
WATER/SEWERAGE

WA301*

Country Areas Water Supply Act 1947

**Country Areas Water Supply Amendment
By-laws 2016**

Made by the Minister under the *Country Areas Water Supply Act 1947* section 105 and the *Water Agencies (Powers) Act 1984* section 34.

1. Citation

These by-laws are the *Country Areas Water Supply Amendment By-laws 2016*.

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 *Country Areas Water Supply By-laws 1957*.

4. By-law 1A amended

- (1) In by-law 1A(1) insert in alphabetical order:

Aboriginal customary purpose means —

- (a) preparing or consuming food customarily eaten by Aboriginal persons; or
- (b) preparing or using medicine customarily used by Aboriginal persons; or
- (c) engaging in artistic, ceremonial or other cultural activities customarily engaged in by Aboriginal persons; or

- (d) engaging in activities incidental to a purpose stated in paragraph (a), (b) or (c);

Noongar people means the traditional owners of the lands in the South West Settlement Area;

South West Settlement Area means the area of lands described in Schedule 1 and shown, for information purposes, on the map in Schedule 2;

special provision catchment area means a catchment area within the South West Settlement Area.

- (2) In by-law 1A(1) in the definition of *principal Act* delete “amended.” and insert:

amended;

5. By-law 34 amended

- (1) In by-law 34 delete “No” and insert:

- (1) No

- (2) At the end of by-law 34 insert:

- (2) A person does not need to be authorised by the CEO to do an activity referred to in sub-by-law (1) in a special provision catchment area if the person —

- (a) is a member of the Noongar people; and
 - (b) undertakes the activity for an Aboriginal customary purpose; and
 - (c) in undertaking the activity does not enter into or upon a reservoir or watercourse.

6. By-law 35 amended

- (1) At the beginning of by-law 35 insert:

- (1) In this by-law —

hand-held tool does not include —

- (a) a firearm or any other device from which an object is discharged; or
 - (b) a spear, boomerang or any other thing that is propelled from the hand.

(2) In by-law 35 delete “The” and insert:

(2) The

(3) At the end of by-law 35 insert:

- (3) A restriction prescribed under this by-law does not operate to prevent a person from hunting for an invertebrate or egg in a special provision catchment area if the person —
- (a) is a member of the Noongar people; and
 - (b) does so for an Aboriginal customary purpose; and
 - (c) does so only by hand or with a hand-held tool; and
 - (d) in doing so does not enter into or upon a reservoir or watercourse; and
 - (e) in doing so does not allow any hand-held tool to enter into or upon a reservoir or watercourse; and
 - (f) does not sell the invertebrate or egg.

7. By-law 40 amended

(1) In by-law 40 delete “The removal, plucking, or damaging of any wild flower, shrub, bush, tree, or other plant,” and insert:

(1) The removal, plucking or damaging of any wild flower, shrub, bush, tree or other plant

(2) At the end of by-law 40 insert:

- (2) A person does not contravene sub-bylaw (1) by removing, plucking or damaging a wild flower, shrub, bush, tree or other plant in the South West Settlement Area if the person —
- (a) is a member of the Noongar people; and
 - (b) does so for an Aboriginal customary purpose; and
 - (c) in doing so does not enter into or upon a reservoir or watercourse; and
 - (d) in doing so does not cause damage to, or adversely affect, any water works.

8. Schedules 1 and 2 inserted

Before Schedule 4 insert:

Schedule 1 — Description of South West Settlement Area

[bl. 1A(1)]

All the lands and waters contained within a line that —

- starts at the intersection of the prolongation westerly of the northern boundary of the Shire of Coorow with the low water mark, being a point on a northern boundary of native title determination application WAD6192/1998 (WC97/71) as accepted for registration on the Register of Native Title Claims on 22 August 1997;
- then continues generally easterly and generally south-easterly along the boundaries of that native title application to the intersection with native title determination application WAD6181/1998 (WC00/7) as accepted for registration on the Register of Native Title Claims on 3 July 2008;
- then continues generally easterly, generally south-easterly and westerly along the boundaries of that native title application to the intersection with native title determination application WAD6286/1998 (WC98/70) as accepted for registration on the Register of Native Title Claims on 29 September 1998;
- then continues generally southerly along the boundaries of that native title application to the intersection with the low water mark;
- then continues generally south-westerly, generally north-westerly and generally northerly along the low water mark back to the starting point,

other than any land or waters the subject of native title determination application WAD6193/1998 (WC97/72-6) as accepted for registration on the Register of Native Title Claims on 12 December 2011.

And all the islands landward of the low water mark that exist within the area contained within a line that —

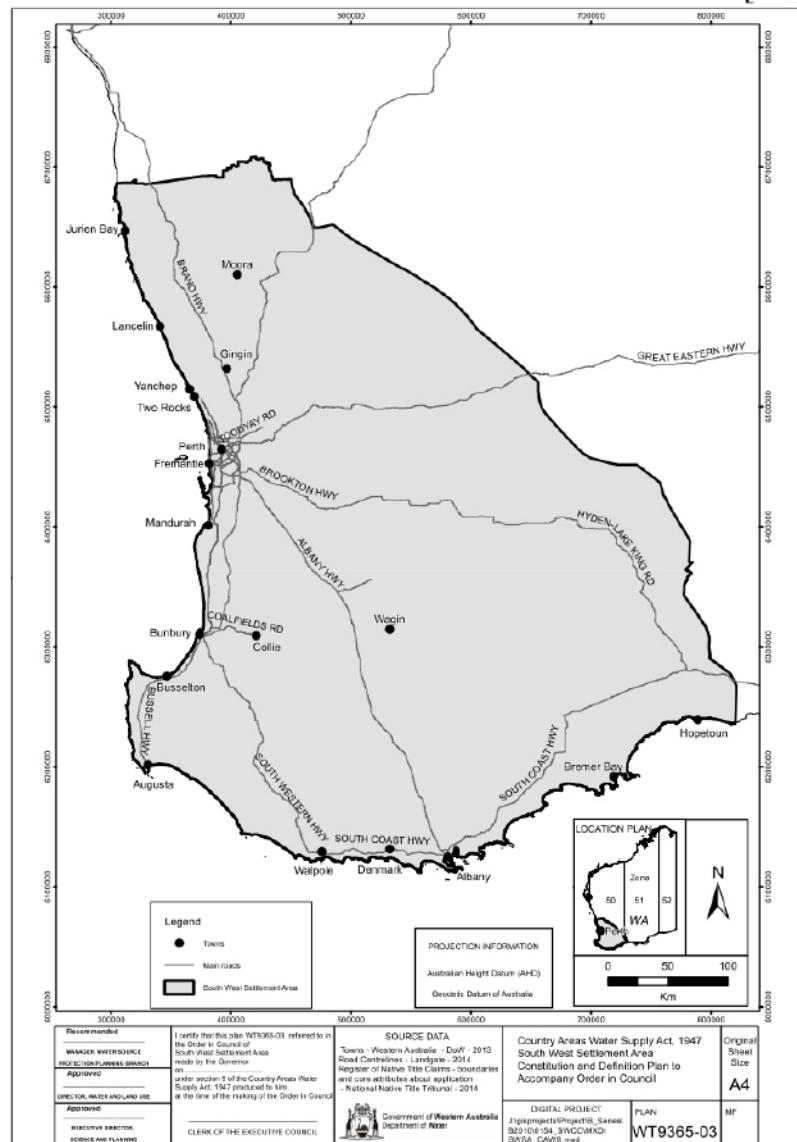
- starts at the intersection of the prolongation westerly of the northern boundary of the Shire of Coorow with the low water mark;
- then continues generally southerly, generally south-easterly and generally north-easterly along the low water mark to the intersection with longitude 120.465236;
- then continues southerly to the intersection of the 3 nautical mile limit with longitude 120.465236;
- then continues generally south-westerly, generally north-westerly and generally northerly along the 3 nautical mile limit to the prolongation westerly of the northern boundary of the Shire of Coorow;
- then continues easterly along that prolongation back to the starting point.

Notes for this Schedule:

1. The low water mark is sourced from the Spatial Cadastral Database maintained by the Western Australian Land Information Authority as at 29 October 2012.
2. Coordinate references are to Geocentric Datum of Australia 1994 (GDA94) coordinates in decimal degrees.
3. The 3 nautical mile limit is sourced from Australian Maritime Boundaries (AMB), 6th edition, released in February 2006.

Schedule 2 — Map of South West Settlement Area

[bl. 1A(1)]



M. DAVIES, Minister for Water.