequences of contravening this Act or the by-laws

57. If any person supplied with water by the Corporation —

- (a) does or causes or permits to be done anything in contravention of the provisions of this Act or of the by-laws; or
- (b) omits to do, or prevents being done, anything which under any of those provisions ought to be done for the prevention of the waste, misuse, or undue consumption of water,

the Corporation may (without prejudice to any other remedy against such person) cut off any of the pipes by or through which water is supplied by the Corporation to him or for his use, and may discontinue the supply of water to him so long as the cause of injury remains or is not remedied; but such cutting off shall not affect or take away his liability to payment of water supply charges.

[Section 57 amended by No. 39 of 1963 s.61; No. 25 of 1985 s.59; No. 24 of 1987 s.29; No. 73 of 1995 s.109.]

(3) *The Protection of Underground Water*

[Heading inserted by No. 11 of 1970 s.4.]

Constituting of Underground Water Pollution Control Areas

57A. (1) The Governor may, on the recommendation of the Commission, by proclamation constitute and declare any part or parts of the Area to be an Underground Water Pollution Control Area with such name and from such date subsequent to the proclamation as may be specified therein.

(2) The Governor may, on the recommendation of the Commission, by subsequent proclamation, extend or reduce any pollution area, change the name of or abolish any pollution area.

[Section 57A inserted by No. 11 of 1970 s.4; amended by No. 25 of 1985 s.59; No. 73 of 1995 s.108.]

By-laws

57B. (1) The Commission may make by-laws for all or any of the following purposes —

- (a) protecting the purity of underground water within any pollution area for the supply of water under this Act;
- (b) controlling, regulating, limiting or prohibiting, on lands, anywhere within a pollution area or within any specified part or parts thereof, the placing or discharging on, onto, or into the ground therein of anything that is liable to effect detrimentally the purity of underground water in the pollution area either directly or indirectly.

(2) The by-laws may be so made as to apply within the whole of a pollution area or within such part or parts thereof as may be specified in the by-law.

(3) The by-laws may provide that any act or thing shall be done with the approval or to the satisfaction of a specified person or class of persons and may confer upon a specified person or class of persons a discretionary authority.

(4) The by-laws may impose a penalty not exceeding \$200 for any breach thereof and in the case of a continuing breach a penalty not exceeding \$10 for each day the breach continues after the Commission serves notice of the breach on the offender.

[Section 57B inserted by No. 11 of 1970 s.5; amended by No. 25 of 1985 s.59; No. 73 of 1995 s.108.]

Power of Commission to grant dispensation from by-laws

57C. (1) Nothing in any by-law prevents the Commission, if it thinks fit, from granting to any person, upon his application to the Commission, a dispensation from observance of any by-law.

(2) Any dispensation granted by the Commission under this section may be —

- (a) subject to such terms and conditions as the Commission thinks fit;
- (b) cancelled by notice in writing given by the Commission to the person to whom it is given; or
- (c) altered by a like notice and the terms and conditions to which it is subject may also, in like manner, be cancelled or altered.

[Section 57C inserted by No. 11 of 1970 s.6; amended by No. 25 of 1985 s.59; No. 73 of 1995 s.108.]

Appeal against refusal to grant dispensation or alteration thereof

57D. (1) Any person may appeal to a Local Court established under the *Local Courts Act 1904* held at any place within the Area against —

- (a) a refusal by the Commission to grant him a dispensation from observance of any by-law; or
- (b) the terms and conditions to which any dispensation granted by the Commission is subject or the cancellation or alteration of such a dispensation or the cancellation or alteration of such terms and conditions.

(2) An appeal under this section shall be commenced by the appellant giving to the Commission and to the Clerk of the Local Court to which the appeal is made a written notice of the appeal and setting out therein the grounds of the appeal.

(3) On such an appeal, the Local Court —

- (a) shall, as it thinks just, either confirm or rescind the decision of the Commission appealed against or alter it to give effect to the contention of the appellant so far as that contention appears well founded;
- (b) has all the powers vested in it in its ordinary civil jurisdiction; and
- (c) may make such order, as it thinks just for the payment of the costs of the appeal, and may determine the amount thereof,

and for the purposes of this section the Court fees set out in item 32 of the Table of Court Fees in the appendix to the *Local Court Rules 1961*, apply.

(4) The payment of any costs ordered to be paid pursuant to this section may be enforced in the same manner as a judgment of the Local Court.

(5) The decision of the Local Court on any appeal under this section, is final.

*[Section 57D inserted by No. 11 of 1970 s.7; amended
by No. 25 of 1985 s.59; No. 73 of 1995 s.108.]*

Constituting Public Water Supply Areas

57E. (1) The Governor may, on the recommendation of the Commission, by proclamation constitute and declare any part or parts of the Area to be a Public Water Supply Area with such name and from such date subsequent to the proclamation as may be specified therein.

(2) The Governor may, on the recommendation of the Commission, by subsequent proclamation, extend or reduce any Public Water Supply Area, change its name or abolish the Area.

(3) (a) Before presenting a recommendation to the Governor pursuant to the provisions of this section the Commission shall cause the proposed recommendation to be laid before each House of Parliament.

(b) Either House of Parliament may pass a resolution rejecting the proposed recommendation, of which resolution notice has been given within 14 sitting days of such House after the proposed recommendation has been laid before it, whether or not the 14 days or some of them occur in the same session of Parliament or during the Same Parliament as that in which the proposed recommendation is laid before the House.

(c) The Commission shall not present to the Governor a recommendation pursuant to the provisions of this section which —

(i) has not been laid before each House of Parliament;

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- (ii) is before either House of Parliament and is subject to rejection; or
- (iii) has been rejected.

[Section 57E inserted by No. 43 of 1972 s.7; amended by No. 25 of 1985 s.59; No. 73 of 1995 s.108.]

Power to take water

57EA. (1) Subject to subsection (2), the Corporation may take any water found under land within a Public Water Supply Area.

(2) The Corporation shall not exercise the power conferred by subsection (1) in relation to water from —

- (a) an artesian well (as defined in the *Rights in Water and Irrigation Act 1914*); or
- (b) a non-artesian well (as defined in that Act) within an area proclaimed under section 26B of that Act,

except under the authority of a licence issued under section 26D of that Act.

[Section 57EA inserted by No. 83 of 1976 s.14; amended by No. 25 of 1985 s.59; No. 73 of 1995 s.103.]

Wells to be licensed

57F. (1) Subject to subsection (2) of this section, a person shall not, except for or on behalf of the Crown, or pursuant to a licence issued for the purpose under section 57G, commence, construct, enlarge, deepen, alter or draw water from any well that is within a Public Water Supply Area or cause, suffer or permit any of those things to be done contrary to this subsection.

(2) Where any work that would be required under subsection (1) of this section to be done pursuant to a licence if the work were done in a Public Water Supply Area —

- (a) has been commenced before the date of the publication in the *Government Gazette* of the proclamation constituting and declaring the area wherein such work was commenced to be a Public Water Supply Area; and
- (b) has not been completed by that date,

the owner of the land on which the work is to continue shall, within 2 months after that date, apply for a licence for that work under section 57G of this Act.

(3) Where an existing well is, by operation of a proclamation made under section 57E of this Act, brought within a Public Water Supply Area, the owner of the land upon which the well is situate shall, within 2 months of the date of the publication of the proclamation in the *Government Gazette*, apply under section 57G of this Act, for a licence to draw water from that well.

(4) A person —

- (a) who contravenes or fails to comply with a provision of this section; or
- (b) who, being engaged for the purpose of carrying out any work for which a licence is required under this section carries out or commences any such work for which a licence has not been issued or causes, suffers or permits any such work to be so carried out or commenced,

commits an offence against this Act.

Penalty: \$200 and in the case of a continuing offence, to a further fine of \$10 for each day upon which the offence continues after conviction.

[Section 57F inserted by No. 43 of 1972 s.8.]

Licences and issuing thereof

57G. (1) An application for a licence referred to in section 57F of this Act —

- (a) shall be made to the Commission in the prescribed form;
- (b) shall be accompanied, if the application relates to the construction of a well or for the deepening, enlargement or alteration of a well, by the prescribed plans and specifications of the construction, deepening, enlargement or alteration of the well; and
- (c) shall be accompanied by a statement of the purposes for which the water from the well is to be used or is being used.

(2) The Commission may —

- (a) issue a licence to the applicant, in the prescribed form, subject to such terms, limitations and conditions, as it thinks fit;
- (b) before granting a licence, require such alterations to be made in, or in connection with, the work to which the application relates or the plans and specifications accompanying the application, as it thinks fit;
- (c) refuse a licence; or

- (d) from time to time, after giving the holder of the licence an opportunity to be heard, suspend or amend a licence or revoke a licence.

(3) A licence —

- (a) except during the period of suspension thereof, shall, subject to subsection (6) of this section, be in force until it is revoked;
- (b) shall be issued for and in respect of the well or proposed well specified therein;
- (c) shall be deemed for the purposes of this Act to be held by the owner of the land whereon the well is sunk or is proposed to be sunk, and shall operate for the benefit of —
 - (i) such owner where he is the occupier of that land or the occupier of that land where the owner thereof is not the occupier; and
 - (ii) the occupier of any land contiguous to the first mentioned land who, by agreement with any such holder, is entitled under that agreement to draw water from the well.

(4) Subject to subsection (5) of this section, no deepening or enlarging of a well specified in a licence shall be made during the currency of the licence, nor shall the water from the well be used for purposes other than those authorized by the licence.

(5) During the currency of a licence issued under this section —

- (a) application may be made to the Commission by the holder of the licence for the licence to be amended to permit alterations to be made to the well specified therein or to alter the terms, limitations, or conditions to which the licence is subject and the application

shall, with such modifications as circumstances require, be made and dealt with in the manner provided in this section in respect of an application for a licence in the first instance; and

- (b) works may be carried out by the holder of the licence on the well specified therein if the works are necessary for the maintenance of the well or are occasioned by any unforeseen emergency, but written notice of the works shall be given to the Commission by the holder of the licence within 7 days after the works are commenced.

(6) When the construction of a well or alteration thereof is not completed within a period of 2 years from the date of the licence or amendment thereof permitting the construction or alteration —

- (a) the licence or amendment of the licence shall be deemed to have been revoked; and
- (b) an application shall be made for, and a licence obtained, to permit such construction or alteration before the construction or alteration is commenced or completed, as the case may require,

and the application shall, with such modifications as circumstances require, be dealt with in the manner provided in this section in respect of an application for a licence in the first instance.

(7) A person who is aggrieved by any decision of the Commission made under this section, section 57H or 57I of this Act, may appeal against the decision, and the provisions of section 57D of this Act shall, with such modifications as circumstances require, apply to an in relation to, the appeal.

[Section 57G inserted by No. 43 of 1972 s.9; amended by No. 25 of 1985 s.59; No. 73 of 1995 s.108.]

Conditions of licence to be complied with

57H. (1) Where the holder of a licence issued under section 57G of this Act fails to comply with all or any of the terms, conditions or limitations to which the licence is subject, the Commission may, by instrument in writing served on the holder, direct him to comply with all or such of those terms, conditions or limitations as are specified in the instrument within the time so specified.

(2) Where a person on whom there has been served an instrument under subsection (1) of this section does not, within the period specified in the instrument, comply with the direction, the Commission may do all or any of the things required by the direction to be done.

(3) Costs and expenses incurred by the Commission under subsection (2) of this section are a debt due to the Commission by the person referred to in that subsection and are recoverable in a court of competent jurisdiction.

[Section 57H inserted by No. 43 of 1972 s.10; amended by No. 25 of 1985 s.59; No. 73 of 1995 s.108.]

Maintenance of well by holder of licence

57I. (1) The holder of a licence issued under section 57G of this Act shall maintain the well to which the licence relates in good condition and repair and if the holder fails to so maintain the well, the Commission may revoke, suspend or amend the licence as it thinks fit.

(2) Where at any time the Commission considers that water drawn from a well within a Public Water Supply Area is being improperly or wastefully used, or that water is being drawn from such a well in such a manner or in such quantities as to substantially affect the use by users or future users of underground water in that area, the Commission may suspend, amend or revoke the licence relating to the firstmentioned well.

[Section 57I inserted by No. 43 of 1972 s.11; amended by No. 25 of 1985 s.59; No. 73 of 1995 s.108.]

PART VII — SEWERAGE

[Heading amended by No. 33 of 1955 s.13.]

Owners and occupiers to make property sewers to public sewers

58. (1) As soon as any sewer, or any part thereof, is completed and ready for use, the Corporation may, by notice in writing, demand that the owner or occupier of any land situated within the district and capable, in the opinion of the Corporation, of being drained into such sewer shall construct such property sewers and fittings from and in connection with such land to communicate with such sewer, as the Corporation may determine.

(2) Such property sewers and fittings shall be made and attached and be supplied with water according to such plans and directions as the Corporation shall deem proper for effectually carrying off all impurities from the said land.

[Section 58 amended by No. 39 of 1963 s.62; No. 100 of 1982 s.15; No. 25 of 1985 s.65; No. 73 of 1995 s.109.]

Corporation may make property sewers and attach ventilators in default of compliance with orders

59. (1) The Corporation may, after giving the prescribed notice to the owner or occupier of any land, require such property sewers and fittings to be constructed by such owner or occupier within such time as it may limit in that behalf; and may require ventilating shafts, pipes, or tubes to be attached to any building, or erected apart from or otherwise than attached to any building, and to be connected with the property sewers.

(2) If the same shall not be constructed within such time or according to such plans and directions as the Corporation shall deem proper, the Corporation may construct, and attach the

same; and for that purpose may enter into or upon the land of any such owner or occupier, and excavate the ground, and make, construct, and attach such property sewers and fittings, and may attach and connect such ventilating shafts, pipes, or tubes as aforesaid.

(3) The Corporation may in any such case recover from every such owner or occupier, by the like proceedings and with the like remedies other than distress against the goods and chattels of the occupier as if such expenses were a water charge, the full amount of the expenses of making such property sewers or fittings, or attaching or connecting such ventilating shafts, pipes, or tubes.

[Section 59 amended by No. 39 of 1963 s.63; No. 100 of 1982 s.16; No. 25 of 1985 s.65; No. 24 of 1987 s.30; No. 73 of 1995 s.109.]

Cost of property sewers by whom payable

60. The cost of providing, laying down, constructing and fixing in readiness for use such property sewers and fittings shall, as between the owner and occupier of the land, be payable by the owner.

[Section 60 amended by No. 100 of 1982 s.17.]

Persons liable for payment for compulsory drainage may agree to pay by deferred payments

61. (1) Where any owner or occupier of any land becomes liable to the Corporation for the expenses of making property sewers or fittings, or attaching or constructing ventilating shafts, pipes, or tubes, the Corporation may, upon the application of such owner or occupier enter into an agreement with such owner or occupier for the payment of such expenses and any costs incurred by the Corporation in relation to such works, in not

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more than 24 quarterly instalments from the date of the completion of the work.

(2) Interest payable at the rate and in the manner prescribed in the by-laws on the amount remaining to be paid shall be added to each instalment, and such payments shall be charged upon the land in respect of which such works have been carried out, and may be recovered from any owner of such land with costs.

(3) The obligation of any occupier under an agreement made pursuant to this section shall cease in respect of any instalments becoming due thereunder after his tenancy shall have determined, but without prejudice to the right of the Corporation to recover such instalments from the owner.

[Section 61 amended by No. 39 of 1963 s.64; No. 100 of 1982 s.18; No. 25 of 1985 s.65; No. 73 of 1995 s.109.]

Power of Corporation to construct sewer for land not rated under Act

61A. (1) The owner or occupier of land not being land in respect of which a sewerage charge has been made may, in writing, require the Corporation 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 Corporation may, if it thinks fit and upon such terms as it thinks fit and as are agreed upon, comply with the request and construct a sewer or the connection, as the case may be.

[Section 61A inserted by No. 14 of 1967 s.21; amended by No. 100 of 1982 s.19; No. 25 of 1985 s.65; No. 24 of 1987 s.31; No. 73 of 1995 s.109.]

[62. *Repealed by No. 110 of 1985 s.29.]*

Property sewers to be cleansed

63. (1) All property sewers and fittings communicating with any sewer shall from time to time be repaired and cleansed, under the inspection or direction of the Corporation, at the expense of the owner or occupier of the land in respect of which the said property sewers shall have been constructed; and in case any such owner or occupier shall neglect to repair or cleanse any such property sewer according to the direction of the Corporation, he shall, upon conviction, for every such offence, forfeit and pay a penalty not exceeding \$1 000.

(2) Subject to any agreement between the owner and occupier of any premises, the cost of repairing property sewers and fittings shall, as between the owner and occupier, be payable by the owner, and the cost of cleansing property sewers shall, as between the owner and occupier, be payable by the occupier.

[Section 63 amended by No. 39 of 1963 s.66; No. 14 of 1967 s.23; No. 100 of 1982 s.21; No. 25 of 1985 s.65; No. 110 of 1985 s.35; No. 73 of 1995 s.109.]

Notice to be given to Corporation before commencing or continuing sanitary work

64. (1) The owner or occupier of any land in or on which it is proposed to construct any property sewer or to construct or alter any closet or urinal or work of a sanitary nature, communicating with the sewers of the Corporation, shall, before the commencement of the work, give notice thereof, in writing, to the Corporation, and send to the Corporation 2 copies of a plan of the proposed work, together with the prescribed fee for examining the plan.

(2) The Corporation shall, within 7 days after the receipt of the plan and prescribed fee, return a copy of the plan with such directions indorsed thereon as may be thought fit.

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If the owner or occupier —

- (a) commences or causes to be commenced the construction or alteration of any work as aforesaid without giving such notice or without furnishing the plan as aforesaid; or
- (b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the work before the expiration of the 7 days abovementioned, and before the plan has been returned by the Corporation; or
- (c) fails to follow the directions indorsed on the plan,

he shall be liable to a penalty not exceeding \$80, and any work constructed or altered contrary to or not in accordance with the said directions may be removed by the Corporation, and the expenses of the removal may be recovered by the Corporation from the owner or occupier.

Provided that the above provisions of this section shall not apply in a case where the Corporation declares, in writing under its seal, that it is satisfied that an emergency had arisen which rendered it necessary or desirable that the work should be constructed or altered before the directions of the Corporation could be obtained, and that notice was given and a plan was furnished as soon as practicable.

(3) If the construction or alteration of a work to which this section applies is suspended for a month, 2 clear days' notice of the resumption thereof shall be given by the owner or occupier to the Corporation.

(4) If the owner or occupier resumes the construction or alteration of a work as aforesaid, or causes it to be resumed,

without giving notice as aforesaid, or before the expiration of the time hereinbefore mentioned, he shall be liable to a penalty not exceeding \$40.

[Section 64 amended by No. 39 of 1963 s.67; No. 14 of 1967 s.24; No. 100 of 1982 s.22; No. 25 of 1985 s.65; No. 73 of 1995 s.109.]

Inspection by Corporation

65. Where any property sewer is made to communicate with any sewer, any engineer, surveyor, or other person authorized by the Corporation may enter upon any house, tenement, or land and inspect such property sewer, and in the event of the same being found to be improperly laid, the Corporation may cause the same to be properly laid at the expense of the owner of such property sewer. Such expense may be recovered in like manner as penalties are recoverable under this Act.

[Section 65 amended by No. 39 of 1963 s.68; No. 100 of 1982 s.23; No. 25 of 1985 s.65; No. 73 of 1995 s.109.]

Construction over sewers prohibited without prior consent of Corporation

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

- (a) erect, construct or place any building, wall, fence or obstruction in, upon, over, under or within the prescribed proximity to a sewer and then only upon and subject to such terms and conditions as the Corporation 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: \$2 000, and in the case of a continuing offence, a further penalty not exceeding \$200 for each day the offence continues after the Corporation serves notice of the offence on the offender.

(2) The Corporation 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, 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 Corporation 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.

[Section 66 inserted by No. 14 of 1967 s.25; amended by No. 100 of 1982 s.24; No. 25 of 1985 s.65; No. 110 of 1985 s.35; No. 73 of 1995 s.109.]

Inspection of communicating property sewers

67. Any person acting under the authority of the Corporation may at all reasonable times enter into or upon any land having a property sewer communicating with the sewers of the Corporation; to examine if there is any communication with any other property sewer or sewer into any land; and if such person is at such time refused admittance or on being admitted is obstructed or prevented from making such inspection and examination as aforesaid, the occupier shall be liable to a penalty not exceeding \$1 500.

[Section 67 amended by No. 39 of 1963 s.70; No. 14 of 1967 s.26; No. 100 of 1982 s.25; No. 25 of 1985 s.65; No. 110 of 1985 s.35; No. 73 of 1995 s.109.]

Penalty for giving use of property sewer without permission

68. If any person supplied with a property sewer in pursuance of this Act, or having any property sewer or sewer which may communicate with the sewers of the Corporation, permits any other person not having the authority or consent of the Corporation to use any such property sewer or any branch into the same, every person so offending shall forfeit for every such offence a sum not exceeding \$1 000 over and above the full amount of the damage sustained by the Corporation by the acts or means in respect of which such penalty shall be incurred, and the Corporation shall be at liberty to cut off from the main sewer the property sewer of every such person so offending.

[Section 68 amended by No. 39 of 1963 s.71; No. 14 of 1967 s.27; No. 100 of 1982 s.26; No. 25 of 1985 s.65; No. 110 of 1985 s.35; No. 73 of 1995 s.109.]

Penalty for destroying sewers and fittings

69. Every person, who, not being authorized by the Corporation, wilfully or carelessly breaks, injures, or opens, or permits to be broken, injured, or opened any sewer, property sewer, or fitting, or any other work, shall for every such offence be liable to a penalty not exceeding \$2 000, besides the amount of the expense to which the Corporation may be put in respect thereof in repairing such sewer, property sewer, fitting, or work, and the amount of such expense shall be ascertained, determined, and recovered in the same manner as such forfeited sum.

[Section 69 amended by No. 39 of 1963 s.72; No. 14 of 1967 s.28; No. 100 of 1982 s.27; No. 25 of 1985 s.65; No. 110 of 1985 s.35; No. 73 of 1995 s.109.]

[69A. Repealed by No. 100 of 1982 s.28.]

Power to construct common property sewer

70. (1) Where in the opinion of the Corporation several portions of land in the separate occupation of several persons may be served effectively by a common property sewer, the Corporation may, pursuant to section 59 of this Act, give the notice therein referred to, to the owner or occupier of the several portions of land.

(2) Where the Corporation gives a notice pursuant to subsection (1) of this section, the provisions of this Act in general and section 59 of this Act in particular, with such modifications as circumstances require, apply to the common property sewer.

(3) Where several portions of land in the separate occupation of several persons are served by one common property sewer, such several portions of land shall be liable to the payment of the same sewerage charges as they would have been liable to if each of such several portions of land had been connected with the sewer of the Corporation by a separate property sewer, and the costs and charges of repairing and cleansing such common property sewer by or under the direction of the property sewer by or under the directions of the Corporation shall be equally borne by and between each of the owners or occupiers of such several portions of land.

(4) The Corporation may discontinue the use of a property sewer as a common property sewer by giving notice in writing to the owner or occupier of each of the several portions of land that are served by the common property sewer, if prior to the giving of the notice provision has been made for the several portions of land to be otherwise served in accordance with this Act.

[Section 70 amended by No. 39 of 1963 s.73; No. 14 of 1967 s.29; No. 100 of 1982 s.29; No. 25 of 1985 s.65; No. 24 of 1987 s.32; No. 73 of 1995 s.109.]

[71. *Repealed by No. 100 of 1982 s.30.*]

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[PART VIIA. *Repealed by No. 100 of 1982 s.31.]*

[71A, 71B, 71C, 71D, 71E. *Repealed by No. 100 of 1982
s.31.]*

[PART VIIB. *Repealed by No. 37 of 1982 s.7.]*

[71F, 71G, 71H, 71I, 71J, 71K, 71L. *Repealed by No. 37
of 1982 s.7.]*

**PART VIII — LIABILITY FOR AND RECOVERY OF
WATER CHARGES**

[Heading inserted by No. 24 of 1987 s.33.]

[Division (1) Heading Repealed by No. 37 of 1982 s.8.]

[72. Repealed by No. 37 of 1982 s.8.]

[Division (2) Heading Repealed by No. 37 of 1982 s.8.]

*[73, 74, 74A, 75, 75A, 76 — 84. Repealed by No. 37 of
1982 s.8.]*

[Division (3) Heading Repealed by No. 37 of 1982 s.8.]

[85, 86, 86A, 87 — 89, 89A. Repealed by No. 37 of 1982 s.8.]

[Divisions (4) and (5). Repealed by No. 24 of 1987 s.34.]

[Division (6) Heading Repealed by No. 24 of 1987 s.34.]

(i) Generally

Who is liable for charges

103. (1) The amount of any water charges made in respect of land is payable to the Corporation by the owner of the land but, at the option of the Corporation may instead in the first instance be recovered from the occupier of the land.

[(2) repealed]

(3) Unless the Crown is the owner, the amount of any water charges, not being charges according to the quantity of water supplied, paid by an occupier shall, in the absence of special agreement to the contrary, be afterwards recoverable by the occupier from the owner; and a receipt for any such amount so paid may be tendered to and shall be accepted by the owner in satisfaction, to the extent of the amount specified in the receipt, of any rent due to the owner; and the amount of any charges according to the quantity of water supplied and paid by an owner shall, in the absence of special agreement to the contrary, be deemed to be rent due and owing by the occupier to the owner in respect of the land, in addition to any other rent so due and owing, and shall be recoverable as such.

(4) Except where a special agreement to the contrary otherwise provides, the provisions of subsection (3) of this section do not derogate from section 155 of this Act.

[Section 103 amended by No. 39 of 1963 s.104; No. 14 of 1967 s.46; No. 43 of 1972 s.15; No. 37 of 1982 s.18; No. 25 of 1985 s.67; No. 24 of 1987 s.35; No. 73 of 1995 s.109.]

Payment by mortgagee

104. If a mortgagee of land pays the amount of any water charges made in respect of the land, which may include any interest due thereon, the amount so paid shall be added to, and deemed to be part of, the principal moneys advanced by him under the mortgage, and shall be recoverable as such, with interest, accordingly.

[Section 104 inserted by No. 24 of 1987 s.36.]

Charges apportioned on the occupier, etc., quitting

105. (1) When an owner or occupier ceases to be the owner or occupier of the land in respect whereof a water charge, not being

a charge according to the quantity of water supplied, is made, before the end of the period in respect of which such charge is made, such owner or occupier shall, as between himself and the succeeding owner or occupier, be liable to pay a portion only of the charge payable for the whole of such period proportionate to the time during which he continued to be the owner or occupier, and any person who is the owner or occupier of the land during the remainder of the period shall be liable to pay a portion of such charge in proportion to the time during which he is such owner or occupier.

(2) Notwithstanding subsection (1) of this section, a water charge made in respect of any land in relation to which there has been a change in ownership or occupation is recoverable from, and payment thereof may be enforced against the owner or occupier for the time being as if no change had taken place in the ownership or occupation.

[Section 105 amended by No. 37 of 1982 s.20; No. 24 of 1987 s.37.]

Apportionment of charges not to affect entitlement to water in respect of charges paid

105A. Where an owner or occupier ceases to be the owner or occupier of land in respect whereof a water charge, not being a charge according to the quantity of water supplied, is made, before the end of the period in respect of which that charge is made —

- (a) any quantity of water which is entitled to be received in respect of the charge is not apportionable between that owner or occupier and the succeeding owner or occupier in the manner in which the charge is apportionable pursuant to section 105 of this Act; and
- (b) the succeeding owner or occupier is entitled to receive, in respect of the charge, the portion, if any, of a quantity of water referred to in paragraph (a), that

has not been consumed when the change in ownership or occupation takes place.

[Section 105A inserted by No. 14 of 1968 s.6; amended by No. 24 of 1987 s.38.]

Apportionment of water supplied

105B. Where —

- (a) during a period for which a water supply charge is to be made according to the quantity of water supplied, a person ceases to be the owner or occupier of the land concerned; and
- (b) the Corporation is not notified by either the person who ceases to be the owner or occupier of the land concerned or the person subsequently becoming the owner or occupier of the change in ownership or occupation within 14 days after it occurs,

the Corporation may, by an officer authorized in that behalf, apportion the quantity of water supplied between each of the persons concerned as it sees fit and a charge for the water apportioned to him shall be payable by each of those persons as if it were a charge for a measured quantity of water.

[Section 105B inserted by No. 24 of 1987 s.39; amended by No. 73 of 1995 s.109.]

Persons liable to be resorted to in succession

106. An unsatisfied judgment or order of any court for the recovery of any water charges from any person shall not be a bar to the recovery thereof from any other person liable for the payment thereof.

[Section 106 amended by No. 14 of 1967 s.48; No. 37 of 1982 s.22; No. 24 of 1987 s.40.]

[107, 108. *Repealed by No. 24 of 1987 s.41.*]

How charges may be recovered

109. The amount payable to the Corporation in respect of any water charges, or interest due thereon, shall be recoverable either by complaint or action, or by sale as hereinafter mentioned, and such amount, with interest thereon, and the amount of all costs, charges, and expenses of any proceedings to recover the same, shall constitute a charge and have priority to every security or claim (including rent) of any description against the estate, real and personal, of the person liable to make payment of such amount.

[Section 109 amended by No. 14 of 1967 s.49; No. 43 of 1972 s.17; No. 37 of 1982 s.25; No. 25 of 1985 s.68; No. 24 of 1987 s.42; No. 73 of 1995 s.109.]

Records to be evidence

110. In any proceeding to recover, or consequent on the recovering of, an amount due to the Corporation in respect of water charges or interest thereon, an official record verified by an officer of the Corporation or a copy or extract of any official record certified by an officer of the Corporation to be such a copy or extract, is sufficient evidence of the matters shown in the record and of the obligation of the person proceeded against to pay the amount without any further evidence being required as to any such matter.

[Section 110 inserted by No. 24 of 1987 s.43; amended by No. 73 of 1995 s.109.]

[111. *Repealed by No. 37 of 1982 s.27.*]

[112. *Repealed by No. 24 of 1987 s.44.*]

(ii) Power to Lease

Power to lease land on which arrears of charges are due

113. (1) When in respect of any land any moneys due for water charges or interest thereon have been unpaid for 3 years, or longer, the Corporation may, subject to the conditions hereinafter prescribed, and notwithstanding anything to the contrary contained in the *Transfer of Land Act 1893*, and notwithstanding any change that may have taken place in the meantime in the ownership of the land —

- (a) take possession of such land;
- (b) hold the same as against any person interested therein; and
- (c) from time to time grant leases of the same.

(2) Land so taken possession of, held or leased by the Corporation shall continue to be capable of being the subject of a further water charge.

[Section 113 amended by No. 39 of 1963 s.109; No. 14 of 1967 s.52; No. 37 of 1982 s.29; No. 25 of 1985 s.69; No. 24 of 1987 s.45; No. 73 of 1995 s.109.]

Procedure

114. (1) The Corporation shall not take possession of any such land until the expiration of 3 months after a notice has been given to every person in Western Australia appearing, on search in the Office of Titles or the Registry of Deeds, to have any estate or interest in the land.

(2) The notice shall be in the form or to the effect of the Seventh Schedule.

(3) A notice shall also be affixed upon some conspicuous part of the land, which notice shall be in the form or to the effect of the Eighth Schedule.

(4) On taking possession of any land as aforesaid, the Corporation shall cause to be affixed upon some conspicuous part thereof a notice, in the form or to the effect of the Ninth Schedule.

(5) Every such lease shall —

- (a) be for such term, not exceeding 7 years, as to the Corporation seems fit;
- (b) reserve the best rent which in the opinion of the Corporation can be reasonably obtained for the property; and
- (c) contain such other reservations and such exceptions, covenants, and conditions as to the Corporation seem fit.

(6) Any lease granted by the Corporation, otherwise in accordance with the provisions of this Act, shall be valid, notwithstanding the non-compliance with any of the provisions of this section.

(7) The lessee shall be entitled, during the term of the lease, to possession of the land as against all persons interested therein.

(8) The Registrar of Titles, upon the production to him of any such lease of land which is subject to the provisions of the *Transfer of Land Act 1893*, shall register the same, and for that purpose shall, if necessary, make such orders and publish such advertisements as are provided for in the case of dealings with land when the certificate of title is lost or not produced.

[Section 114 amended by No. 39 of 1963 s.110; No. 37 of 1982 s.30; No. 73 of 1995 s.109.]

Release of property after demand and payment of arrears

115. (1) Upon demand made by any person who but for the provisions of this Act would be entitled to the possession of any such land, such demand being made within 25 years after the taking possession thereof by the former Board, the former Metropolitan Authority, the former Authority or the Corporation, and upon payment of all moneys due in respect thereof, and interest upon all arrears of such moneys at the prescribed rate, the Corporation shall, within 3 months, execute under its seal a release of such land from all moneys due in respect thereof.

(2) Should the Corporation make default in executing such release, the Supreme Court may, at the suit of any person interested in that behalf, order it to execute the same.

(3) Upon the execution of the release such person shall, subject to any lease theretofore lawfully granted by the former Board, the former Metropolitan Authority, the former Authority or the Corporation under the provisions of this Act, be entitled to such land and the possession thereof as would have been so entitled if this Act had not been passed; and the tenant of such land under any such lease shall attorn to such person accordingly.

[Section 115 amended by No. 39 of 1963 s.111; No. 113 of 1965 s.4 (1); No. 37 of 1982 s.31; No. 25 of 1985 s.70; No. 24 of 1987 s.46; No. 73 of 1995 ss.104 and 109.]

Appropriation of rents received

116. All rent and other moneys payable under any such lease shall, until the execution of a release as hereinbefore mentioned, or the expiration of 25 years from the taking possession thereof by the Corporation, whichever first happens, upon receipt thereof by the Corporation, be applicable —

Firstly — In defraying the expenses of and incidental to the giving of the notices hereinbefore mentioned, and the execution of the lease, and the collection of the rents;

Secondly — In payment to the Corporation of all arrears of moneys due in respect of such land, together with interest thereon calculated as hereinbefore provided, from the time when such moneys became due respectively, and in payment of all moneys accruing due thereon,

The residue of any such moneys shall belong to such person as would, when the same respectively were received, have been entitled to receive the rents and profits of the land if this Act had not been passed.

[Section 116 amended by No. 39 of 1963 s.112; No. 37 of 1982 s.32; No. 24 of 1987 s.47; No. 73 of 1995 s.109.]

Land, when vested in the Corporation

117. Unless within 25 years after possession is taken of land under the foregoing provisions of this Act some person entitled in that behalf demands a release of the land, such land and all accumulations of rent and other moneys recovered on account thereof shall vest absolutely in the Corporation.

[Section 117 amended by No. 39 of 1963 s.113; No. 37 of 1982 s.32; No. 73 of 1995 s.109.]

(iii) Power of Sale

When land may be sold

118. (1) When in respect of any land any moneys due for water charges or interest thereon have been unpaid for 5 years or longer, the Corporation may send to the clerk of the Local Court held nearest to the land, a certificate of the total amount of moneys due and in arrear at the date of the certificate in the form or to the effect of the Tenth Schedule.

(2) Upon receipt of the certificate such clerk of the Local Court shall, at the cost of the Corporation, forthwith publish once in the *Government Gazette* and in a newspaper a notice in the form or to the effect of the Eleventh Schedule, and shall serve personally or by a registered letter a like notice upon every person who, upon search in the Office of Titles and Registry of Deeds, appears to have any estate or interest in the land.

[Section 118 amended by No. 39 of 1963 s.114; No. 14 of 1967 s.53; No. 37 of 1982 s.33; No. 25 of 1985 s.71; No. 24 of 1987 s.48; No. 73 of 1995 s.109.]

Warrant of execution

119. (1) At the expiration of the time limited by such notice the clerk of the Local Court shall issue a warrant of execution against the land, unless all such moneys due, together with interest thereon, calculated as hereinbefore provided, and all moneys accrued due to the Corporation in the meantime, and all expenses incurred have been paid.

(2) The warrant of execution shall be directed to the bailiff of such court, and shall be executed by him against the land, notwithstanding any change that may have taken place in the meantime in the ownership of the land, for the recovery of the moneys abovementioned, in the same manner as warrants of execution against land are executed under the laws in force for the time being relating to local courts.

(3) The warrant of execution shall be in the form or to the effect of the Twelfth Schedule.

[Section 119 amended by No. 113 of 1965 s.4 (1); No. 37 of 1982 s.34; No. 24 of 1987 s.49; No. 73 of 1995 s.109.]

Certificates to be conclusive

120. A certificate of moneys unpaid sent by the Corporation to a clerk of a Local Court in the form and containing the particulars hereinbefore prescribed shall be sufficient authority to such clerk of the Local Court for the doing of the acts therein required to be done by him, and shall not be questioned by him on any ground whatsoever.

[Section 120 amended by No. 39 of 1963 s.115; No. 34 of 1982 s.35; No. 24 of 1987 s.50; No. 73 of 1995 s.109.]

Application of proceeds

121. The moneys arising from the sale of the land shall in priority to every mortgage, encumbrance, lien, caveat, judgment, writ, warrant, or other charge, agreement, or process registered against or in any way affecting the land, and notwithstanding the disability of any person or any statute of limitations, be applied —

Firstly — In payment of the cost and expenses of the clerk of the Local Court of and in connection with the prescribed notices and the warrant of execution and the sale thereunder: Provided that, if the moneys arising from the sale of the land are not sufficient to pay such costs and expenses, the same or the balance unpaid shall be a debt due by the Corporation to the clerk of the Local Court and may be recovered by him accordingly;

Secondly — In payment of all moneys due to the Corporation, and interest thereon, and to expenses incurred by the Corporation; and

Thirdly — In payment of all costs and expenses of and in connection with conferring upon the purchaser a clear title to the land.

[Section 121 amended by No. 39 of 1963 s.116; No. 34 of 1982 s.35; No. 110 of 1985 s.32; No. 24 of 1987 s.51; No. 73 of 1995 s.109.]

Application of residue

122. After payment of the moneys abovementioned the residue of any moneys arising from the sale of the land shall belong to such person as would if no sale had taken place, have been entitled to receive the rents and profits of the land.

Provided that if before any such residue is paid over by the clerk of the Local Court he receives a certificate under the hand of the mayor or president of any local authority that a certain specified amount is due to such local authority for arrears or rates in respect of such land, the clerk of the Local Court shall forthwith pay over to such local authority such residue or so much thereof as is sufficient to meet such claim for rates, and the balance only, if any, of such residue shall belong to such person as would, if no sale had taken place, have been entitled to receive the rents and profits of the land.

[Section 122 amended by No. 39 of 1963 s.117.]

Duty of clerk to convey

123. The clerk of the Local Court shall execute a proper transfer or conveyance of the land to the purchaser, and the purchaser shall thereupon be entitled to be registered for an estate in fee simple in the land or for the entire estate or interest of the owner or occupier in default free of any encumbrance, except any tax, rate, or charge imposed by or under any Statute other than this Act.

Registration of purchaser

124. The Registrar of Titles, upon the production to him of any transfer as aforesaid of land which is subject to the provisions of the *Transfer of Land Act 1893*, shall register the same and notwithstanding any provision of the said Act to the contrary, production of the certificate of title shall not be required, but for the purpose of registration the registrar shall, if necessary, make such orders and publish such advertisements as are provided for in the case of dealings with land when the certificate of title is lost or not produced.

Prohibition on dealings in land

124A. (1) Where, in relation to any land, payment of any water charges or interest thereon is in arrear, the Corporation may deliver a memorial, in the prescribed form, to that effect to the Registrar of Titles, or the Registrar of Deeds, as the case requires, who, without payment of a fee, shall register the memorial and endorse or note the title and land register or record, in respect of that land.

(2) When the memorial is registered the Registrar of Titles, or the Registrar of Deeds, as the case requires, is prohibited from registering and from accepting for registration an instrument affecting the land without the consent of the Corporation until the land ceases under subsection (3) of this section to be bound by this subsection.

(3) When the payment in respect of which a memorial is registered under this section ceases to be in arrear, the Corporation shall deliver to the Registrar of Titles, or the Registrar of Deeds, as the case requires, a certificate signed and dated by the Managing Director certifying that the payment has ceased to be in arrear and the Registrar of Titles, or the Registrar of Deeds, as the case requires, shall endorse the title

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and land register or record to that effect and when the certificate is so noted, the land ceases to be bound by subsection (2) of this section.

*[Section 124A inserted by No. 43 of 1972 s.18;
amended by No. 3 of 1979 s.7; No. 37 of 1982 s.36;
No. 25 of 1985 s.72; No. 24 of 1987 s.52; No. 73 of
1995 s.109.]*

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PART IX — FINANCE

[125. *Repealed by No. 39 of 1963 s.118.*]

[126. *Repealed by No. 25 of 1985 s.73.*]

[127, 127A, 128. *Repealed by No. 37 of 1982 s.37.*]

[129, 130, 131. *Repealed by No. 39 of 1963 s.123.*]

[132. *Repealed by No. 37 of 1982 s.37.*]

[133. *Repealed by No. 39 of 1963 s.125.*]

[134, 135. *Repealed by No. 37 of 1982 s.37.*]

[136. *Repealed by No. 39 of 1963 s.128.*]

[137. *Repealed by No. 37 of 1982 s.37.*]

[138. *Repealed by No. 39 of 1963 s.129.*]

[139. *Repealed by No. 39 of 1963 s.130.*]

[140. *Repealed by No. 39 of 1963 s.131.*]

[**PART X (sections 141 — 145).** *Repealed by No. 37 of 1982 s.38.*]

PART XI — BY-LAWS

Corporation may make by-laws

146. (1) Without prejudice to the generality of that power, the power conferred by section 34 of the *Water Agencies (Powers) Act 1984* to make by-laws may be exercised for the purposes of this Act with respect to the following matters, that is to say: —

[(1) *deleted*]

- (2) For the prevention of the pollution of water within or under any water reserve or catchment area.
- (2a) Preventing or minimising the pollution of watercourses and sources of supply.
- (2b) The regulation or prohibition of bathing in watercourses and reservoirs.
- (2c) The preservation of good order and decency on watercourses and dams and their banks.
- (3) Regulating and controlling the commencement, drilling, sinking, construction, form, maintenance, alteration or effecting the permanent closure and sealing off of any existing or proposed artesian bores within the Area and regulating the quantity of water that may be drawn from any such artesian bore.
- (3a) Regulating and controlling the commencement, drilling, sinking, construction, form, maintenance and alteration of any proposed or existing well within a Public Water Supply Area and regulating the quantity of water that may be drawn from any such well and providing for the maintaining and keeping by the Commission of a register of licences relating to such a well.

[(4) *deleted*]

- (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.
- (5) Protecting and preventing and remedying the waste, misuse, undue consumption, fouling, or contamination of water contained in or supplied from the water works or otherwise under the control of the Corporation.

[(6), (7), (7a), (8) — (15) *deleted*]

- (16) Specifying the purposes for which, and the persons or classes of persons to whom, water services may be supplied under agreement, and the general and special terms and conditions upon which water services shall be so supplied.
- (17) Prescribing the quantity of water a consumer may take or consume for any specified purposes.
- (18) Fixing the level beyond which water supplied from the works may not be allowed to rise at any particular place within the Area.

[(19) *deleted*]

- (20) Prohibiting any alteration of or interference with any meter, pipes, drain, property sewer, fixtures, or fittings, without the consent of or notice to the Corporation; and prohibiting the sale by any person to whom water is supplied by the Corporation of water supplied, except with the authority in writing of the Board.

[(21) — (23) *deleted*]

(24) Regulating the examination and licensing of persons to perform work in connection with meters, pipes, sewers, drains, property sewers, fixtures, and fittings, the cancelling of such licences, and prohibiting any other than licensed persons from fixing, altering, or repairing meters, pipes, sewers, drains, property sewers, fixtures, or fittings connected with the works of the Authority.

(25) Prescribing fees or charges for or in respect of licences.

[(25a), (26), (26a) *deleted*]

(27) Modifying any of the forms contained in the Schedules.

[(28) *deleted*]

[(2) *repealed*]

[*Section 146 amended by No. 33 of 1955 s.24; No. 39 of 1963 s.135; No. 14 of 1967 s.55; No. 14 of 1968 s.7; No. 48 of 1970 s.3; No. 43 of 1972 s.19; No. 83 of 1976 s.21; No. 19 of 1978 s.3; No. 109 of 1979 s.12; No. 37 of 1982 s.39; No. 100 of 1982 s.38; No. 25 of 1985 s.74; No. 24 of 1987 s.53; No. 73 of 1995 ss.105, 108, 109 and 111.*]

[**146A.** *Repealed by No. 73 of 1995 s.106 (1).*]

[**147.** *Repealed by No. 25 of 1985 s.76.*]

Validity of by-law conferring on Corporation power to impose water restrictions by order

147A. (1) A by-law made under paragraph (5) of section 146 of this Act, whether it is made before or after the coming into operation of the *Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1956*¹, is valid notwithstanding that it confers on the Corporation or conferred on the former Board or the former Corporation power from time to time by order published at least once in a daily newspaper circulating in the Metropolitan Water, Sewerage and Drainage Area —

- (a) to prohibit, regulate, or impose restrictions on, the use or consumption of water by any person or class of person, within the whole or any portion of the Area, for any purpose generally or for such purpose or purposes as are specified in the order, or for any period of periods; or
- (b) to exempt wholly or partially any portion of the Area or any person or class of person or any place or institution or class of place or class of institution from the operation of the whole or part of the order.

(2) (a) Where a by-law confers on the Corporation power to make orders as provided in subsection (1) of this section, the Corporation may make and cause to be published an order or orders under and in accordance with that by-law.

(b) An order so made and published may be cancelled or varied by a subsequent order published at least once in a daily newspaper circulating in the Area.

(3) An order referred to in subsection (1) or in subsection (2) of this section shall have effect on or from such date, not being prior to the date of its publication, as is specified in the order; but where no date is so specified or a date prior to the date of publication is specified, the order shall have effect on or from and including the date of its first publication as provided in this section.

(4) A person using or consuming water in contravention of an order made and published under this section is deemed to commit an offence in breach of the by-law pursuant to which the order is made.

(5) The cancellation or variation of an order does not affect any penalty or punishment incurred, imposed or liable to be incurred or imposed prior to the cancellation or variation, or any investigation or legal proceeding in respect of such a penalty or punishment, notwithstanding the provisions of section 11 of *The Criminal Code*.

(6) For the purposes of this section a person who allows water to flow or leak from any pipe or other fittings used for or in connection with the supply of water to or in any premises shall be regarded as a person using water.

[Section 147A inserted by No. 27 of 1956 s.2; amended by No. 39 of 1963 s.138; No. 37 of 1982 s.42; No. 25 of 1985 s.77; No. 73 of 1995 s.109.]

PART XII — GENERAL PROVISIONS

Notification of building or alteration

148. (1) Subject to subsection (6), the owner or occupier of any land within the Area in or on which it is proposed to construct or alter any building shall give to the Corporation the prescribed notice thereof and submit to the Corporation a plan of the proposed construction or alteration, together with the prescribed fee for examining the plan and for making or modifying connections to the water services provided by the Corporation.

(2) The Corporation shall, within 7 days after the receipt of the plan and prescribed fee, return a copy of the plan with such written directions in relation to water services as may be thought fit.

(3) If the owner or occupier of any land —

- (a) commences or causes to be commenced the construction or alteration of any building without giving the notice or without furnishing the plan referred to in subsection (1);
- (b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the building before the expiration of the 7 days mentioned in subsection (2) or before the plan has been returned by the Corporation whichever is the earlier; or
- (c) fails to follow the directions given by the Corporation under subsection (2),

he shall be liable to a penalty of \$2 000.

(4) Where any building has been or is being constructed or altered in contravention of subsection (1) or contrary to or not in

accordance with the directions given by the Corporation under subsection (2) the Corporation may, by notice in writing served on the owner or occupier, as the case requires, of the land, direct him within a specified time and in any specified manner to —

- (a) cease any construction or alteration being carried out;
- (b) remove, pull down, take up or alter the building or part thereof.

(5) If a person on whom a notice is served under subsection (4) fails or refuses to comply with the notice the Corporation may —

- (a) in accordance with the notice, remove, pull down, take up or alter the building or the part which has been constructed or altered; and
- (b) recover the expenses of so doing from the owner or occupier of the land.

(6) This section shall not apply in a case where the Corporation declares, in writing, that it is satisfied that an emergency had arisen which rendered it necessary or desirable that the building should be constructed or altered before the directions of the Corporation could be obtained, and that notice was given, the fee paid and a plan was furnished as soon as practicable.

(7) The fee referred to in subsection (1) may be prescribed by reference to the cost of the construction or alteration of the building concerned as assessed by the Corporation.

*[Section 148 inserted by No. 110 of 1985 s.34; amended
by No. 73 of 1995 s.109.]*

[148A. Repealed by No. 25 of 1985 s.78.]

Notices

149. All notices and demands under this Act may be in writing or in print, or partly in writing and partly in print.

Notices and demands, how served

150. When a notice or demand on behalf of the Corporation, whether under the *Metropolitan Water Authority Act 1982* or this Act, is required to be given or made to any owner or occupier whose name or address is unknown to the Corporation, it shall not be necessary to name such owner or occupier, and such notice or demand may be served by placing it on some conspicuous part of the land of such owner or occupier, and by publishing it 3 times, at intervals of not less than a week between any 2 publications, in a newspaper circulating generally in the Area.

[Section 150 amended by No. 39 of 1963 s.139; No. 37 of 1982 s.44; No. 73 of 1995 s.109.]

Notices binding on persons claiming under owner or occupier

151. All notices and demands by or on behalf of the Corporation duly given to or made upon any owner or occupier shall be binding upon all persons claiming by, from, or under such owner or occupier.

[Section 151 amended by No. 37 of 1982 s.45; No. 73 of 1995 s.109.]

Rights of occupiers

152. (1) Where an occupier of land is required to pay or pays water charges in respect of any portion of that land as an ascertainable component of, or in addition to, the rent for the land, the owner of the land shall furnish to the occupier full

particulars of the aggregate assessment of the water charges in respect of the land and of any apportionment of that assessment, including the basis upon which the apportionment was calculated.

(2) Any determination by the owner of any land as to the liability to pay water charges to the Corporation, or to refund water charges paid or contribute to water charges payable to the Corporation, as between himself and any occupier, or as between occupiers, of that land, shall be apportioned upon an equitable basis, and any person aggrieved by the determination may, within the period of 3 years following the coming into operation of the *Metropolitan Water Supply, Sewerage, and Drainage Amendment Act 1982*¹, refer the determination, by notice in writing, to the Corporation and the Corporation may thereupon review, and if the Corporation thinks fit, vary the apportionment and, by notice in writing, give notice of the apportionment as so varied to the owner and any occupier affected, and effect shall be given to the apportionment as so varied.

(3) Where an apportionment is varied by the Corporation pursuant to subsection (2), a person who has paid any amount pursuant to the apportionment determined by the owner before it was so varied may recover that amount.

(4) In the absence of special agreement to the contrary, an occupier may pay water charges on behalf of the owner, but where any discount or rebate is received by an owner or occupier in relation to water charges imposed by the Corporation, and those water charges are recoverable from any other person the benefit of that discount or rebate shall be passed on to the person from whom the water charges are recovered.

[Section 152 inserted by No. 37 of 1982 s.47; amended by No. 24 of 1987 s.54; No. 73 of 1995 s.109.]

Limitation of time for taking proceedings

152A. Except as provided in section 146A of this Act and notwithstanding anything in any other Act, the time limited for making complaint of an offence against this Act is 2 years from the time when the matter of complaint arose.

[Section 152A inserted by No. 14 of 1967 s.59.]

Saving of civil remedy

153. The institution of any proceedings, or the conviction of any person for any offence against this Act, shall not affect any remedy which the Commission or the Corporation or any person aggrieved may be entitled to in any civil proceedings.

[Section 153 amended by No. 39 of 1963 s.141; No. 25 of 1985 s.79; No. 73 of 1995 s.110.]

Recovery of value of water misused, etc.

154. When any water supplied under this Act has been wasted, misused, or unduly consumed, the Corporation may recover the value thereof, as a debt due to it by the person who wasted, misused, or unduly consumed the same, and the remedy given by this section shall be additional to any other remedy which the Corporation may possess, and to the liability to any penalty which such person has incurred.

[Section 154 amended by No. 39 of 1963 s.142; No. 25 of 1985 s.79; No. 73 of 1995 s.109.]

Contribution between owner and occupier

155. Any money paid by an occupier, which as between the occupier and owner is, under the provisions of the *Metropolitan Water Authority Act 1982* or this Act or the by-laws, payable by

the owner, may be recovered by the occupier from the owner by action in any Court of competent jurisdiction, or may be set off against any rent payable by the occupier to the owner.

[Section 155 amended by No. 37 of 1982 s.48; No. 25 of 1985 s.80.]

Obstructing Commission or the Corporation or officers in performance of duty

156. Every person who obstructs the Commission or the Corporation, or any officer of the Commission or the Corporation, in the performance of any act or thing which it or he is respectively authorized or required to do in the execution of the *Metropolitan Water Authority Act 1982* or this Act or the by-laws commits an offence.

Penalty: \$500.

[Section 156 amended by No. 39 of 1963 s.143; No. 14 of 1967 s.60; No. 37 of 1982 s.49; No. 100 of 1982 s.40; No. 25 of 1985 s.81; No. 73 of 1995 s.110.]

Penalty for refusing to give up possession of works

157. Any person having charge of any works, the property of the Commission or the Corporation, who refuses, on lawful demand, to give up peaceable and quiet possession of the same to any person entitled to possession under the provisions of the *Metropolitan Water Authority Act 1982* or this Act or the by-laws commits an offence.

Penalty: \$1 000.

[Section 157 amended by No. 39 of 1963 s.144; No. 113 of 1965 s.4 (1); No. 37 of 1982 s.50; No. 25 of 1985 s.80; No. 73 of 1995 s.110.]

Offenders may be arrested

158. Any officer of the Commission or the Corporation may, without warrant, arrest any person found committing an offence against the *Metropolitan Water Authority Act 1982* or this Act or the by-laws if the offender refuses to give his name and address.

[*Section 158 amended by No. 39 of 1963 s.145; No. 37 of 1982 s.51; No. 25 of 1985 s.81; No. 73 of 1995 s.110.*]

General penalty

158A. A person who is guilty of an offence against the *Metropolitan Water Authority Act 1982* or this Act or the by-laws, where no other penalty is expressly provided for the offence, is liable on conviction to a penalty of not more than \$200 and if the offence is a continuing one to a further fine not exceeding \$20 for every day or part of a day during which the offence has continued.

[*Section 158A inserted by No. 14 of 1967 s.61; amended by No. 37 of 1982 s.52; No. 25 of 1985 s.81.*]

Summary proceedings for offences and recovery of penalties

159. All penalties and forfeitures incurred under the *Metropolitan Water Authority Act 1982* or this Act or the by-laws may be recovered summarily before any two or more Justices of the Peace in the manner provided by the *Justices Act 1902*, on the complaint of the Commission or the Corporation or any officer of the Commission or the Corporation or person authorized in that behalf pursuant to a delegation or authorization given by the Commission or the Corporation.

[*Section 159 amended by No. 39 of 1963 s.146; No. 37 of 1982 s.53; No. 25 of 1985 s.81; No. 73 of 1995 s.110.*]

Application of penalties

160. All penalties and forfeitures recovered under the *Metropolitan Water Authority Act 1982* or this Act or the by-laws by the Commission or the Corporation shall be paid to the Commission or the Corporation, and the proceeds are hereby appropriated for the purposes of the Commission or the Corporation.

[*Section 160 amended by No. 39 of 1963 s.147; No. 37 of 1982 s.54; No. 25 of 1985 s.81; No. 73 of 1995 s.110.*]

Commission or the Corporation may be represented by officer

161. In any proceeding in any Local Court, or before Justices of the Peace, any officer of the Commission or the Corporation may represent the Commission or the Corporation in all respects as if he were the party concerned.

[*Section 161 amended by No. 39 of 1963 s.148; No. 37 of 1982 s.55; No. 100 of 1982 s.41; No. 73 of 1995 s.110.*]

[**162.** *Repealed by No. 73 of 1954 s.5.*]

[**163, 164.** *Repealed by No. 37 of 1982 s.56.*]

Proof of ownership or occupancy

165. In any legal proceedings under the *Water Agencies (Powers) Act 1984*, the *Metropolitan Water Authority Act 1982* or this Act or the by-laws, in addition to any other method of proof available —

(1) evidence that the person proceeded against has been charged as owner or occupier of any land; or

- (2) evidence by the certificate, in writing, of —
- (a) the Registrar of Titles, or any assistant or deputy registrar, that any person's name appears in any register book kept under the *Transfer of Land Act 1893*, as proprietor of any land; or
 - (b) the Registrar of Deeds, or his deputy, that any person appears from any memorial of registration of any deed, conveyance, or other instrument to be the owner of any land; or
 - (c) the Under Secretary for Lands that any person is registered in the Department of Lands as the owner, occupier, or lessee of any land.

shall until the contrary is proved, be evidence that such person is the owner or occupier, as the case may be, of such land.

[Section 165 is amended by No. 37 of 1982 s.58; No. 25 of 1985 s.81; No. 24 of 1987 s.55; No. 73 of 1995 s.111.]

Power to suspend certain provisions of local government Acts

166. The Governor may, in his discretion, by Order in Council suspend the operation within the Area, of the provisions relating to water supply or sewerage of any local government Act.

[Section 166 amended by No. 14 of 1967 s.62.]

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

Sch. 1

SCHEDULE
FIRST SCHEDULE

[Section 4]

Date	Title	Extent of Repeal
No. 14 of 1904	<i>The Metropolitan Water and Sewerage Act 1904</i>	The whole
No. 31 of 1904	<i>The Metropolitan Waterworks Amendment Act 1904</i>	The whole
No. 5 of 1905	<i>The Metropolitan Waterworks Amendment Act 1905</i>	Sections 3, 4, 5 and 6
No. 25 of 1905	<i>The Metropolitan Waterworks Amendment Act 1905 (No.2).</i>	The whole

[**SECOND SCHEDULE.** Repealed by No. 14 of 1967 s.63.]

[**THIRD SCHEDULE.** Repealed by No. 37 of 1982 s.59.]

[**FOURTH, FIFTH AND SIXTH SCHEDULES.** Repealed by No. 76 of 1978 s.136.]

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

SEVENTH SCHEDULE

**METROPOLITAN WATER SUPPLY, SEWERAGE, AND
DRAINAGE ACT 1909, AND AMENDMENTS**

..... District

**Notice of Intention to Let Land for
Non-payment of Water Charges**

To
Notice is hereby given that the sum of _____ dollars
and _____ cents is now due and unpaid to the
Water Corporation for
[specify, as the case may be] and interest thereon in respect of allotment
No. _____, of section [or portion] No. _____, situated in
street [or road or other situation setting out a sufficient description of
the land to identify it.]

Payment of the said sum is hereby demanded.

If the said sum is not paid within three months from the date of this
notice the Water Corporation will take possession of and lease the said
land, under the provisions of the *Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*, and amendments.

Water Corporation

....., 19 ...

[Seventh Schedule amended by No. 39 of 1963 s.153;
No. 113 of 1965 s.4 (1); No. 37 of 1982 s.60; No. 25 of 1985
s.82; No. 24 of 1987 s.56; No. 73 of 1995 s.107.]

EIGHTH SCHEDULE

**METROPOLITAN WATER SUPPLY, SEWERAGE, AND
DRAINAGE ACT 1909, AND AMENDMENTS**

..... District

Notice

To _____ or the owner of, or other person or persons interested
in _____ allotment No. _____ of section [or portion] No. _____ [here
state situation of land].

You are hereby informed that the sum of _____ dollars
and _____ cents is now due and unpaid for
[specify, as the case may be] and interest thereon, in respect of the
abovenamed land in arrear for a period of three years and upwards.

Payment of the said sum is hereby demanded.

In default of compliance with this demand, the Water Corporation
will, after the lapse of three months from the date hereof, take
possession of and deal with the said land as provided by the provisions
of the abovementioned Act.

Water Corporation

..... 19 ...

[Eighth Schedule amended by No. 39 of 1963 s.154; No. 113
of 1965 s.4 (1); No. 37 of 1982 s.60; No. 25 of 1985 s.82;
No. 24 of 1987 s.57; No. 73 of 1995 s.107.]

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

NINTH SCHEDULE

***METROPOLITAN WATER SUPPLY, SEWERAGE, AND
DRAINAGE ACT 1909, AND AMENDMENTS***

..... *District*

Notice Under Section 138

Possession has been taken of this land, being allotment No.
of section [or portion] No. [here describe situation of land], by the
Water Corporation in accordance with the provisions of the
abovementioned Act, and it is to be let on lease.

Water Corporation

..... 19 . . .

*[Ninth Schedule amended by No. 39 of 1963 s.155; No. 37 of
1982 s.60; No. 25 of 1985 s.82; No. 73 of 1995 s.107.]*

TENTH SCHEDULE

**METROPOLITAN WATER SUPPLY, SEWERAGE, AND
DRAINAGE ACT 1909, AND AMENDMENTS**

..... District

Certificate of Water Charges Unpaid

This is to certify for the purposes of section 118 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* that the sum of dollars and cents is now due and unpaid by [full name, occupation, and address, if known], as the occupier [or owner, or, if the name of the owner is not known, by "the owner"] of that piece of land whereof is the registered proprietor, situated in , and described in certificate of title [or Crown Grant] Volume , Folio , containing hectares, more or less, being arrears of [specify, as the case may be] and interest due in respect of such land. You are required to publish forthwith the notice prescribed by the abovementioned Act, and after the expiration of three months from the date of such notice, unless you receive from the Water Corporation a certificate that the amount abovementioned and all moneys due in respect of the land in the meantime, and all expenses incurred, have been paid, you are required to issue your warrant of execution against the said land for the recovery of the said sums of money.

And you are also required to cause a like notice to be served on the following persons who, upon search at the Office of Titles and Registry of Deeds, appear to have an estate or interest in the land —

of

of

Dated at this day of , 19 .

Water Corporation

To the Clerk of the Local Court at

[Tenth Schedule amended by No. 39 of 1963 s.156; No. 94 of 1972 s.4; No. 37 of 1982 s.60; No. 25 of 1985 s.82; No. 24 of 1987 s.58; No. 73 of 1995 s.107.]

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

ELEVENTH SCHEDULE

**METROPOLITAN WATER SUPPLY, SEWERAGE, AND
DRAINAGE ACT 1909, AND AMENDMENTS**

Notice of Sale

Whereas the Water Corporation has certified for the purposes of section 118 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* that the sum of dollars cents is now due and unpaid by [full name, occupation, and address, if known], as the occupier [or owner or by the "owner"] of that piece of land whereof is the registered proprietor, situated in and described in certificate of title [or Crown Grant] Volume , Folio , containing hectares, more or less, being arrears of [specify, as the case may be] and interest due to such Corporation in respect of such land; and whereas such Corporation has required me, after the expiration of three months from the date hereof, to issue my warrant of execution against such land unless the moneys hereinafter mentioned are sooner paid: This is to give notice that in pursuance of such certificate I shall issue my warrant of execution accordingly at the expiration of three months from the date hereof unless the abovementioned sum and moneys due in respect of the land from the day of , 19 [date of certificate], and all expenses incurred are sooner paid.

Dated at this day of , 19 .

C.D.,

Clerk of the Local Court at

[*Eleventh Schedule amended by No. 39 of 1963 s.157; No. 113 of 1965 s.4 (1); No. 94 of 1972 s.4; No. 37 of 1982 s.60; No. 25 of 1985 s.82; No. 24 of 1987 s.59; No. 73 of 1995 s.107.*]

TWELFTH SCHEDULE

***METROPOLITAN WATER SUPPLY, SEWERAGE, AND
DRAINAGE ACT 1909, AND AMENDMENTS***

Warrant of Execution

In the Local Court of }
Western Australia. }
Held at } No. of Warrant of 19 .

Whereas for the purposes of section 118 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* the Water Corporation has certified that the sum of _____ dollars _____ cents is now due and unpaid by _____ of _____, as the owner [or occupier] of the piece of land whereof _____ is the registered proprietor, situated at _____ of _____, and described in the certificate of title [or Crown Grant, Volume _____, Folio _____, containing _____ hectares, more or less, being arrears of water charges and interest in respect of such land, and other expenses and payments due to the said Corporation as per particulars hereinafter set out: And whereas the Notice of Sale required to be published under the said Act was published in the *Government Gazette* on the _____ day of _____, 19____, and in the _____ newspaper on the _____ day of _____, 19____: These are therefore to require and order you forthwith to make and levy by sale of the said land the sum stated at the foot of this warrant, and to pay what you shall have so levied to the Clerk of this Court, and make return of what you have done under this warrant immediately upon the execution hereof.

Given under the Seal of the Court this _____ day
of _____ 19____.

By the Court,

C.D.,

Clerk of the Court

Metropolitan Water Supply, Sewerage,
and Drainage Act 1909

To the Bailiff of the said Court.

Amount of Arrears of Water Charges and Interest
before Notice of Sale

Amount of Arrears and Water Charges and
Interest accrued since Notice of Sale

Expenses other than Execution Expenses

\$: _____

Execution Expenses

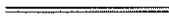
Total amount to be Levied

\$: _____

Hours of attendance at the office of the Local Court from 10 a.m.
to 3.30 p.m., except on Saturdays, Sundays and holidays.

[*Twelfth Schedule amended by No. 39 of 1963 s.158;
No. 113 of 1965 s.4 (1); No. 94 of 1972 s.4; No. 37 of 1982
s.60; No. 25 of 1985 s.82; No. 24 of 1987 s.60; No. 73 of 1995
s.107.*]

[**THIRTEENTH SCHEDULE** Deleted by No. 39 of 1963 s.159.]



*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

NOTES

^{1.} This reprint is a compilation as at 28 May 1996 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* and includes the amendments effected by the other Acts referred to in the following Table^{1a, 1b}.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i>	43 of 1909	21 December 1909	24 January 1910 in Perth, Fremantle, and Claremont Districts of the Metropolitan Water, Sewerage and Drainage Area (see <i>Gazette</i> 21 January 1910 p.47)	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1925</i>	30 of 1925	16 December 1925	1 July 1926 (see <i>Gazette</i> 28 May 1926 p.1083)	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1941</i>	2 of 1941	25 September 1941	25 September 1941	
<i>Metropolitan Water Supply, Sewerage and Drainage Act Amendment Act 1951</i>	13 of 1951	20 November 1951	20 November 1951	
<i>Acts Amendment (Fire Brigades Board and Fire Hydrants) Act 1951, section 4</i>	41 of 1951	20 December 1951	4 April 1952 (see <i>Gazette</i> 4 March 1952 pp.799-800)	
<i>Limitation Act Amendment Act 1954, section 8</i>	73 of 1954	14 January 1955	1 March 1955 (see <i>Gazette</i> 18 January 1955 p.343)	

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1955</i>	33 of 1955	28 November 1955	28 November 1955	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1956</i>	27 of 1956	29 November 1956	29 November 1956	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1960</i>	71 of 1960	5 December 1960	Sections 3, 4, 5, 13, 14 and 15: 1 July 1961 (see <i>Gazette</i> 16 June 1961 p.1800); balance: 20 January 1961 (see <i>Gazette</i> 20 January 1961 p.105)	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1962</i>	75 of 1962	30 November 1962	30 November 1962	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1963</i>	39 of 1963	25 November 1963	1 July 1964 (see <i>Gazette</i> 13 March 1964 p.1577)	
<i>Decimal Currency Act 1965</i>	113 of 1965	21 December 1965	Sections 4 to 9: 14 February 1966 (see section 2 (2)); balance: 21 December 1965	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1967</i>	14 of 1967	20 October 1967	1 January 1968 (see <i>Gazette</i> 1 December 1967 p.3303)	

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1968</i>	14 of 1968	8 October 1968	8 October 1968	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1969</i>	8 of 1969	6 May 1969	6 May 1969	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1970</i>	11 of 1970	29 April 1970	29 April 1970	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act (No. 2) 1970</i>	48 of 1970	8 October 1970	8 October 1970	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1972</i>	43 of 1972	16 June 1972	11 May 1973 (see <i>Gazette</i> 11 May 1973 p.1157)	
<i>Metric Conversion Act 1972</i>	94 of 1972	4 December 1972	The relevant amendments, as set out in the First Schedule, took effect on 1 January 1974 (see section 4 (2) and <i>Gazette</i> 7 December 1973 p.4490)	The Schedule to Act No. 94 of 1972 was redesignated as the First Schedule by the <i>Metric Conversion Act Amendment Act 1973</i> (Act No. 19 of 1973)

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1975</i>	24 of 1975	13 May 1975	13 May 1975	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1976</i>	83 of 1976	21 October 1976	Sections 6, 7, 8, 9, 10 and 11: 10 December 1976 (see <i>Gazette</i> 10 December 1976); balance: on assent	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1977</i>	59 of 1977	23 November 1977	9 December 1977 (see <i>Gazette</i> 9 December 1977 p.4501)	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1978</i>	19 of 1978	18 May 1978	18 May 1978	
<i>Acts Amendment and Repeal (Valuation of Land) Act 1978, Part XI</i>	76 of 1978	20 October 1978	1 July 1979 (see <i>Gazette</i> 11 May 1979 p.1211)	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act (No. 2) 1978</i>	105 of 1978	30 November 1978	30 November 1978	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1979</i>	3 of 1979	17 May 1979	22 October 1979 (see <i>Gazette</i> 14 September 1979 p.2780)	

*Metropolitan Water Supply, Sewerage,
and Drainage Act 1909*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act (No. 3) 1979</i>	42 of 1979	25 October 1979	Deemed operative 1 July 1979 (see section 2)	
<i>Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act (No. 4) 1979</i>	109 of 1979	17 December 1979	9 May 1980 (see <i>Gazette</i> 9 May 1980 p.1446)	
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act 1980</i>	3 of 1980	25 August 1980	26 September 1980 (see <i>Gazette</i> 26 September 1980 p.3306)	
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act 1981</i>	41 of 1981	25 August 1981	25 August 1981	
<i>Acts Amendment (Statutory Designations) and Validation Act 1981, section 4</i>	63 of 1981	13 October 1981	13 October 1981	
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 2) 1981</i>	72 of 1981	30 October 1981	30 October 1981	Amended by the <i>Acts Amendment and Repeal (Water Authorities) Act 1985</i> (Act No. 25 of 1985), section 83
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act 1982</i>	37 of 1982	27 May 1982	1 July 1982 (see <i>Gazette</i> 25 June 1982 p.2091)	

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Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Metropolitan Water Supply, Sewerage, and Drainage Amendment Act (No. 3) 1982</i>	100 of 1982	24 November 1982	31 December 1982 (see <i>Gazette</i> 31 December 1982 p.4969)	
<i>Acts Amendment and Repeal (Water Authorities) Act 1985, Part V</i>	25 of 1985	6 May 1985	1 July 1985 (see <i>Gazette</i> 7 June 1985 p.1931)	
<i>Acts Amendment (Water Authorities) Act 1985, Part IV^{1a}</i>	110 of 1985	17 December 1985	Section 34: 14 July 1987 (see <i>Gazette</i> 14 July 1987 p.2647); section 29: 1 February 1990 (see <i>Gazette</i> 5 January 1990 p.38); section 26: 21 December 1990 (see <i>Gazette</i> 21 December 1990 p.6199); sections 30 and 33: to be proclaimed; balance of Part operative 14 March 1986 (see <i>Gazette</i> 14 March 1986 p.726)	
<i>Acts Amendment (Water Authority Rates and Charges) Act 1987, Part III</i>	24 of 1987	25 June 1987	14 July 1987 (see <i>Gazette</i> 14 July 1987 p.2647)	
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995, Part 7</i>	73 of 1995	27 December 1995	1 January 1996 (see section 2 and <i>Gazette</i> 29 December 1995 p.6291)	Section 106: transitional ⁴

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^{1a} As at the date of this reprint sections 30 and 33 of the *Acts Amendment (Water Authorities) Act 1985* (Act No. 110 of 1985) were not in operation. Section 22 of Act No. 110 of 1985 reads as follows —

“ **Principal Act**

22. In this Part the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* is referred to as the principal Act. ”

Section 30 of Act No. 110 of 1985 reads as follows —

“ **Section 64 repealed**

30. Section 64 of the principal Act is repealed. ”

Section 33 of Act No. 110 of 1985 reads as follows —

“ **Section 146 amended**

33. Section 146 of the principal Act is amended by repealing paragraphs (24) and (25). ”

^{1b} As at the date of this reprint Part 52 of the *Sentencing (Consequential Provisions) Act 1995* (Act No. 78 of 1995) was not in operation.

Part 52 of the *Sentencing (Consequential Provisions) Act 1995* reads as follows —

“ **PART 52 — METROPOLITAN WATER SUPPLY,
SEWERAGE, AND DRAINAGE ACT 1909**

Principal Act

71. In this Part the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* is referred to as the principal Act.

Section 147A amended

72. Section 147A (5) of the principal Act is amended by deleting “the provisions of section eleven of The Criminal Code.” and substituting the following —

“ any other enactment. ”

Section 159 repealed and a section substituted

73. Section 159 of the principal Act is repealed and the following section is substituted —

“ **Proceedings for offences etc.**

159. (1) Proceedings for an offence against this Act or the *Metropolitan Water Authority Act 1982* may be taken by the Authority or an officer of the Authority or a

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and Drainage Act 1909*

person authorized in that behalf pursuant to a delegation or authorization given by the Authority.

(2) Proceedings for an offence against this Act shall be dealt with summarily in a court of summary jurisdiction.

(3) Any penalty or forfeiture incurred under this Act may be recovered in a court of summary jurisdiction on the complaint of the Authority or an officer of the Authority or a person authorized in that behalf pursuant to a delegation or authorization given by the Authority. " "

² Note no longer relevant.

³ 4 April 1952. See proclamation published in *Gazette* dated 4 April 1952, pp.799-800.

⁴ Section 106 (2) of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995* (Act No. 73 of 1995) reads as follows —

" (2) Despite its repeal by this section, section 146A of the principal Act continues to apply in respect of any complaint of an offence referred to in that section that is alleged to have been committed before the commencement of this section. "

⁵ Now see *Land Acquisition and Public Works Act 1902*.