
WATER

WA301

Rights in Water and Irrigation Act 1914

**Rights in Water and Irrigation Amendment
Regulations 2018**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Rights in Water and Irrigation Amendment Regulations 2018*.

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. Regulations 41A to 41F inserted

At the beginning of Part 4A insert:

41A. Terms used

In this Part —

coordinate references means Map Grid of Australia 1994 grid coordinates in Zone 50 of the Universal Transverse Mercator Grid System based on the Geocentric Datum of Australia;

Gnangara groundwater plan area means the area shown on the map in Schedule 4;

meter has the same meaning as in Schedule 1 clause 46(5) to the Act;

water entitlement has the same meaning as in Schedule 1 clause 17(4) to the Act;

water year means the period stated as the water year on a licence, or if no water year is stated on the licence, the period of 12 months beginning on the date on which the licence was granted.

41B. Application of regulation 41C

- (1) Regulation 41C applies to a licence referred to in column 1 of the Table on and after the date specified in column 2 of the Table.

Table

Licence	Date
A licence with a water entitlement of 500 000 kilolitres or more per water year	31 March 2018
A licence with a water entitlement of 50 000 kilolitres or more but less than 500 000 kilolitres per water year	31 December 2018
A licence granted in respect of the Gnangara groundwater plan area with a water entitlement of 10 000 kilolitres or more but less than 50 000 kilolitres per water year	31 December 2019
All other licences with a water entitlement of 10 000 kilolitres or more but less than 50 000 kilolitres per water year	31 December 2020

- (2) However, regulation 41C does not apply to a licence referred to in column 1 of the Table to subregulation (1) that —
- (a) is issued for less than 12 months; or
 - (b) is issued in respect of a single user dam; or

- (c) is a licence to which —
 - (i) an alternative measurement method approved under regulation 41E applies; or
 - (ii) an exemption granted under regulation 41F applies.

41C. Licence subject to metering conditions

- (1) Each licence is subject to the conditions that the licensee must —
 - (a) install a meter on each water draw-point through which water is taken under the licence; and
 - (b) for each meter installed under paragraph (a) —
 - (i) maintain the meter in good condition and ensure that it is operating within a range of plus or minus 5% of the quantity of water that passes through it when tested in field conditions; and
 - (ii) provide the Minister with the information listed in subregulation (2) within 30 days of the installation; and
 - (iii) notify the Minister within 7 days of detecting a malfunction of the meter; and
 - (iv) record the meter reading at the end of each month; and
 - (v) provide a copy of the meter readings recorded under subparagraph (iv) to the Minister within 30 days after the end of the relevant water year.

Penalty for this subregulation: A fine of \$2 000 and a daily penalty of \$200.

- (2) For the purposes of subregulation (1)(b)(ii), the information is —
 - (a) the coordinate references relating to the location of the meter or another approved description of its location; and
 - (b) the date on which the meter was installed; and
 - (c) the meter reading at the time of installation; and
 - (d) the make, size, type and serial number of the meter; and

- (e) drawings or annotated photographs of the meter after its installation that show —
 - (i) the length of pipe connecting the draw-point to the upstream flange of the meter; and
 - (ii) the length of pipe between the downstream flange of the meter and the first-bend or take-off; and
 - (iii) the direction of the water flow through the meter;and
 - (f) a copy of the manufacturer's specifications for installation of the meter or written advice from the person who installed the meter that it complies with the manufacturer's specifications for installation.
- (3) For the purposes of complying with subregulation (1)(b)(v), if a licensee has installed 2 or more meters to measure the quantity of water taken from 2 or more water draw-points, the Minister may approve the licensee providing a combined abstraction reading for all of the water taken under the licence instead of providing individual meter readings.
- (4) The meter readings required under subregulation (1)(b)(v) must be provided using the Department's electronic online system provided for that purpose unless the Minister approves another method for providing the readings in any particular case.

41D. Minister may direct compliance with metering conditions

- (1) If a licensee fails to comply with any of the metering conditions specified in regulation 41C(1), the Minister may direct the licensee to comply with those conditions.
- (2) A direction under subregulation (1) must —
- (a) be given by written notice served on the licensee; and
 - (b) specify the time within which the direction is to be complied with.
- (3) If the licensee to whom a direction has been given does not comply with the direction within the specified time, or any additional time allowed by the Minister —
- (a) the licensee commits an offence; and

- (b) the Minister may —
 - (i) do all or part of whatever the direction requires to be done; and
 - (ii) recover the costs from the licensee as a debt due to the State in a court of competent jurisdiction.

Penalty for this subregulation: A fine of \$2 000 and a daily penalty of \$200.

41E. Minister may approve alternative measurement method

- (1) The Minister may, in any particular case, approve an alternative measurement method for measuring the quantity of water taken under a licence if satisfied on reasonable grounds that it is impracticable to install a meter under regulation 41C to measure the quantity of water taken under the licence.
- (2) If the Minister approves an alternative measurement method under subregulation (1), the licensee must comply with that method to measure the quantity of water taken under the licence.

41F. Exemption from requirement to measure quantity of water taken under licence

- (1) The Minister may, in any particular case, grant an exemption from the requirement to measure the quantity of water taken under a licence if satisfied on reasonable grounds that —
 - (a) it is impracticable to install a meter under regulation 41C to measure the quantity of water taken under the licence; and
 - (b) it is inappropriate to use an alternative measurement method for measuring the quantity of water taken under the licence.
- (2) The Minister may revoke an exemption granted under subregulation (1) if the licensee fails to comply with any terms, conditions or restrictions included in the licence.

5. Schedule 2 amended

After Schedule 2 item 5 insert:

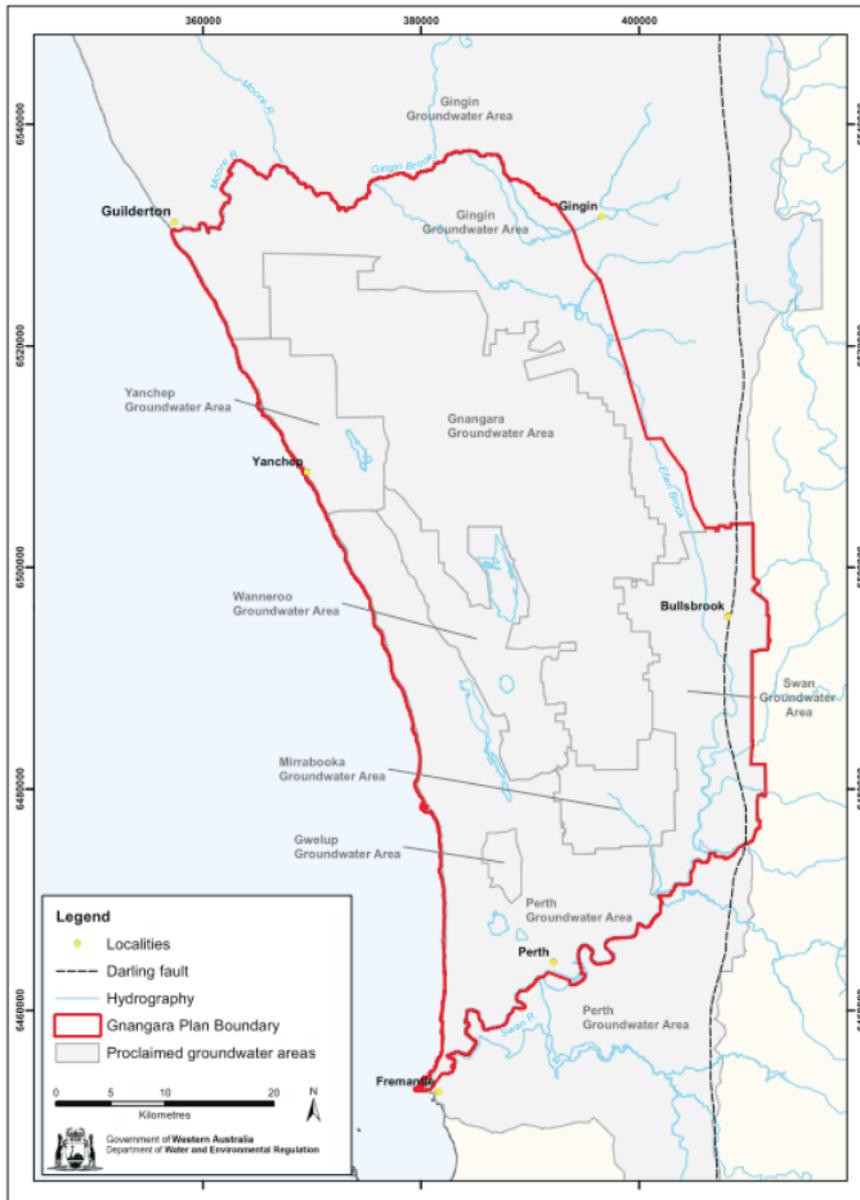
- 5A. An offence against regulation 41C(1) \$400

6. Schedule 4 inserted

After Schedule 3 insert:

Schedule 4 — Gngangara groundwater plan area

[r. 41A]



7. Various references to “licence holder” amended

In the provisions listed in the Table delete “licence holder” (each occurrence) and insert:

licensee

Table

r. 42(1) and (2)	r. 44(2), (3)(b) and (4)
r. 45(2)	r. 46(b)
r. 48(b)(i)	

N. HAGLEY, Clerk of the Executive Council.
