

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE.

No. 59 of 1977.

AN ACT to amend or to repeal and re-enact with amendments sections five, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-three A, twenty-three B and twenty-three C, of the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1976.

[Assented to 23rd November, 1977.]

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 *Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1977.*

Short title
and citation.

No. 59.] *Metropolitan Water Supply, Sewerage, and Drainage.* [1977.]

Printed as approved for reprint 21/11/69 and amended by Acts Nos. 11 of 1970, 48 of 1970, 43 of 1972, 94 of 1972, 24 of 1975, and 83 of 1976.

(2) In this Act the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1976, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1977.

Commencement.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively fixed by proclamation.

Section 5 amended.

3. Section 5 of the principal Act is amended, as to the interpretation of the term "waterworks", by—

- (a) inserting after the word "reservoirs", in line one, the passage ", storage dams, weirs", and
- (b) inserting after the word "supply", in line four, the passage ", treatment, ".

Section 19 amended.

4. Section 19 of the principal Act is amended—

- (a) by deleting the passage "to maintain, alter, and repair, and" in line two;
- (b) by inserting after the word "works", in line four, the passage ", and from time to time may maintain, improve, alter, and repair the same"; and
- (c) by adding four new subsections as follows—

(3) The Board shall not undertake the construction, provision or extension of any works pursuant to the powers conferred by subsection (1) of this section, other than works consisting wholly of exempt works, unless it has complied with the requirements of section twenty, section twenty-one and section twenty-two of this Act and the Governor has thereupon, by Order, a notice of which is published in the *Government Gazette*, authorised the carrying out of such works or such works are deemed to be authorised by virtue of the provisions of this section.

(4) The Board may, in submitting proposals for any works to be authorised pursuant to subsection (3) of this section, show on the plans a limit within which the line of works may deviate to accommodate minor changes in location of a nature not inconsistent with the general proposal and any such deviation shall be deemed to have been authorised.

(5) Whether or not a limit within which the line of works may deviate is shown on the plans a deviation to accommodate minor changes in location of a nature not inconsistent with the general proposal shall be deemed to be authorised if—

- (a) it does not extend more than ten metres from the location shown on the plan; and
- (b) the deviation is agreed in writing by the owner and the occupier of the affected land.

(6) Where the Governor is satisfied that a deviation of a kind to which subsection (4) or subsection (5) of this section does not apply is not inconsistent with the general proposal authorised, is necessary in the public interest, and does not adversely affect the interest of any person, who is the owner or occupier of the land where the works are to be carried out, he may by a subsequent Order vary the provisions of the Order given pursuant to subsection (3) of this section notwithstanding that the provisions of section twenty, section twenty-one and section twenty-two of this Act have not been complied with in relation thereto, and in any such case no notice is required to be published in the *Gazette* unless the Minister otherwise directs.

Section 20
amended.

5. Section 20 of the principal Act is amended—
- (a) by inserting after the section designation “20.” the subsection designation “(1)”;
 - (b) by deleting the word “undertaking”, in line one, and substituting the words “submitting proposals to the Governor for”;
 - (c) by deleting the passage commencing with the word “plans”, in line one of paragraph (a), and ending with the word “them”, in line seven of that paragraph, and substituting the words “plans of the proposed works”;
 - (d) by deleting the passage “, and the parts of the area which are intended to be served by the works”, in lines two, three, and four of subparagraph (iii) of paragraph (b); and
 - (e) by deleting the passage “, sections, and specifications”, in line two of subparagraph (iv) of paragraph (b).

Section 21
repealed
and
re-enacted.

6. Section 21 of the principal Act is repealed and re-enacted to stand as subsection (2) of section 20 amended—

- (a) by deleting the passage “, sections, specifications, and estimates”, in lines one and two; and
- (b) by deleting the passage “all reasonable times, on payment of the prescribed fee”, in lines three and four, and substituting the words “the advertised times and places”.

Section 22
amended.

7. Section 22 of the principal Act is amended—

- (a) by deleting the section designation “22.” and substituting the designation “21.”; and
- (b) by deleting subsection (3) and substituting a new subsection as follows—

(3) Where the Board so determines, and whether or not by reason of objections or representations received, the Board may make alterations to the plans

so deposited but when submitting the proposal to the Governor for approval shall indicate the nature and extent of the alterations effected and shall, where so directed, re-advertise and seek representations upon and objections to the amended proposal. .

8. Section 23 of the principal Act is repealed and re-enacted with amendments to stand as section 22 as follows—

Section 23
repealed
and
re-enacted.

22. (1) Where the Board considers that the requirements of sections twenty and twenty-one of this Act have been complied with and that the objections, if any, have been met by amendment of the proposals or are, in the general public interest, not sufficient to cause the proposals to be amended, the Board 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. .

Submission
for
approval.

(2) After considering the proposals made the Governor may—

- (a) direct that any amended proposal shall be re-advertised;
- (b) make an order pursuant to section nineteen of this Act; or
- (c) decline to make such an Order. .

9. Sections 23A, 23B and 23C of the principal Act are repealed and re-enacted to stand as section 23 as follows—

Sections
23A, 23B
and 23C
repealed
and
re-enacted.

23. (1) For the purposes of this Part of this Act the Governor may from time to time by Order declare that reticulation or other minor works of the nature specified in that Order shall be exempt works not subject to the provisions of sections nineteen, twenty, twenty-one, or

Exempt
works.

twenty-two of this Act notwithstanding that such works may form part of or be related to works comprised in proposals to which those sections apply.

(2) In relation to exempt works the Board may depart from the proposals and plans published to such extent as it considers necessary or convenient in the circumstances, but the Board is not thereby authorised to carry out any further or other works than those so specified as exempt works and any consequential modifications of a minor nature that circumstances may require. .