

Water Agencies (Powers) Act 1984

## **Water Agencies (Charges) Amendment By-laws (No. 2) 2013**

Made by the Minister under section 34 of the Act.

### **1. Citation**

These by-laws are the *Water Agencies (Charges) Amendment By-laws (No. 2) 2013*.

### **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 on which the *Water Services Act 2012* Part 2 comes into operation.

### **3. By-laws amended**

These by-laws amend the *Water Agencies (Charges) By-laws 1987*.

### **4. By-law 2 amended**

- (1) In by-law 2(1) delete the definitions of:

*country sewerage area*

*metropolitan area*

*quantity charge*

*UV*

*water supply*

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 4**

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- (2) In by-law 2(1) insert in alphabetical order:

**approval of the Corporation**, in relation to the discharge of trade waste, means an approval of the Corporation described in the *Water Services Act 2012* section 102;

**Corporation** means the Water Corporation established by the *Water Corporations Act 1995* section 4(1);

**country sewerage area** means a sewerage area under the *Country Towns Sewerage Act 1948* section 4 as in force immediately before the day on which the *Water Services Legislation Amendment and Repeal Act 2012* section 200(a) came into operation;

**drainage area** means a drainage area under by-law 30;

**irrigation works**, of a person, include a dam, reservoir or other non-reticulated works of the person used in the provision of an irrigation service;

**metropolitan area** has the meaning given in the *Water Services Regulations 2013* regulation 3(1);

**quantity charge** means quality/quantity charge as defined in the *Water Services Act 2012* section 71(1);

**trade waste** has the meaning given in the *Water Services Act 2012* section 3(1);

**wastewater** has the meaning given in the *Water Services Act 2012* section 3(1);

**water supply** does not include the supply of water from irrigation works of a licensee for the purpose of irrigation;

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013**

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**bl. 4**

- (3) In by-law 2(1) in the definition of *year*:
- (a) in paragraph (b)(i) delete “under the *Country Areas Water Supply Act 1947*,” and insert:  
  
in a non-metropolitan area,
  - (b) in paragraph (b)(ii) delete “under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* or the *Metropolitan Water Authority Act 1982*,” and insert:  
  
in the metropolitan area,
  - (c) in paragraph (b)(iii) delete “industrial waste discharged under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* or the *Country Towns Sewerage Act 1948*,” and insert:  
  
the discharge of trade waste,
  - (d) in paragraph (b)(iv) delete “water” and insert:  
  
wastewater (other than trade waste)
- (4) Delete by-law 2(2).

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013**

**bl. 5**

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**5. By-law 7A inserted**

After by-law 6 insert:

**7A. Determination of quality and quantity of trade waste discharged**

- (1) In this by-law —  
*approved meter* means a meter approved of by the Corporation.
- (2) Sub-by-law (3) applies to the extent to which the volume of the trade waste discharged is not accurately measured by an approved meter.
- (3) For the purposes of assessing a charge for the discharge of trade waste from land into a sewer of the Corporation, the Corporation may determine the quality and volume of trade waste discharged in accordance with one or more of the following paragraphs —
  - (a) if the volume of wastewater discharged from the land into the sewer is accurately measured by an approved meter — by deducting from the volume an allowance for wastewater discharged that was not trade waste;
  - (b) by deducting from the volume of water supplied to the land, or a particular part of the land, an allowance for the volume of water supplied that was not discharged to the sewer and an allowance for wastewater discharged that was not trade waste;
  - (c) by reference to a waste discharge profile determined by the Corporation to be applicable

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 6**

to the type of trade, industry, business or calling from which the trade waste is discharged;

- (d) by reference to historical data relating to the discharge of wastewater or trade waste from the land;
- (e) by reference to information given to the Corporation in relation to the discharge of industrial waste under a permit under the *Country Towns Sewerage By-laws 1952* or the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* or the discharge of trade waste under an approval of the Corporation (under the *Water Services Act 2012*).

**6. By-law 7 amended**

- (1) In by-law 7(1):
  - (a) delete the definition of *industrial waste charge*;
  - (b) insert in alphabetical order:

*trade waste charge* means a charge under Schedule 3 Division 1 items 6 or 7 or Division 3 or 6.

- (c) in the definition of *annual charge* delete “industrial” and insert:

trade

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 7**

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- (2) In by-law 7(3)(a) delete “industrial” and insert:

trade

**7. Part 2 Division 1 heading replaced**

Delete the heading to Part 2 Division 1 and insert:

**Division 1 — Water supplied other than from  
irrigation works****8. By-law 10 replaced**

Delete by-law 10 and insert:

**10. Application of Division**

This Division does not apply to, or in relation to, the supply or possible supply of water in the circumstances described in by-law 20 or 31, or any other thing done or provided in relation to that supply.

**9. By-law 11 amended**

In by-law 11 delete “taken, in accordance with section 41(1)(b) of the *Water Agencies (Powers) Act 1984*, to be” and insert:

taken to be

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013**

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**bl. 10****10. By-law 13 amended**

In by-law 13(1)(f) delete “*farm land* in the *Country Areas Water Supply Act 1947* section 5(1)” and insert:

*farmland* in the *Water Services Regulations 2013*  
regulation 3(1)

**11. Part 2 Division 2 replaced**

Delete Part 2 Division 2 and insert:

**Division 2 — Water supplied from certain irrigation works, other than for irrigation****20. Land subject to water supply charges under this Division**

- (1) The charges set out in Schedule 2 apply in respect of land that is supplied with water, for purposes other than irrigation, from irrigation works of the Corporation in the Ord Irrigation District.
- (2) For the purposes of this by-law —
  - (a) the Ord River is to be taken to be irrigation works of the Corporation to the extent to which the river is used by the Corporation to, in effect, deliver water to persons who are to be supplied with water by the Corporation; and
  - (b) the supply of water from irrigation works includes authorising a person to take water from the works.

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 12**

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**12. By-law 21 amended**

In by-law 21 delete “taken, in accordance with section 41(1)(b) of the *Water Agencies (Powers) Act 1984*, to be” and insert:

taken to be

**13. By-law 27 amended**

In by-law 27 delete “within the meaning of the *Metropolitan Water Authority Act 1982* shall be taken, in accordance with section 41(1)(b) of the *Water Agencies (Powers) Act 1984*, to be” and insert:

shall be taken to be

**14. By-law 30 inserted**

At the end of Part 4 insert:

**30. Declaration of drainage areas and transitional provision**

- (1) The Minister may, by instrument published in the *Gazette*, declare an area to be a drainage area if satisfied that the area benefits or will benefit from, or contributes or will contribute to, the need for the drainage provided or to be provided by a drainage asset of the Corporation.
- (2) The Minister may, by instrument published in the *Gazette*, revoke the declaration of an area as a drainage area if satisfied that the area no longer benefits from or



**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 14**

contributes to the need for the drainage provided by a drainage asset of the Corporation.

- (3) A declaration under sub-by-law (1) may create a new drainage area or extend an existing drainage area, and a revocation under sub-by-law (2) may revoke the whole of or just a part of an existing drainage area.
- (4) Before the Minister can declare an area to be a drainage area, the Minister must —
  - (a) give 2 months' notice of the proposed declaration; and
  - (b) take into account any objections made under sub-by-law (6).
- (5) Notice of a proposal to declare an area to be a drainage area must —
  - (a) be published in the *Gazette* and on the Department's website (as defined in the *Water Services Regulations 2013* regulation 3(1)); and
  - (b) include —
    - (i) the date on or after which the Minister proposes to make the declaration; and
    - (ii) a description of the area sufficient to identify its location; and
    - (iii) details of the plan on which the proposed drainage area is set out and how the plan can be inspected.
- (6) A person with a material interest in a proposal to declare an area to be a drainage area may object to the proposal in writing to the Minister within one month after the day on which notice of the proposal is published in the *Gazette*.

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 15**

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- (7) A drainage area under the *Metropolitan Water Authority Act 1982* section 104 as in effect immediately before the day on which the *Water Services Legislation Amendment and Repeal Act 2012* section 20 comes into operation becomes, on that day, a drainage area under this by-law, and may be amended or revoked under this by-law accordingly.

**15. By-law 31 replaced**

Delete by-law 31 and insert:

**31. Land subject to irrigation charges**

- (1) Subject to by-law 32, the charges set out in Schedule 5 apply in respect of land that is supplied with water for the purpose of irrigation from irrigation works of the Corporation in the Ord Irrigation District.
- (2) For the purposes of this by-law —
- (a) the Ord River is to be taken to be irrigation works of the Corporation to the extent to which the river is used by the Corporation to, in effect, deliver water to persons who are to be supplied with water by the Corporation; and
  - (b) the supply of water from irrigation works includes authorising a person to take water from the works.

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013**

**bl. 16**

**16. Schedule 1 amended**

- (1) In the heading to Schedule 1 delete “**supply other than under the *Rights in Water and Irrigation Act 1914***” and insert:

**supply, other than from certain irrigation works,**

- (2) In Schedule 1:

- (a) in item 28 delete “the Coral Bay Water Area” and insert:

Coral Bay

- (b) in item 29 delete “the Denham Country Water Area,” and insert:

Denham,

**17. Schedule 2 replaced**

Delete Schedule 2 and insert:

**Schedule 2 — Charges for water supply from certain irrigation works, other than for irrigation, for 2013/2014**

[bl. 20]

**1. Supply other than for stock-water or dust prevention**

In respect of land to which water is supplied from irrigation works of the Corporation in the Ord Irrigation District, for purposes other than those mentioned in item 2, an amount per supply point of —

- (a) if the supply is assured ..... \$247.50

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 18**

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(b) if the supply is not assured ..... \$181.00

**2. Supply for stock-water or dust prevention**

In respect of land to which water is supplied from irrigation works of the Corporation in the Ord Irrigation District for the purposes of stock-water or dust prevention in feed lots —

(a) if the maximum area used as a feed lot during the year is not more than 4 hectares, an amount of ..... \$664.00

(b) if the maximum area used as a feed lot during the year is more than 4 hectares, the amount specified in paragraph (a) and, for each hectare (or part thereof) in excess of 4 hectares that is so used, a further amount of ..... \$131.50

**18. Schedule 3 amended**

(1) In Schedule 3 delete items 6 and 7 and insert:

**6. Land from which trade waste is discharged into a sewer of the Corporation**

In respect of the discharge of trade waste under an approval of the Corporation, for the period for which the approval has effect (which cannot be of less than 12 months), an amount of ..... \$217.35

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 18****7. Land from which trade waste is discharged into a sewer of the Corporation through grease arrestor**

In respect of the discharge of trade waste through one or more grease arrestors under an approval of the Corporation, for the period for which the approval has effect (which cannot be of less than 12 months), in addition to any other charge applicable to the land under this Schedule —

- (a) in respect of each grease arrestor, not being a grease arrestor that is shared with other land the subject of an approval of the Corporation, an amount of ..... \$95.50
- (b) in respect of each grease arrestor that is shared with other land the subject of an approval of the Corporation, an amount of ..... \$52.15

- (2) In Schedule 3 item 11 delete “industrial waste discharged into a sewer of the Corporation pursuant to a permit —” and insert:

trade waste discharged into a sewer of the Corporation under an approval of the Corporation —

- (3) In Schedule 3 delete item 13A and insert:

**13A. Trade waste discharged from open area**

In respect of the discharge of trade waste from an open area under an approval of the Corporation, for the period for which the approval has effect (which cannot be of less than 12 months), in addition to any other charge applicable to the land under this Schedule, an amount per m<sup>2</sup> of open area ..... \$1.45`

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013****bl. 19**

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- (4) In the heading to Schedule 3 Division 6 delete “**industrial**” and insert:

**trade**

- (5) In Schedule 3 item 29 delete “industrial waste by a person who does not hold an industrial waste permit” and insert:

trade waste

Notes:

1. The heading to amended Schedule 3 item 11 is to read:

**Trade waste discharged into a sewer of the Corporation under an approval**

2. The heading to amended Schedule 3 item 29 is to read:

**One-off discharge of trade waste**

**19. Schedule 5 amended**

Delete Schedule 5 item 1 and insert:

**1. Ord Irrigation District**

In respect of land to which water is supplied in the circumstances described in by-law 31, an amount per hectare of land irrigated of —

- (a) where the supply is assured ..... \$142.00  
(b) where the supply is not assured ..... \$107.00

**Water Agencies (Charges) Amendment By-laws (No. 2) 2013**

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**bl. 20****20. Various references to “country sewerage area” amended**

In the provisions listed in the Table:

- (a) delete “country sewerage area” and insert:

non-metropolitan area

- (b) delete “country sewerage area” and insert:

non-metropolitan area

**Table**

bl. 23(1)	Sch. 3 it. 2
Sch. 3 it. 31	Sch. 3 it. 32
Sch. 3 it. 33	Sch. 3 it. 34

D. T. REDMAN, Minister for Water.  

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