

# WATERWAYS CONSERVATION.

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No. 97 of 1982.

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## AN ACT to amend the Waterways Conservation Act 1976-1980.

[Assented to 22 November 1982.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Waterways Conservation Amendment Act 1982*.

Short title  
and citation.

(2) In this Act the Waterways Conservation Act 1976-1980 is referred to as the principal Act.

Act No. 131 of  
1976 as  
amended by  
Act No. 16  
of 1980.

(3) The principal Act as amended by this Act may be cited as the Waterways Conservation Act 1976-1982.

Section 3  
amended.

2. Section 3 of the principal Act is amended by inserting after subsection (2) the following subsection—

“ (3) For the purposes of the definition of “waters” in subsection (1) of this section any artificial canal, canal system, lake, lagoon, harbour or embayment connected to a river, inlet or estuary that is in a management area shall be deemed to form part of that river, inlet or estuary if it is—

(a) within the associated land comprised in that management area; and

(b) for the time being declared by the Order in Council defining that management area to form part of that river, inlet or estuary. ” .

Section 10  
amended.

3. Section 10 of the principal Act is amended in subsection (1) by inserting in paragraph (a) after “in the area” the following—

“ , declare any artificial canal, canal system, lake, lagoon, harbour or embayment connected to a river, inlet or estuary that is in the area to form part of that river, inlet or estuary ” .

Section 48  
amended.

4. Section 48 of the principal Act is amended by repealing subsection (5) and substituting the following subsections—

“ (5) Provision may be made by by-laws for—

(a) prohibiting or regulating the keeping or use on waters to which this section applies of a vessel that is

fitted with a water closet or other prescribed sanitary appliance designed to permit polluting matter to pass into the water;

- (b) prohibiting the keeping or use on waters to which this section applies of a ferry or charter vessel that is not fitted with prescribed facilities for the storage of polluting matter; and
- (c) regulating the disposal of polluting matter from facilities mentioned in paragraph (b) of this subsection and, without limiting the generality of the foregoing, prohibiting it from being disposed of otherwise than at a prescribed place in a prescribed manner.

(5a) In subsection (5) of this section "ferry or charter vessel" means a vessel that—

- (a) is kept or used for the carriage of passengers, or passengers and goods, for reward or plies for hire for the carriage of passengers, or passengers and goods; and
  - (b) is authorized under the Western Australian Marine Act 1948 to carry more than 10 passengers. " .
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