

WA303*

Metropolitan Water Supply, Sewerage, and Drainage Act 1909

Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws (No. 2) 2011

Made by the Minister under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* section 146 and the *Water Agencies (Powers) Act 1984* section 34.

1. Citation

These by-laws are the *Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws (No. 2) 2011*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on the day after that day.

3. By-laws amended

These by-laws amend the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.

4. By-law 1.1 amended

In by-law 1.1 insert in alphabetical order:

Dangerous Goods Storage Regulations means the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;

petroleum product has the meaning given in the Dangerous Goods Storage Regulations regulation 4;

underground storage or handling system means an underground storage or handling system as defined in the Dangerous Goods Storage Regulations regulation 4;

works has the meaning given in the *Water Agencies (Powers) Act 1984* section 3(1);

5. Part 2 heading amended

In the heading to Part 2 delete “**the Board’s**”.

6. By-law 2.2 amended

In by-law 2.2.3:

- (a) delete “Commission’s” and insert:

Minister’s

- (b) delete “Commission” (both occurrences) and insert:

Minister

7. By-law 2.3 amended

- (1) In by-law 2.3.3:

- (a) delete “Commission’s” and insert:

Minister’s

- (b) delete “Commission” and insert:

Minister

- (2) In by-law 2.3.4 delete “property, (including depots) or reserves vested in the Corporation or the Commission” and insert:

the Corporation’s or the Minister’s property or on a reserve that is under the care, control and management of the Corporation or the Minister

- (3) In by-law 2.3.5 delete “property (including depots) or reserves vested in the Corporation or the Commission” and insert:

the Corporation’s or the Minister’s property or onto a reserve that is under the care, control and management of the Minister

- (4) In by-law 2.3.6 delete “any land or reserve vested in the Corporation or the Commission.” and insert:

the Corporation’s or the Minister’s property or on a reserve that is under the care, control and management of the Minister.

(5) Delete by-law 2.3.9 and 2.3.10 and insert:

2.3.9 A person must not camp on the Corporation's or the Minister's property or on a reserve that is under the care, control and management of the Minister except in accordance with the written permission of the Corporation or the Minister as the case requires.

2.3.10 A person using picnic or recreation areas set aside for that purpose on the Corporation's or the Minister's property or on a reserve that is under the care, control and management of the Minister must obey any instructions displayed on notice boards or issued orally by the officers of the Corporation or the Department or other authorised persons regarding behaviour in, or use of, those picnic or recreation areas.

8. By-law 4.1 amended

In by-law 4.1.1.(a) delete "Commission's" and insert:

Minister's

9. By-law 4.3 amended

In by-law 4.3.6:

(a) in paragraph (b) delete "for the Commission or Forests Department" and insert:

by the State

(b) in paragraph (c) delete "Commission." and insert:

State.

10. By-law 4.4 amended

In by-law 4.4.2.1 delete "*Regulations 1974* of the Public Health Department." and insert:

Regulations 1974.

11. By-law 4.5 amended

(1) In by-law 4.5.3:

(a) delete “Commission’s” and insert:

Minister’s

(b) delete “Commission.” and insert:

CEO.

(2) In by-law 4.5.4:

(a) delete “Commission” (first occurrence) and insert:

CEO

(b) delete “Commission” (second occurrence) and insert:

State

12. By-law 4.6 amended

(1) In by-law 4.6.1 delete the passage that begins with “unless” and ends with “necessary.” and insert:

without written permission of the CEO.

(2) In by-law 4.6.2 delete “Commission” and insert:

CEO

(3) In by-law 4.6.3 delete “Explosives and Dangerous Goods Act administered by the Mines Department.” and insert:

Dangerous Goods Safety Act 2004.

(4) In by-law 4.6.4 delete the passage that begins with “without” and ends with “necessary.” and insert:

without the prior written approval of the CEO.

(5) Delete by-law 4.6.5.1 to 4.6.5.3 and insert:

4.6.5.1 A person storing or handling petroleum products is to ensure that —

- (a) the petroleum products are stored and handled in accordance with the Dangerous Goods Storage Regulations; and
- (b) no underground storage or handling system is situated within a prohibited zone or within 100 m of the centre line of any watercourse; and
- (c) no underground storage or handling system is constructed without the prior written approval of the CEO; and
- (d) each underground storage or handling system is designed, installed, operated and maintained so that it does not leak; and
- (e) any conditions set out in a written notice given to the person by the CEO are complied with.

4.6.5.2 A person storing petroleum products on premises that are not the subject of a licence granted under the Dangerous Goods Storage Regulations regulation 32 is to —

- (a) take all precautions necessary to prevent spillage of petroleum products onto the ground; and
- (b) comply with any requirement of the CEO to install containment structures on the premises.

13. By-law 4.7 amended

(1) In by-law 4.7.1:

- (a) delete “or corporation”;
- (b) delete the passage that begins with “without” and ends with “necessary.” and insert:

in the catchment area without the prior written approval of the CEO.

(2) In by-law 4.7.2 delete “Commission.” and insert:

CEO.

- (3) In by-law 4.7.3 delete the passage that begins with “without” and ends with “impose.” and insert:

without the prior written approval of the CEO.

14. By-law 4.8 amended

- (1) In by-law 4.8.1 delete the passage that begins with “without” and ends with “necessary.” and insert:

without the written approval of the CEO.

- (2) In by-law 4.8.2:

- (a) delete “Health Act” and insert:

Health Act 1911

- (b) delete the passage that begins with “without” and ends with “trade.” and insert:

without the written approval of the CEO.

- (3) In by-law 4.8.3 delete the passage that begins with “without” and ends with “necessary.” and insert:

without the written approval of the CEO.

- (4) In by-law 4.8.4 delete “Public Health Act” and insert:

Health Act 1911

15. By-law 4.9 amended

- (1) In by-law 4.9:

- (a) delete “If” and insert:

4.9.1 If

- (b) delete “or corporation” (both occurrences);

- (c) delete “Commission,” and insert:

CEO,

- (d) delete the passage that begins with “Failure” and ends with “Act.”.
- (2) At the end of by-law 4.9 insert:

4.9.2 A person who fails to comply with a notice served on that person under this by-law commits an offence.

16. By-law 5.1 amended

In by-law 5.1.1(b) delete “Commission’s” and insert:

Minister’s

17. By-law 5.2 amended

- (1) In by-law 5.2.3.1:
 - (a) delete “The Commission or any officer authorised by the Commission” and insert:

An officer authorised by the CEO

- (b) delete “Commission” (third occurrence) and insert:

officer

- (2) In by-law 5.2.3.2 delete “or at the direction of the Commission” and insert:

an officer

18. By-law 5.4 amended

- (1) In by-law 5.4.5:
 - (a) delete “Commission which” and insert:

CEO who

- (b) delete “Commission” and insert:

State

- (2) In by-law 5.4.8 delete “Commission” and insert:

CEO and the Corporation

- (3) In by-law 5.4.9 delete “Commission” and insert:

CEO and the Corporation

19. By-law 5.5 amended

- (1) In by-law 5.5.1 delete “Board” (both occurrences) and insert:

Minister

- (2) In by-law 5.5.2:

- (a) in paragraphs (a) to (f) delete “Commission” (each occurrence) and insert:

Minister

- (b) in paragraph (g) delete “the Commission or any authorised officer, servant, agent or workman of the Commission” and insert:

an officer authorised by the CEO

- (3) In by-law 5.5.3 delete “the Commission, by its officers or authorised agents” and insert:

an officer authorised by the CEO

- (4) Delete by-law 5.5.4 and 5.5.5 and insert:

5.5.4 A person storing or handling petroleum products or flammable liquids in a pollution area is to ensure that —

- (a) the petroleum products or flammable liquids are stored and handled in accordance with the Dangerous Goods Storage Regulations; and
- (b) no underground storage or handling system is situated within a prohibited zone or within 100 m of a production well; and
- (c) no underground storage or handling system is constructed without the prior written approval of the CEO; and
- (d) each underground storage or handling system is designed, installed, operated and maintained so that it does not leak; and

- (e) no flammable liquid is stored without the prior written approval of the CEO; and
- (e) any conditions set out in a written notice given to the person by the CEO are complied with.

5.5.5 A person storing petroleum products in a pollution area on premises that are not the subject of a licence granted under the Dangerous Goods Storage Regulations regulation 32 is to —

- (a) take all precautions necessary to prevent spillage of petroleum products onto the ground; and
- (b) comply with any requirement of the CEO to install containment structures on the premises.

20. By-law 5.6 amended

- (1) In by-law 5.6.1 delete the definition of *owner* and insert:

owner has the meaning given in the *Local Government Act 1995* section 1.4;

- (2) In by-law 5.6.1 in the definition of *plans* delete “Commission,” and insert:

Department,

- (3) In by-law 5.6.8(b) delete “the Commission may itself” and insert:

an officer authorised by the CEO may

21. By-law 31.4 amended

- (1) In by-law 31.4.1 delete “Commission” and insert:

State

- (2) In by-law 31.4.2 delete “Corporation or the Commission” and insert:

Corporation, the Minister or the CEO

22. Various references to “Commission” amended

- (1) In the provisions listed in the Table delete “Commission” (each occurrence) and insert:

CEO

Table

bl. 2.2.5 and 2.2.6	bl. 2.3.1, 2.3.2 and 2.3.8
bl. 4.3.3, 4.3.4 and 4.3.5	bl. 4.4.2.2 and 4.4.2.3
bl. 4.5.2 and 4.5.5	bl. 4.10.1 and 4.10.3.1
bl. 5.1.3	bl. 5.2.2.1 and 5.2.5
bl. 5.4.2, 5.4.3, 5.4.6 and 5.4.7	bl. 5.6.7

- (2) In the provisions listed in the Table delete “Commission” (each occurrence) and insert:

Minister

Table

bl. 4.3.7	bl. 5.6.3(b), 5.6.4(a), 5.6.5
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23. Schedule B amended

- (1) In Schedule B Form 1:

- (a) in the heading delete “WATER AND RIVERS COMMISSION”;
- (b) in the notes under the heading “SITE PLAN.” delete “Commission” and insert:

Minister

- (c) in the notes under the heading “SITE PLAN.” delete “it issues a licence.” and insert:

a licence is issued.

- (2) In Schedule B Form 3:

- (a) in the heading delete “WATER AND RIVERS COMMISSION”;

(b) in the Note delete:

Chief Executive Officer
Water and Rivers Commission
Hyatt Centre, 87 Adelaide Terrace
EAST PERTH WA 6004

and insert:

Chief Executive Officer
Department of Water
168 St Georges Terrace
PERTH WA 6000

Dated: 31 January 2011.

Signed:

BILL MARMION, Minister for Water.
