
WATER/SEWERAGE

WA301*

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Amendment Regulations 2009

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under the *Water Agencies (Powers) Act 1984* section 37 and the *Rights in Water and Irrigation Act 1914* section 27.

1. Citation

These regulations are the *Rights in Water and Irrigation Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Rights in Water and Irrigation Regulations 2000*.

4. References to “Commission” replaced

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

Minister

Table

| | |
|------------------------------|--------------------------------|
| r. 3 def. of <i>approved</i> | r. 4(1)(a) |
| r. 4(2) | r. 5(1) |
| r. 5(2) | r. 5(3)(e) |
| r. 6(1) | r. 6(2) |
| r. 7(1) | r. 7(2) but not r. 7(2)(g)(iv) |

| | |
|----------------------------------|-----------------|
| r. 7(3) | r. 7(4) |
| r. 7(5) | r. 7(6) |
| r. 8(1) | r. 8(2) |
| r. 9(1) | r. 9(2) |
| r. 11(1) | r. 12(1) |
| r. 12(2) | r. 12(3) |
| r. 13(1) | r. 13(2) |
| r. 13(4) | r. 14(1) |
| r. 14(2) | r. 14(4) |
| r. 14(6) | r. 15 |
| r. 16(1) | r. 16(2) |
| r. 17(1)(b) | r. 17(2) |
| r. 18(1) | r. 18(3) |
| r. 20(7) | r. 21(2) |
| r. 22(2) | r. 23(2) |
| r. 23(3)(a)(ii) | r. 23(3)(b)(ii) |
| r. 23(4)(d) | r. 23(5) |
| r. 24(1) | r. 24(2) |
| r. 25(1) | r. 25(2) |
| r. 25(3) | r. 26(1) |
| r. 26(2) | r. 26(3) |
| r. 26(4) | r. 27(1) |
| r. 27(2) | r. 29 |
| r. 30(3) | r. 34(1) |
| r. 34(2) | r. 35(1) |
| r. 35(2) but not r. 35(2)(f)(iv) | r. 35(3) |
| r. 35(4) | r. 35(5) |

| | |
|----------|-------------|
| r. 35(6) | r. 36(1) |
| r. 36(2) | r. 37(1) |
| r. 37(2) | r. 38 |
| r. 41 | r. 44(1) |
| r. 44(2) | r. 44(3)(a) |
| r. 45(1) | r. 45(2) |
| r. 46(b) | r. 48 |
| r. 57 | |

(2) Amend the provisions listed in the Table as set out in the Table.

Table

| Provision | Delete | Insert |
|------------------|--------------------|-----------------------------------|
| r. 6(1)(b) | it | the Minister |
| r. 6(2)(a) | its | the |
| r. 7(2) | it | the Minister |
| r. 7(2)(g)(iv) | of the Commission; | in relation to such applications; |
| r. 7(4) | it makes its | making the |
| r. 7(6) | it is | |
| r. 8(1) | it | the Minister |
| r. 14(4)(a) | its | the |
| r. 14(6) | it makes its | making the |
| r. 17(2) | its | his or her |
| r. 23(5) | it makes its | making the |
| r. 24(2) | it makes its | making the |
| r. 26(1) | obligation it | obligation, the Minister |
| r. 26(4) | it makes its | making the |
| r. 34(1)(b) | it | the Minister |

| Provision | Delete | Insert |
|-----------------|--------------------|-----------------------------------|
| r. 34(2)(a) | its | the |
| r. 35(2) | it | the Minister |
| r. 35(2)(f)(iv) | of the Commission; | in relation to such applications; |
| r. 35(4) | it makes its | making the |
| r. 35(6) | it is | |
| r. 36(1) | it | the Minister |

5. Regulation 18 amended

Delete regulation 18(3)(b)(ii) and insert:

- (ii) recover the costs and expenses incurred in doing so as a debt due to the State by the person.

6. Regulation 20 amended

In regulation 20(7) delete “If” and insert:

If a

7. Regulation 42 replaced

Delete regulation 42 and insert:

42. Damage to meters

- (1) Any repairs required to a meter provided by the State are to be carried out, or to be caused to be carried out, by the Minister and the cost of those repairs is to be paid by the licence holder.
- (2) The State may recover the costs due under subregulation (1) as a debt due to the State from the licence holder in a court of competent jurisdiction.

8. Regulations 52, 52A and 52B replaced

Delete regulations 52, 52A and 52B and insert:

52A. Persons authorised to give infringement notices

For the purposes of the *Water Agencies (Powers) Act 1984* section 103, each of the following persons is

authorised to give an infringement notice in respect of an offence prescribed by regulation 50 —

- (a) any person employed in the Department who is authorised in writing by the chief executive officer of the Department to give such notices;
- (b) any person who is authorised under the *Water Agencies (Infringements) Regulations 1994* regulation 5(2) to give an infringement notice in respect of an offence under the *Water Agencies (Water Use) By-laws 2007* by-law 4.

52B. Prescribed persons for infringement notices

For the purposes of the *Water Agencies (Powers) Act 1984* section 103, a person holding or acting in any of the following offices in the Department is a prescribed person in relation to an infringement notice given in respect of an offence prescribed by regulation 50 —

- (a) the chief executive officer;
- (b) the Director, Regional Management and Water Information;
- (c) the Manager, Regional Integration Branch;
- (d) the Coordinator, Compliance and Enforcement Unit.

52. Designated person for infringement notices

For the purposes of the *Water Agencies (Powers) Act 1984* section 103, a person holding or acting in the office of chief finance officer (within the meaning of that term in the *Financial Management Act 2006* section 57) for the Department is the designated person to whom payment may be made of a modified penalty for an offence prescribed by regulation 50.

9. Regulation 55A inserted

After regulation 54 insert:

55A. Form of certificate for authorised person

A certificate issued under the *Water Agencies (Powers) Act 1984* section 103(11) to an authorised person must be in the form of Form 5.

10. Schedule 3 amended

- (1) In Schedule 3 in Form 1 delete the passage that begins with “Water and Rivers” and ends with “Act 1984” and insert:

Rights in Water and Irrigation Act 1914
Water Agencies (Powers) Act 1984

**Application for a licence under the
 Rights in Water and Irrigation Act 1914 s. 26D**

- (2) In Schedule 3 in Form 2 delete the passage that begins with “Water and Rivers” and ends with “Act 1984” and insert:

Rights in Water and Irrigation Act 1914
Water Agencies (Powers) Act 1984

**Information to be provided under the
 Rights in Water and Irrigation Act 1914 s. 26E
 after constructing or deepening a non-artesian well**

- (3) In Schedule 3 in Form 3:

- (a) delete the passage that begins with “Water and Rivers” and ends with “section 103(2)” and insert:

Water Agencies (Powers) Act 1984 s. 103(2)

Infringement notice

- (b) delete “**Water and Rivers Commission**” (second occurrence) and insert:

Department of Water

- (c) Delete “Water and Rivers Commission” (third occurrence) and insert:

Department of Water

- (4) In Schedule 3 in Form 4:

- (a) delete the passage that begins with “Water and Rivers” and ends with “section 103(6)” and insert:

Water Agencies (Powers) Act 1984 s. 103(6)

Notice of withdrawal of infringement notice

- (b) delete “in the Water and Rivers Commission”.

- (5) In Schedule 3 in Form 5:
- (a) delete the passage that begins with “Water and Rivers” and ends with “section 103(11)” and insert:

Rights in Water and Irrigation Act 1914
Water Agencies (Powers) Act 1984 s. 103(11)

Certificate that person is an authorised person

- (b) delete “Water and Rivers Commission” (second occurrence);
- (c) delete “in the Water and Rivers Commission”;
- (d) delete “CERTIFICATE OF AUTHORISED PERSON”;
- (e) delete “these regulations.” and insert:

the *Rights in Water and Irrigation Regulations 2000*.

- (f) at the end of the form insert:

Signed:

Chief executive officer of the Department of Water *or*
 Chief executive officer of the Water Corporation on behalf
 of the Water Corporation.*

* Delete the inapplicable.

By Command of the Lieutenant-Governor
 and deputy of the Governor,

R. KENNEDY, Clerk of the Executive Council.
