



Western Australia

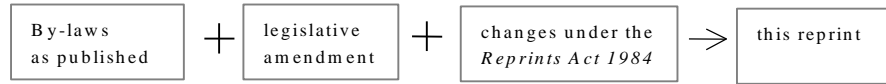
Water Agencies (Powers) Act 1984

# **Land Drainage By-laws 1986**

**Reprint 2: The by-laws as at 9 January 2004**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original by-laws and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the by-laws being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a by-law that was inserted, or has been amended, since the by-laws being reprinted were made, editorial notes at the foot of the by-law give some history of how the by-law came to be as it is. If the by-law replaced an earlier by-law, no history of the earlier by-law is given (the full history of the by-laws is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the by-laws have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the by-laws were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the by-laws are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## Land Drainage By-laws 1986

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Reprinted under the  
*Reprints Act 1984* as  
at 9 January 2004

Western Australia

Water Agencies (Powers) Act 1984

## Land Drainage By-laws 1986

### 1. Citation

These by-laws may be cited as the *Land Drainage By-laws 1986* <sup>1</sup>.

### 2. Interpretation

- (1) In these by-laws, unless the contrary intention appears, “**the Act**” means the *Land Drainage Act 1925* <sup>2</sup> and, unless the contrary intention appears, words and expressions used in the by-laws that are used in that Act have the same meanings as in that Act.
- (2) Except as expressly provided in sub-bylaw (1), that sub-bylaw shall not be taken to exclude the operation of section 44(1) of the *Interpretation Act 1984*.

### 3. Interference with works

A person who interferes with, or does anything likely to interfere with, any work commits an offence.

**4. Trespass and injury**

A person who trespasses upon, or without proper authority enters upon —

- (a) any works; or
- (b) any land, occupied, held, or used in connection with any works,

not open to the public commits an offence.

**5. Damage to works**

A person who drives, takes, or rides a vehicle, conveyance, or animal, or who performs any other act, in such a manner as to endanger or damage any works commits an offence.

**6. Animals**

- (1) A person who, being the owner or person in control of an animal, permits it to damage any works commits an offence.
- (2) Any expense, loss, or damage incurred by the Corporation in consequence of an offence under sub-by-law (1) shall be payable by the offender.

*[By-law 6 amended in Gazette 29 Dec 1995 p. 6317-18.]*

**7. Bathing**

A person who, without the written permission of the Corporation, bathes in any drain or other works commits an offence.

*[By-law 7 amended in Gazette 29 Dec 1995 p. 6317-18.]*

**8. Pollution and nuisance**

- (1) A person who deposits or disposes of, or causes to be deposited or disposed of, any rubbish, litter, or other objectionable matter of any kind on or in the vicinity of any works or in any other place where it or any of its components constitutes a source or potential source of pollution, commits an offence.

- (2) A person who carries on any operation, or does any other act, which creates or tends to create a nuisance on or in the vicinity of any works commits an offence.
- (3) An occupier of any property or a person using a boat on any works who allows any sullage or effluent —
  - (a) containing sewage that has not been treated to a standard approved by the Corporation;
  - (b) having acidity or alkalinity outside the range of a pH value between pH5 and pH9;
  - (c) containing poisons; or
  - (d) containing any substance which is likely to —
    - (i) contribute to the formation of sludge or other deposit;
    - (ii) contribute to the formation of scum, fat, oil, grease or floating material;
    - (iii) contribute to the formation of objectionable odours or discoloration;
    - (iv) be injurious to marine, animal or human life; or
    - (v) deplete excessively the oxygen content of waters,to be discharged in or upon any works commits an offence.
- (4) Without limiting sub-by-law (3), a person who discharges or permits the discharge of waste into any of the waters in any works commits an offence unless —
  - (a) every reasonable and practicable step has been taken to improve the quality and appearance of the waste, prior to discharge; and
  - (b) they conform with a bacterial, physical and chemical composition approved by the Corporation,and, in any event, commits an offence if it would have been reasonably practicable to dispose of them satisfactorily, in some other manner.

*[By-law 8 amended in Gazette 29 Dec 1995 p. 6317-18.]*

**bl. 8A**

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**8A. Amounts rounded**

Where a rate or charge, determined in accordance with the Act, is an amount which is not a whole number multiple of 5 cents the amount shall be rounded up or down, as the case may be, to the nearest whole number multiple of 5 cents.

*[By-law 8A inserted in Gazette 6 Jul 1992 p. 3078.]*

**9. Minimum rate**

For the purpose of section 90 of the Act, the minimum rate for adjoining rural land which is in the same ownership or which is operated as a unit is the minimum rate prescribed in the Schedule.

*[By-law 9 amended in Gazette 14 Jul 1987 p. 2648; 4 Jul 1988 p. 2177.]*

**10. Penalties**

A person who commits an offence against any of these by-laws is liable on conviction to a penalty not exceeding \$200 and in the case of a continuing offence, a further penalty not exceeding \$50 for each day or part of a day during which the offence continues after notice of the offence has been given by or on behalf of the Corporation to the offender.

*[By-law 10 amended in Gazette 29 Dec 1995 p. 6317-18.]*



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**Schedule**

**Schedule**

[by-law 9]

Minimum rate in respect of the  
rating year ending 30 June 1993 ..... \$18.10

*[Schedule inserted in Gazette 6 Jul 1992 p. 3078.]*

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## Notes

- <sup>1</sup> This reprint is a compilation as at 9 January 2004 of the *Land Drainage By-laws 1986* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Land Drainage By-laws 1986</i>	27 Jun 1986 p. 2136-7	27 Jun 1986
<i>Land Drainage Amendment By-laws 1987</i>	14 Jul 1987 p. 2648	14 Jul 1987
<i>Land Drainage Amendment By-laws 1988</i>	4 Jul 1988 p. 2177	4 Jul 1988
<i>Land Drainage Amendment By-laws 1989</i>	7 Jul 1989 p. 2076	7 Jul 1989
<i>Land Drainage Amendment By-laws 1990</i>	6 Jul 1990 p. 3316	6 Jul 1990
<i>Land Drainage Amendment By-laws 1991</i>	5 Jul 1991 p. 3379	5 Jul 1991
<i>Land Drainage Amendment By-laws 1992</i>	6 Jul 1992 p. 3078	6 Jul 1992
<i>Water Agencies (Amendment and Repeal) By-laws 1995 Pt. 6</i>	29 Dec 1995 p. 6305-32	1 Jan 1996 (see bl. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
<b>Reprint of the <i>Land Drainage By-laws 1986</i> as at 12 Aug 1997</b> (includes amendments listed above)		
<b>Reprint 2: The <i>Land Drainage By-laws 1986</i> as at 9 Jan 2004</b> (includes amendments listed above)		

- <sup>2</sup> These by-laws were originally made under the *Land Drainage Act 1925*. The relevant transitional provisions were s. 6 of the *Water Authority Act 1984* (since renamed the *Water Agencies (Powers) Act 1984*) and s. 11 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*.