

WA302\*

Water Services Coordination Act 1995

## **Water Services Coordination (Extension of Enactments) Amendment Regulations 2001**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations may be cited as the *Water Services Coordination (Extension of Enactments) Amendment Regulations 2001*.

Note: The commencement of these regulations is governed by section 46 of the *Water Services Coordination Act 1995*.

### **2. The regulations amended**

The amendments in these regulations are to the *Water Services Coordination (Extension of Enactments) Regulations 1997\**.

[\* *Published in Gazette 9 May 1997, p. 2314-19.*  
*For amendments to 28 June 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 387.*]

### **3. Regulation 3 amended**

Regulation 3(1) is amended as follows:

- (a) in the definition of “operating area” by deleting “SWIMCO” and inserting instead —  
“ a prescribed licensee ”;

- (b) in the definition of “prescribed licensee” by deleting “4.” and inserting instead —  
“ 4(1) or (2), as the case requires; ”;
- (c) after the definition of “prescribed licensee” by inserting the following definition —

“  
**“prescribed licensee (irrigation services)”** means a licensee prescribed under regulation 4(1).  
 ”.

#### 4. **Regulation 4 amended**

Regulation 4 is amended as follows:

- (a) before “The licensees” by inserting the subregulation designation “(1)”;
- (b) by deleting “regulation” and inserting instead —  
“ subregulation ”;
- (c) at the end of the regulation by inserting the following subregulation —

“  
 (2) The licensee specified in the Table to this subregulation is prescribed for the purposes of Parts 1, 2 and 3 of Schedule 2 to the Act.

#### **Table**

Hamersley Iron Pty Ltd

#### 5. **Regulation 5 replaced**

Regulation 5 is repealed and the following regulation is inserted instead —

“

#### 5. **Modification of certain enactments**

- (1) In relation to a prescribed licensee (irrigation services) the enactments specified in the first column of Schedule 1 are to be read as if they had been modified in the manner described in the second column of that Schedule.
- (2) In relation to Hamersley Iron Pty Ltd, the enactments specified in the first column of Schedule 1A are to be read as if they had been modified in the manner described in the second column of that Schedule.

”.

#### 6. **Regulation 6 amended**

(1) Regulation 6(1) is amended as follows:

- (a) by deleting “Part” and inserting instead —  
“ Division ”;

(b) by inserting after “prescribed licensee” —  
“ (irrigation services) ”.

(2) Regulation 6(2) is amended by deleting “Part” and inserting instead —

“ Division ”.

(3) After regulation 6(2) the following subregulation is inserted —

“

(3) In relation to Hamersley Iron Pty Ltd the following enactments do not apply —

- (a) the provisions of the *Metropolitan Water Authority Act 1982* referred to in Parts 2 and 3 of Schedule 2 to the Act;
- (b) the provisions of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* referred to in Parts 2 and 3 of Schedule 2 to the Act;
- (c) the enactments specified in Division 3 of Schedule 2.

”.

#### 7. Regulation 8 amended

(1) Regulation 8(1) is amended as follows:

- (a) by inserting after “prescribed licensee” —  
“ (irrigation services) ”;
- (b) by deleting “5” and inserting instead —  
“ 5(1) ”.

(2) After regulation 8(1) the following subregulation is inserted —

“

(1a) In an enactment which applies in relation to Hamersley Iron Pty Ltd, a reference to a Schedule 1A enactment is to be read as a reference to the Schedule 1A enactment as modified by operation of regulation 5(2).

”.

(3) Regulation 8(3) is amended by inserting after the definition of “Schedule 1 enactment” the following definition —

“

“**Schedule 1A enactment**” means an enactment specified in the first column of Schedule 1A;

”.

**8. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) by deleting the Schedule heading and “[Regulation 5]” and inserting instead —

“

**Schedule 1 — Modification of enactments  
(prescribed licensees (irrigation services))**

[r. 5(1)]

”;

- (b) by deleting the headings “Enactment” and “Modification” wherever they occur;
- (c) by deleting the heading “*Water Agencies (Powers) Act 1984*” and inserting the following heading —

“

**Division 1 — *Water Agencies (Powers) Act 1984***

”;

- (d) before the item relating to section 34(3) of the *Water Agencies (Powers) Act 1984* by inserting the following item —

“

- s. 34(1) Delete “the Commission, the Corporation or the Coordinator of their respective functions under this Act or any relevant Act.”, insert instead —

“

the prescribed licensee of its functions under its operating licence.

”.

”.

- (e) by deleting the heading “*Rights in Water and Irrigation Act 1914*” and inserting the following heading —

“

**Division 2 — *Rights in Water and Irrigation Act 1914***

”.

**9. Schedule 1A inserted**

After Schedule 1 the following Schedule is inserted —

“

**Schedule 1A — Modification of enactments  
(Hamersley Iron Pty Ltd)**

[r. 5(2)]

**Division 1 — *Water Agencies (Powers) Act 1984***

- s. 3(1) In paragraph (b), delete “engaged under  
(definition of section 15 of the *Water Corporation  
“officer”) Act 1995”.*

- s. 3(1)  
(definition of  
“works”)
- Delete “water services or by the Commission for the assessment, control or management of water resources”, insert instead —
- “
- providing the water services specified in its operating licence
- ”.
- s. 34(1)
- Delete “the Commission, the Corporation or the Coordinator of their respective functions under this Act or any relevant Act.”, insert instead —
- “
- the prescribed licensee of its functions under its operating licence.
- ”.
- s. 41(1)
- Delete “this Act and any relevant Act”, insert instead —
- “ its operating licence ”.
- s. 70
- Insert after subsection (4), the following subsections —
- “
- (5) Where an owner or occupier of land wishes to make a claim for trespass against a prescribed licensee in respect of the exercise of a power of entry conferred by this Part, the owner or occupier may refer the claim for arbitration in accordance with the operating licence.
- (6) On a referral under subsection (5), the arbitrator is to determine whether the exercise of the power of entry was unlawful and the compensation (if any) payable to the owner or occupier.
- ”.
- s. 71(1)
- Delete “this Act and any relevant Act”, insert instead —
- “
- its functions under its operating licence
- ”.
- s. 83(1)
- Delete “this Act or a relevant Act”, insert instead —
- “ its operating licence ”.

- s. 83(2) Delete “this Act or a relevant Act”, insert instead —  
 “  
     its functions under its operating licence  
 ”.

### **Division 2 — *Country Areas Water Supply Act 1947***

- s. 11(1) Insert after “water reserve” in the first place where it occurs —  
 “ in its operating area ”.
- s. 28(2) Delete “a country water area”, insert instead —  
 “ its operating area ”.
- s. 30(1) Delete “a country water area”, insert instead —  
 “  
     the prescribed licensee’s operating area  
 ”.
- s. 31(1) Delete “this Act”, insert instead —  
 “ its operating licence ”.
- s. 40 Delete “this Act”, insert instead —  
 “  
     the prescribed licensee’s operating licence  
 ”.
- s. 42(1) Delete “this Act”, insert instead —  
 “ its operating licence ”.
- s. 43A(1) Delete “a country water area”, insert instead —  
 “  
     the prescribed licensee’s operating area  
 ”.
- s. 44(1) Delete “this Act”, insert instead —  
 “ its operating licence ”.
- s. 45(4) Delete “this Act”, insert instead —  
 “ its operating licence ”.

### **Division 3 — *Country Towns Sewerage Act 1948***

- s. 23 Delete “a sewerage area”, insert instead —  
 “ its operating area ”.
- s. 23A(1) Delete “a sewerage area”, insert instead —  
 “  
     the prescribed licensee’s operating area  
 ”.

