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Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister dated 25th March, 1955.

Crown Law Department,
Perth, 25th March, 1955.

THE undermentioned by-laws as amended from time to time prior to the 30th September, 1954, made by the Minister for Water Supply, Sewerage, and Drainage, (acting as the Irrigation Board for Harvey No. 1, Waroona, Harvey No. 2 and Collie Irrigation District) and approved of by the Governor under the provisions of the Rights in Water and Irrigation Act, 1914, are reprinted pursuant to the Reprinting of Regulations Act, 1954, by the authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

Rights in Water and Irrigation Act, 1914.

BY-LAWS for—

Harvey No. 1 Irrigation District,
Waroona Irrigation District,
Harvey No. 2 Irrigation District,
Collie Irrigation District,

as published in the *Government Gazette* on the 30th July, 1937, and incorporating the amendments thereto published in the *Government Gazette* on the 7th March, 1941; 2nd January, 1942; 21st January, 1949; 20th January, 1950; 15th September, 1950; 18th April, 1952; 27th June, 1952, and 4th December, 1953, and reprinted pursuant to the Reprinting of Regulations Act, 1954.

DIVISION I.

1.—Interpretation.

(a) The words "Board," "District," "Irrigable," "Irrigation," "Occupier," "Prescribed," "Watercourse," and "Works" shall have the meanings severally attached to them in the Rights in Water and Irrigation Act, 1914, or any amendment thereof.

(b) "Minister" shall mean the Minister for Water Supply, Sewerage and Drainage acting in the exercise of the powers and authorities conferred on a Board in respect of each of the irrigation districts to which these By-laws apply respectively.

DIVISION II.

Protection of Water, Grounds, Works, etc., from
Trespass and Injury.

2.—Unauthorised Entry.

Trespassing within the fenced-off ground adjacent to or reserved for water supply or irrigation works, or the entering without proper authority upon any water or irrigation work not open to the public, is prohibited.

3.—Camp Fires.

Camping or lighting of fires on any Government water reserve, or in the immediate vicinity of any reservoir within the boundaries of the irrigation district, except on land set apart for such purposes, is prohibited.

4.—Native Flora.

The removal, plucking, or damaging of any wildflower, shrub, bush, tree, or other plant growing on any land reserved for or vested in the Minister within half-a-mile of any reservoir and within the irrigation district is prohibited.

5.—Endangering Works.

No vehicle, conveyance, or animal shall be driven, taken, or ridden in such a manner as to endanger or damage the mains, conduits, or any "works," or shall cross the same, except at places where crossings have been provided.

6.—Rubbish.

No person shall cast away, throw, or deposit on any "works" any rubbish of any kind; or carry on any operations, or do any act which creates or tends to create any nuisance on any "works," and no occupier shall allow any sullage from his land to enter in or upon any "works."

7.—Unauthorised Water.

No person shall take or use or cause to be taken or used any water from any "works," including any watercourse within the irrigation district, without the Minister's authority, and no person shall allow any water supplied to him by the Minister to run to waste either on public roads or on private or public lands or otherwise.

8.—Interference with Works.

1. No person without the Minister's consent shall—

- (a) trespass upon, injure or interfere in any way with any works;
- (b) do or cause to be done anything which at some or any future time will be likely to injure or interfere with any works;
- (c) plant any tree or noxious weed within such distance from any works that any part of the tree or noxious weed or any roots thereof at some or any future time will be likely to injure or interfere with any works.

2. The Minister and any officer of his department authorised by the Minister may subject to giving to the owner or occupier of the land concerned one month's previous notice in writing of his intention so to do cut down, destroy, dig up and remove from any land any tree or noxious weed which is or is likely to become injurious to or an interference with any works.

By-law 8
substituted
by G.G.
21/1/49,
p. 118.

9.—Animals Straying.

No person owning or having the right of control of any animal shall drive, or allow the same to stray, upon any "works." In the event of any contravention of this By-law the person guilty of such contravention shall in addition to the penalties prescribed in By-law No. 38 hereunder be liable for all damage that may thereby be caused to such works.

10.—Bathing.

No person, except with the express permission of the Minister first had and obtained, shall bathe in any channels, conduits, reservoirs, watercourses, or other works within the irrigation district.

DIVISION III.

Conditions Governing the Supply and Control of Water.

11.—Zones.

For the purpose of determining the times or period for supplying water for irrigation, the district may be divided into zones decided upon by the Minister from time to time.

12.—Zone Period of Watering.

(1) The Minister may from time to time determine the period of watering applicable to each zone in the district and cause to be prepared a programme of waterings in accordance with his determination.

(2) Full particulars of such programme of waterings for each zone shall be publicly notified at the local office of the irrigation district.

13.—Application for Watering.

Applications for a watering for irrigation shall be made in writing by ratepayer, on forms to be provided by the Minister, to the district officer authorised by the Minister to receive same, and shall be lodged at least three days prior to commencement of the zone period applicable to the land referred to in the application.

14.—Supply of Water.

On receipt of such application for watering, the Minister may, at the times and in the quantities fixed by him, and subject to payment by the ratepayer of irrigation rates and charges due, and subject also to limitation of waterings as hereinafter provided, supply water, and to such point or points as in his opinion may be necessary.

15.—Occupier's Distributary System.

The occupier of each block to be watered shall provide and maintain efficient head ditches to the satisfaction of the Minister, and shall make all arrangements for the distribution and retention of water on his land. Failing such provision, the Minister shall have the power to refuse the supply of water until the defects have been remedied to his satisfaction.

16.—Land Adjacent to Rivers.

No water will be supplied to any head ditches or other distribution channels constructed or located within two (2) chains of the nearest edge of any river in an irrigation district except with the approval of the Minister.

17.—Regulating Supply.

The officers of the Minister may, at any time, enter upon any holding for the purposes of inspecting and/or regulating the water supply and, in the event of any water being taken or used in an unauthorised manner, or being unnecessarily wasted, shall have the power to stop all further supply of water. This By-law shall not be construed in such manner as to relieve any person from any other penalties prescribed in these by-laws.

18.—Delivery Outlets.

All persons receiving water from any works shall take delivery thereof through the respective outlets, at such times and in such order and in such manner as the Minister may direct. The outlets for the delivery of water shall be operated only by the Minister or his officers.

19.—Water Deliveries.

If deliveries of water, for which application has been lodged, are refused when duly offered, such deliveries may be deemed to have been made, and may be charged for accordingly.

20.—Maximum Watering.

No ratepayer may receive more than one watering for each piece of land during a zone period without payment of the surcharge prescribed in By-law No. 28.

21.—Water for Household Purposes.

The supply by the Minister of water for household purposes shall not be deemed to imply that the water is of potable quality or free from noxious germs or other matter dangerous or injurious to health.

Amended by
G.G. 20/1/50,
p. 107.

22.—Waste of Water.

Every ratepayer or occupier shall take all necessary precautions to prevent unnecessary waste during the watering of the land in relation to which the water is supplied.

23.—Special Services for Demonstration, Grading,
or Experimental Plots.

On application being made, water may be supplied by the Minister without charge to any land which is controlled or supervised by the Department of Agriculture for demonstration, grading or experimental purposes.

DIVISION IV.

Rates and Charges.

24.—Irrigation Rate.

All irrigation rates levied in terms of the Rights in Water and Irrigation Act, 1914 on land within the irrigation district shall be payable in advance within one calendar month from publication in the *Government Gazette*, and a newspaper usually circulating in the particular district affected, of notice that the said rates have respectively been ordered to be made and levied.

25.—Water in Return for Rate ("Free Watering").

Subject as provided by the said Act and the By-laws and to the payment of the said annual rate, every ratepayer shall be entitled to receive two waterings each of not less than four inches in depth over the area of irrigable land watered, in respect of which area the rate is payable.

Amended by
G.G. 4/12/53,
p. 2405.

26.—Other or Subsequent Waterings.

Subject as provided by the said Act and the By-laws, every ratepayer who has paid his rates for the then current year or the accommodation watering charges prescribed in the next following By-law shall, during such year, so far as the water is available, on payment in advance of the further sum of 3s. 9d. per acre for each acre to be watered, be supplied with subsequent waterings, at such times and in such order and in such manner as the Minister may direct.

Amended by
G.G. 15/9/50
p. 2124;
27/6/52,
p. 1599;
4/12/53,
p. 2405.

27.—Accommodation Water Charges.

(a) In cases where the Minister at his discretion supplies water for irrigation purposes within an irrigation district to a non-rated area, or to an acreage in excess of the rated area, a charge of 11s. 3d. per acre shall be made for each of the first and second waterings respectively.

By-law 27
substituted
by G.G.
4/12/53,
p. 2405.

(b) Notwithstanding the provisions of paragraph (a) of this By-law, if surplus water is available in any irrigation district, the Minister may supply water as from the beginning of the last zonal watering period in February in each year for establishing new pasture in such irrigation district to a non-rated area or an acreage in excess of the rated area at a charge of 11s. 3d. per acre for the first watering and 3s. 9d. per acre for all subsequent waterings.

28.—Charges for Irregular Services during Zone Period.

In the event of a ratepayer lodging an application for watering after the expiration of the period mentioned in By-law 13 or receiving water out of his order provided by the zone programme, although within his zone period he shall pay a surcharge of 15s. in addition to the watering charge; and in the event of a ratepayer receiving more than one watering for the same piece of land within the appropriate zone period, he shall pay, in addition to the watering charge, a surcharge of 7s. 6d. for each extra watering received.

Amended by
G.G. 15/9/50,
p. 2124;
27/6/52,
p. 1599;
4/12/53,
p. 2405.

29.—Minimum Area for Watering Charge.

Subject to the minimum charges prescribed in By-laws 34 and 35 for each watering supplied to an area of 5 acres or less, other than waterings allowed in return for the rate levied, the charge shall be the equivalent of that which would be payable in respect of a watering for an area of 5 acres.

By-law 29
amended by
G.G. 15/9/50,
p. 2124 and
27/6/52,
p. 1599 and
substituted
by G.G.
4/12/53,
p. 2405.

30. (1) A ratepayer desiring water out of the zone period of watering applicable to his property shall make application for same to the Minister and with his application shall pay a surcharge of £1 10s. 0d.

Amended by
G.G. 7/3/41,
p. 313;
15/9/50,
p. 2124;
27/6/52,
p. 1599.

(2) The Minister may grant or refuse any application.

(3) If the Minister refuses the application, the amount of the said surcharge shall, at the election of the applicant, either be refunded to the applicant or credited to his account in the books of the Irrigation Board.

31.—Reconnection Charge.

Where the supply of water has been stopped in consequence of an infringement of By-laws 17 or 22, the settler may, on compliance with the necessary requirements of the Minister, be permitted to complete his interrupted watering on payment of a reconnection charge of £1 10s. 0d., provided water is still available within his zone and the watering can be completed within the zone period; if such watering is completed after the close of his zone period, the out of zone charge prescribed by By-law 30 shall be paid in addition to the reconnection surcharge.

Amended by
G.G. 15/9/50,
p. 2124;
27/6/52,
p. 1600.

Amended by
G.G. 7/3/41,
p. 313;
2/1/42,
p. 18;
15/9/50,
p. 2124;
27/6/52,
p. 1600.

32.—Water for Stock.

(a) Every ratepayer shall, on payment of the irrigation rate levied, be entitled to a supply of water for stock.

Provided that such water shall be supplied free of charge, if taken at the same time as the free watering, or subsequent waterings directed by the Minister, but if a special service is necessitated, a special service fee of 18s. 9d. per supply point shall be charged.

(b) Every ratepayer requiring water for stock shall at his own expense provide a suitable receptacle for the storage of stock water, such receptacle to hold sufficient water to avoid the necessity of replenishing between zone periods; and the dam, tank, or other receptacle provided for the storage of stock water shall be subject to approval by the Minister. Unless such approval has been given, the Minister may refuse to supply water for stock purposes.

Paragraph
(c) added by
G.G. 2/1/42,
p. 18;
amended by
G.G. 15/9/50,
p. 2124;
27/6/52,
p. 1600.

(c) Subject to the provisions of clause (b) being complied with, the holder of any land exempt from payment of irrigation rates because such land cannot be irrigated, or for any other reason, may be given a supply of stock water on such land on payment of a fee of 18s. 9d. per supply point per service.

Provided, however, that the minimum annual charge shall be as follows:—

| | £ | s. | d. |
|--|---|----|----|
| (1) For any area not exceeding 25 acres | 1 | 10 | 0 |
| (2) For any area exceeding 25 but not exceeding 50 acres | 3 | 0 | 0 |
| (3) For any area exceeding 50 but not exceeding 75 acres | 3 | 15 | 0 |
| (4) For any area exceeding 75 acres but not exceeding 100 acres | 4 | 10 | 0 |
| (5) For any area exceeding 100 but not exceeding 300 acres | 6 | 0 | 0 |
| (6) For any area exceeding 300 acres | 7 | 10 | 0 |

By-law 33
substituted
by G.G.
18/4/52,
p. 977;
amended by
G.G. 27/6/52,
p. 1600.

33.—Stock Water for Use Outside Irrigation District.

If surplus water is available for persons who desire to water their stock whose land is not in the Irrigation District, then the scale of charges in By-law 32 or By-law 35, whichever is appropriate, shall apply; By-law 30 (surcharge for out of appropriate zone period) also applies and the provisions of By-law 32 regarding storage shall be complied with.

Amended by
G.G. 15/9/50,
p. 2124;
27/6/52,
p. 1600

34.—Water for Land Outside an Irrigation District for Irrigation Purposes.

If surplus water is available for persons desiring same for irrigation purposes for land outside the district, other than piped supply services, or is available for users off main supply channels, the Minister may supply the same but a charge of £1 10s. 0d. per acre shall be payable, with a minimum charge of £7 10s. 0d. for the first watering; all subsequent waterings shall be at the rate of 3s. 9d. per acre; with a minimum charge of £1 10s. 0d. for acreage watered. If such water is taken outside the appropriate zone period applicable, a surcharge of £1 10s. 0d. as prescribed by By-law 30, shall also be payable before such service is given.

By-law 35
amended by
G.G. 15/9/50,
p. 2124;
18/4/52,
p. 977 and
27/6/52,
p. 1600, and
substituted
by G.G.
4/12/53,
p. 2405.

35.—Pipe Supply Services.

(1) For land, whether rated for ordinary irrigation or not, or whether situated within or without an irrigation district, the Minister may grant permission for consumers to take water by means of a powered pump or windmill or may instal a pipe to which may be connected the consumer's distribution system, or may provide other works, to facilitate supplies for the purposes and subject to the respective annual charges and conditions as set out hereunder:—

(a) A water right fee of 18s. 9d. for each service in addition to fees under (b), (c) and (d) where applicable.

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- (b) For sprinkler irrigation, 18s. 9d. per half acre of land watered, with a minimum charge of 37s. 6d.
- (c) For stock watering—free if to rated property, and taken in zone period, or otherwise obtained at no cost to the Department, but if a special service is necessitated and agreed to by the Minister, a special service fee of 23s. 6d. per service shall be charged; otherwise, £3 15s.
- (d) For either household or dairy purposes, or for both such purposes, £3 15s.

(2) Water supplied under clause (d) may be used for garden purposes without further charge, provided such garden does not exceed an area of one-half an acre.

(3) Where it is necessary for the Minister to instal a pipe or provide other works to facilitate supplies to any consumer, such consumer shall meet the capital cost of such works, plus a lump sum to be determined by the Minister, sufficient to meet future maintenance charges on such works.

(4) Written application shall be made for each or any of the aforementioned services. Formerly numbered (5).

36.—Unpaid Irrigation Rates.

The Minister may refuse to supply water to any land upon which irrigation rates are unpaid.

DIVISION V.

37.—Delegation of Authority.

The Minister may authorise any Government officer or agent to do any of the acts, matters or things which the Minister acting in the capacity of the Irrigation Board is by or under the Rights in Water and Irrigation Act, 1914, authorised or required to do.

DIVISION VI.

38.—Breach of By-law—Penalties.

Any person committing a breach of any of the foregoing By-laws, or who shall refuse or neglect to obey any injunction in any such By-law, or to comply with any requirements therein contained, shall upon conviction be liable to a penalty not exceeding £20 and, in the case of a continuing breach, a further penalty not exceeding five pounds for each day the offence continues after notice has been given by or on behalf of the Minister to the offender.

DIVISION VII.

39.—Repeal.

All By-laws heretofore made and in force for the Harvey No. 1 Irrigation District, the Waroona Irrigation District, the Harvey No. 2 Irrigation District, and the Collie Irrigation District are hereby repealed.