

COUNTRY AREAS WATER SUPPLY.

No. 95 of 1978.

AN ACT to amend the Country Areas Water Supply
Act, 1947-1977.

[Assented to 17th November, 1978.]

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

1. (1) This Act may be cited as the *Country Areas Water Supply Act Amendment Act, 1978*. Short title and citation.

(2) In this Act the Country Areas Water Supply Act, 1947-1977, is referred to as the principal Act. Reprinted as approved for reprint 8th July, 1971 and amended by Acts Nos. 94 of 1972 (as amended by Act No. 19 of 1973), 78 of 1974, 81 of 1976 and 13 of 1977.

(3) The principal Act as amended by this Act may be cited as the Country Areas Water Supply Act, 1947-1978.

Commence-
ment.

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

Section 2
amended.

3. Section 2 of the principal Act is amended—

(a) in the reference to Division 1 of Part V by deleting the number “39” and substituting the number “39A”; and

(b) in the last line by deleting the passage “SCHEDULE.—ACTS REPEALED.” and substituting the passage—

FIRST SCHEDULE. (Section 4)—ACTS REPEALED.

SECOND SCHEDULE. (Section 12A)—LAND TO WHICH PART IIA OF ACT APPLIES. .

Section 4
amended.

4. Section 4 of the principal Act is amended in line one by inserting, before the word “Schedule”, the word “First”.

Section 9
amended.

5. Section 9 of the principal Act is amended in subsection (1)—

(a) by inserting, after the words “water reserve” in line two of paragraph (a), the words “and give to the catchment area or water reserve such name or designation as may be directed by the Order in Council”; and

(b) by inserting, after paragraph (c), the following paragraph—

(ca) alter the name or designation of a catchment area or water reserve; .

Section 12A.
amended.

6. Section 12A of the principal Act is amended by repealing subsection (1) and substituting the following subsections—

(1) The provisions of this Part of this Act apply to and in relation to land comprised within the boundaries of such of the catchment

areas or water reserves defined under section nine of this Act as are specified in the Second Schedule to this Act but not to or in relation to land elsewhere.

(1a) The Minister may from time to time by notice published in the *Government Gazette* add to or amend the Second Schedule to this Act.

(1b) A notice made under subsection (1a) of this section adding to or amending the Second Schedule to this Act shall be laid before each House of Parliament within the six sitting days of that House next following the date of publication of that notice in the *Government Gazette*, and the provisions of section thirty-six of the Interpretation Act, 1918, shall apply to that notice as if it had been a regulation.

7. Section 14 of the principal Act is amended— Section 14
amended.

- (a) by inserting after the section designation "14." the subsection designation "(1)";
- (b) by deleting the passage "to maintain, alter and repair, and with" in line three and substituting the passage ", with";
- (c) by inserting after the word "area" in line five the passage ", and from time to time may maintain, improve, alter, and repair the same"; and
- (d) by adding a subsection as follows—

(2) The Minister shall not undertake the construction of any works pursuant to subsection (1) of this section, other than works consisting wholly of exempt works, unless he has complied with the requirements of sections fifteen, sixteen and eighteen of this Act and the Governor has thereupon by Order in Council, a notice of which is published in the *Government Gazette*, authorised the construction of those works.

Section 15
repealed and
re-enacted.

8. The principal Act is amended by repealing section 15 and re-enacting that section as follows—

Prelimin-
aries to
construc-
tion.

15. The Minister shall, before submitting proposals to the Governor for the construction of water works pursuant to subsection (1) of section fourteen of this Act, other than water works consisting wholly of exempt works,—

- (a) cause to be prepared plans of the proposed water works, and cause the same, or certified copies thereof, to be deposited in the Department and in a convenient place in the country water area in which it is proposed to construct the water works; and
- (b) cause an advertisement to be published in the *Government Gazette*, and in one or more newspapers generally circulating in the country water area, specifying—
 - (i) a description of the proposed water works;
 - (ii) the localities in the country water area in which they will be constructed;
 - (iii) the purposes for which they are to be constructed; and
 - (iv) the times when and places at which the plans may be inspected.

Section 16
repealed and
re-enacted.

9. The principal Act is amended by repealing section 16 and re-enacting that section as follows—

Plans open
to
inspection.

16. The plans so deposited shall be open to inspection by any person interested at the advertised times and places.

Section 18
repealed and
re-enacted.

10. The principal Act is amended by repealing section 18 and re-enacting that section as follows—

Submission
for approval.

18. (1) Where the Minister considers that the requirements of sections fifteen and sixteen of this Act have been complied with and that the

objections, if any, are, in the general public interest, not sufficient to cause the proposals to be amended, the Minister shall submit the proposals to the Governor and shall furnish to the Governor such plans, specifications, estimates or other information as the Governor may require relating thereto.

(2) After considering the proposals submitted to him the Governor may—

- (a) make an Order in Council pursuant to section fourteen of this Act; or
- (b) decline to make such an Order. .

11. The principal Act is amended by adding after section 18 a section as follows— Section 18A added.

18A. For the purposes of this Part of this Act the Governor may from time to time by Order in Council declare that reticulation works of the nature specified in that Order shall be exempt works not subject to the provisions of section fourteen, fifteen, sixteen, seventeen or eighteen of this Act notwithstanding that such works may form part of or be related to water works comprised in proposals to which those sections apply. . Exempt works.

12. Section 30 of the principal Act is amended by repealing subsection (2) and substituting the following subsections— Section 30 amended.

(2) On receiving a request made under subsection (1) of this section, the Minister may—

- (a) comply with that request on and subject to such terms and conditions as may be mutually agreed; or
- (b) refuse that request.

(3) Whenever the Minister complies with a request made under subsection (1) of this section, he may, subject to the provisions of

subsection (4) of this section, provide, lay down and fix all necessary pipes and fittings for supplying water to the land concerned.

(4) If compliance with a request made under subsection (1) of this section does not involve the construction of water works on land other than land of the person who made that request, the Minister may exercise the power of construction conferred on him by subsection (3) of this section without complying with the requirements of sections fifteen, sixteen and eighteen of this Act and it shall not be necessary for the Governor by Order in Council to authorise the construction of the water works concerned under subsection (2) of section fourteen of this Act. .

Section 35
amended.

13. Section 35 of the principal Act is amended by repealing subsection (2) and substituting the following subsections—

(2) On receiving a request made under subsection (1) of this section, the Minister may—

(a) comply with that request on and subject to such terms and conditions as he thinks fit; or

(b) refuse that request.

(3) Whenever the Minister complies with a request made under subsection (1) of this section, he may, subject to the provisions of subsection (4) of this section, construct all necessary water works for supplying water to the land concerned.

(4) If compliance with a request made under subsection (1) of this section does not involve the construction of water works on land other than land of the person who made that request, the Minister may exercise the power of construction conferred on him by subsection (3) of this section without complying with the

requirements of sections fifteen, sixteen and eighteen of this Act and it shall not be necessary for the Governor by Order in Council to authorise the construction of the water works concerned under subsection (2) of section fourteen of this Act.

(5) The Minister may, for the purpose of supplying the land concerned with water, employ water works and fittings of such nature, size and description as he thinks fit.

14. The principal Act is amended by adding after section 35 a section as follows—

Section 35A added.

35A. (1) A person or local authority (in this section called "the subdivider") who subdivides or wishes to subdivide land, whether rateable land or not and whether or not situated within a country water area, into a lot or lots may in writing request the Minister to arrange for water to be supplied to the lot or lots.

Water supply to subdivided land.

(2) On receiving a request made under subsection (1) of this section, the Minister may—

(a) comply with that request on and subject to such terms and conditions, including the financial contribution to be made by the subdivider in respect of any water works which benefit or will benefit the lot or all or any of the lots concerned, as may be mutually agreed; or

(b) refuse that request.

(3) Whenever the Minister complies with a request made under subsection (1) of this section, he may, subject to the provisions of subsection (4) of this section, carry out, construct or provide all or any of the necessary water works.

(4) If compliance with a request made under subsection (1) of this section does not involve the construction of water works on land other than land of the subdivider, the Minister may exercise the power of construction conferred on him by subsection (3) of this section without complying with the requirements of sections fifteen, sixteen and eighteen of this Act and it shall not be necessary for the Governor by Order in Council to authorise the construction of the water works concerned under subsection (2) of section fourteen of this Act. .

Section 39A
added.

15. The principal Act is amended in Division 1 of Part V by adding after section 39 a section as follows—

Acquisition
by agree-
ment of
water works
from person
or local
authority.

39A. (1) The Minister may, at the request of a person or local authority and with the approval of the Governor, acquire from the person or local authority the whole or part of any water works of the person or local authority and all or any property used in connection with those water works on and subject to such terms and conditions as may be mutually agreed.

(2) The Minister shall cause notice of the fact of any acquisition made under subsection (1) of this section to be published in the *Government Gazette*.

(3) As and from the date of the publication referred to in subsection (2) of this section, the water works and property concerned shall, by force of this subsection and without any conveyance, transfer or assignment, be transferred to and vested in the Minister and shall be deemed to be water works under and for the purposes of this Act. .

16. The Schedule to the principal Act is amended by deleting the word "SCHEDULE" in the heading of that Schedule and substituting the passage— Schedule amended.

FIRST SCHEDULE.

(Section 4).

ACTS REPEALED. .

17. The principal Act is amended by adding, after the Schedule thereto, the following Schedule— Second Schedule added.

SECOND SCHEDULE.

(Section 12A).

LAND TO WHICH PART IIA OF ACT APPLIES.

The land comprised within the boundaries of—

- (a) the Wellington Dam Catchment Area;
 - (b) the Mundaring Weir Catchment Area;
 - (c) the Denmark River Catchment Area;
 - (d) the Kent River Water Reserve;
 - (e) the Warren River Water Reserve. .
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