

# RIGHTS IN WATER AND IRRIGATION.

---

No. 100 of 1976.

---

AN ACT to amend the Rights in Water and  
Irrigation Act Amendment Act, 1974.

[Assented to 12th November, 1976.]

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 *Rights in Water and Irrigation Act Amendment Act, 1976.*

Short title  
and citation.

(2) In this Act the Rights in Water and Irrigation Act Amendment Act, 1974, is referred to as the principal Act.

Act No. 48  
of 1974.

(3) The principal Act as amended by this Act may be cited as the Rights in Water and Irrigation Act Amendment Act, 1974-1976.

(4) The Rights in Water and Irrigation Act, 1914-1973, as amended by the principal Act and this Act may be cited as the Rights in Water and Irrigation Act, 1914-1976.

Commence-  
ment.

2. The provisions of this Act shall come into operation on the date fixed by proclamation as the date on which the principal Act shall come into operation.

Section 13  
amended.

3. The principal Act is amended by deleting section 13 and substituting two new sections as follows—

Section 27G  
added.

13. The principal Act is amended by inserting after section 27 a new section to stand as section 27G as follows—

Application  
of this Part.

27G. (1) The provisions of this Part of this Act shall apply to and have effect in relation to every river, stream, watercourse, lagoon, lake, swamp, marsh, or subterranean water throughout the State except that—

- (a) where the exercise of the powers conferred by this Part of this Act would be inconsistent with the provisions of any Agreement to which the State is a party and which, or the execution of which, is or has been ratified or approved by an Act, the Governor may, by Order in Council published in the *Gazette*, declare that any or all of the provisions of this Part of this Act shall not apply according to the Order in respect of any or all of the places, premises, acts or things to which that Agreement relates, and effect shall be given to any such declaration;

- (b) the Governor, on the recommendation of the Minister, may from time to time by proclamation declare that certain waters and land subject to the provisions of any other Act shall be excluded from the provisions of this Part of this Act; and
- (c) the Governor, on the recommendation of the Minister, may from time to time by proclamation declare that certain portions of the waters in a specified area, or certain types of waters, shall be excluded from the provisions of this Part of this Act.

(2) An Order in Council or a proclamation made under subsection (1) of this section may be varied or revoked in like manner. .

14. The principal Act is amended by inserting after section 27 a new section to stand as section 27H as follows—

Section 27H  
added.

27H. (1) The Governor may from time to time make regulations as to the issue of disposal licenses, the rights and obligations of licensees thereunder, the fees to be paid in respect thereof, and such other regulations as the Governor shall deem necessary or advisable to give effect to this Part of this Act.

Regulations  
and fees.

(2) A regulation made under this section may discriminate according to different premises, trades, industries, processes or otherwise and may provide for differing fees to be payable, or for the remission of fees that would otherwise be payable, according to prescribed factors. .