



Western Australia

## **Rights in Water and Irrigation (Prevention of Pollution of Waters) Regulations 1977**

Compare between:

[19 Jan 2001, 01-a0-03] and [17 Aug 2001, 01-b0-06]



## **Rights in Water and Irrigation (Prevention of Pollution of Waters) Regulations 1977**

### **1. Citation**

These regulations may be cited as the *Rights in Water and Irrigation (Prevention of Pollution of Waters) Regulations 1977* <sup>1</sup>.

### **2. Interpretation**

In these regulations, unless the context otherwise requires —  
“**Act**” means the *Rights in Water and Irrigation Act 1914* <sup>3</sup>;  
“**authorised officer**” means an officer of the Authority or any person authorised by the Authority under section 18 of the *Water Agencies (Powers) Act 1984* <sup>4</sup>.

*[Regulation 2 amended in Gazette 18 January 1980 p. 162; 24 August 1984 p. 2583; 5 July 1985 p. 2410.]*

### **3. Form of application for disposal licence**

A person or organisation applying for a disposal licence under Part IIIA of the Act shall do so in the form of Form 1 as set out in the Schedule.

*[Regulation 3 amended in Gazette 5 July 1985 p. 2410.]*

### **4. Application for disposal licence**

- (1) Every application for a disposal licence shall be accompanied by a suitable plan showing the location of the point at which the

proposed discharge or deposit will take place, and the area surrounding that point to a radius of at least 1 kilometre.

- (2) The plan submitted pursuant to subregulation (1) shall be signed by the applicant, or by his attorney or authorised agent, and dated.

**5. Form of disposal licence**

Every licence issued under Part IIIA of the Act shall be in the form of Form 2 as set out in the Schedule.

*[Regulation 5 inserted in Gazette 5 July 1985 p. 2410.]*

**6. Powers of authorised officer**

- (1) Subject to Part VI of the *Water Agencies (Powers) Act 1984*<sup>4</sup> an authorised officer may, at any time enter any premises where he has reasonable ground for believing that any poisonous, noxious or polluting matter is discharged or deposited contrary to section 27A of the Act and may thereon or therein —
- (a) examine and inspect any apparatus, equipment or works used for or in connection with the discharge of or deposit of such matters;
  - (b) take and remove samples of any such matters that are being or are likely to be, or are of a kind that is usually, discharged or deposited in or from the premises;
  - (c) take and remove such samples and make such examination and inquiry and tests upon such samples as he considers necessary to ascertain whether any of the provisions of the Act, or of any requirements made under the Act, or the conditions, limitations, or restrictions to which any licence or approval is subject, are being complied with.
- (2) Every person who delays or obstructs an authorised officer or fails to comply with any requirement made by an authorised officer in the exercise of his powers under these regulations or who, being the occupier of any premises, refuses to permit an

authorised officer to carry out his duties under these regulations, shall be guilty of an offence against these regulations.

*[Regulation 6 amended in Gazette 5 July 1985 p. 2410.]*

**7. Offence and penalty**

Every person committing an offence against these regulations is, where no other penalty is provided in the Act, liable to a penalty of \$200.00.

*[Regulation 7 inserted in Gazette 11 June 1982 p. 1932.]*

**8. Register**

A register shall be kept by the Authority of all applications received under Part IIIA of the Act for licences or amended licences, and of licences or amended licences granted or issued thereunder.

*[Regulation 8 amended in Gazette 5 July 1985 p. 2410.]*

**9. Licence fee**

- (1) An annual licence fee shall be payable in respect of each licence.
- (2) The fee payable shall be calculated in accordance with Part II of the Schedule.

*[Regulation 9 amended in Gazette 24 June 1983 p. 2002.]*

**10. Rebate if licence surrendered**

Should a licensee no longer require a disposal licence due to either the discharge having been terminated or his ceasing to be the owner or occupier of the premises from which the discharge emanates the Authority may effect payment of a rebate on the annual licence fee to cover the unexpired period of the licence.

*[Regulation 10 amended in Gazette 5 July 1985 p. 2410.]*

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**11. Interim licence**

A person who becomes the occupier of any premises in respect of which a licence under the Act was in force immediately prior thereto shall be deemed to have been granted an interim licence in his own name for the period between his occupation and the grant of a licence to him if he complies with the conditions, limitations and restrictions of the previous licence and within 30 days after occupying the premises makes application under the Act for a licence to be granted in his name.

**12. Proportion of fee for infrequent or seasonal discharge**

Where a discharge for which a licence is required is either infrequent or seasonal, the Authority may, at its discretion, impose a fee proportionately lower than that which would be otherwise calculated by reference to the Table set out in Part II of the Schedule.

*[Regulation 12 amended in Gazette 24 June 1983 p. 2003;  
5 July 1985 p. 2410.]*

**13. Licence advisory panel**

- (1) The Authority shall appoint a licence advisory panel for the purposes of these regulations.
- (2) The panel shall consist of 10 officers of government departments or instrumentalities of whom —
  - (a) 3 shall be nominees of the Authority, one of whom shall be appointed to be Chairman of the panel;
  - (b) 3 shall be nominees of the Permanent Head <sup>5</sup> of the Department of Mines <sup>6</sup> and shall be comprised of —
    - (i) one who is an officer of the Geological Survey Branch;
    - (ii) one who is an officer of the Government Chemical Laboratories <sup>7</sup>; and

- (iii) one who is an officer of the State Mining Engineer's Office;
  - (c) one shall be a nominee of the Permanent Head <sup>5</sup> of the Department of Health <sup>8</sup>;
  - (d) one shall be a nominee of the Permanent Head <sup>5</sup> of the Department of Agriculture <sup>9</sup>;
  - (e) one shall be a nominee of the Permanent Head <sup>5</sup> of the Department of Fisheries <sup>8</sup>; and
  - (f) one shall be a nominee of the Permanent Head <sup>5</sup> of the Department of Conservation and Environment <sup>8</sup>.
- (3) Persons appointed to be members of the panel shall hold office during the pleasure of the Authority.
- (4) The function of the panel shall be to advise the Authority on the granting of disposal licences and the conditions which should be imposed on such licences.

*[Regulation 13 inserted in Gazette 18 January 1980 pp. 162-3; amended in Gazette 24 August 1984 p. 2583; 5 July 1985 p. 2410.]*

**Schedule**

**Part I — Forms**

**Form 1**

Water Authority of Western Australia

[Reg. 3]

APPLICATION FOR A WASTE/EFFLUENT DISPOSAL LICENCE  
(RIGHTS IN WATER AND IRRIGATION ACT 1914 — APPLICATION  
FOR A DISPOSAL LICENCE UNDER PART IIIA)

Applicant State whether Owner or Occupier	Name ..... Address ..... ..... Postcode ..... Telephone No. .... Occupation .....
Source of Discharge	Business Name ..... Tel. No. .... Address ..... .....
Location of Discharge	Lot No. .... Lease No. .... Location ..... Name etc. of discharge location (i.e. Swan River, Lake Gwelup) ..... Town/City/Shire of .....
Time of Discharge	a.m./p.m. .... Day ..... Date ..... Continuous <input type="checkbox"/>
Premises	Type of premises from which discharge originates: ..... .....
Nature of Discharge	Colour ..... Odour ..... Acidity ..... Temperature ..... Chemical analysis of discharge (if applicable) ..... ..... .....



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Quantity to be Discharged	Rate of Discharge: m <sup>3</sup> (cubic metres) ..... per hour ..... per day ..... per week .....per year
Means of Discharge (✓ Appropriate Box)	Pipe <input type="checkbox"/> Spray <input type="checkbox"/> Drain <input type="checkbox"/> Other (specify) ..... Pumped <input type="checkbox"/> Direct <input type="checkbox"/> Gravity <input type="checkbox"/> Indirect <input type="checkbox"/> General Description ..... ..... .....
Period for which Licence Required	.....
Other Information	..... ..... .....

Applicants Signature .....                      Date .....

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**Form 2**

Water Authority of Western Australia

[Reg. 5]

**WASTE/EFFLUENT DISPOSAL LICENCE**

*(RIGHTS IN WATER AND IRRIGATION ACT 1914 — LICENCE  
UNDER PART IIIA)*

Licence No.

Licensee .....	Name .....	Occupation .....
	Address .....	Date of issue of licence
Source of Discharge .....	Business Name Address	
Location of Authorised Point of Discharge		
Quantity of Discharge Permissible		
Quality of Discharge Permissible		
Period of Licence		
Limitations and Conditions .....	.....	
Authorised Officer	Date	

*[Part I amended in Gazette 18 January 1980 p. 163; 5 July 1985  
pp. 2410-11.]*

## **Part II — Fees**

1. Subject to items 2 and 3 of this Part fees payable in respect to waste or effluent disposal, where discharge may directly or indirectly affect surface or subsurface waters, shall be determined in accordance with Table A.

**Table A**

<b>Maximum Disposal Quantity Permitted</b>	<b>Annual Fee</b>
Up to 20 cubic metres per day	\$ 70
In excess of 20 up to 200 cubic metres per day	\$ 140
In excess of 200 up to 2 000 cubic metres per day	\$ 420
In excess of 2 000 up to 10 000 cubic metres per day	\$1 670
In excess of 10 000 cubic metres per day	\$3 500

2. Where the Authority determines that a discharge of pollutant affected waters, occurs only during or immediately following periods of rainfall, and as a result of disposal of wastes or effluent onto land by irrigation or similar method, the fee shall be \$70 per annum.
3. In any other case the fee shall be \$70 per annum.

*[Part II amended in Gazette 11 June 1982 pp. 1932-3; 24 June 1983 p. 2003; 29 June 1984 p. 1792; 5 July 1985 p. 2411; 27 June 1986 p. 2141.]*

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**Notes**

- <sup>1</sup> This is a compilation of the *Rights in Water and Irrigation (Prevention of Pollution of Waters) Regulations 1977* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Rights in Water and Irrigation (Prevention of Pollution of Waters) Regulations 1977</i>	18 Feb 1977 pp. 506-8	1 Mar 1977
	18 Jan 1980 pp. 162-3	18 Jan 1980
<i>Rights in Water and Irrigation (Prevention of Pollution of Waters) Amendment Regulations 1981</i>	26 Jun 1981 p. 2321	26 Jun 1981
<i>Rights in Water and Irrigation (Prevention of Pollution of Waters) Amendment Regulations 1982</i>	11 Jun 1982 pp. 1932-3	11 Jun 1982
<i>Rights in Water and Irrigation (Prevention of Pollution of Waters) Amendment Regulations 1983</i>	24 Jun 1983 pp. 2002-3	1 Jul 1983 (see regulation 2)
<i>Rights in Water and Irrigation (Prevention of Pollution of Waters) Amendment Regulations (No. 2) 1984</i>	29 Jun 1984 p. 1792	1 Jul 1984 (see regulation 2)
<i>Rights in Water and Irrigation (Prevention of Pollution of Waters) Amendment Regulations (No. 3) 1984</i>	24 Aug 1984 p. 2583	24 Aug 1984
<i>Rights in Water and Irrigation (Prevention of Pollution of Waters) Amendment Regulations 1985</i>	5 Jul 1985 pp. 2409-11	5 Jul 1985
<i>Rights in Water and Irrigation (Prevention of Pollution of Waters) Amendment Regulations 1986</i>	27 Jun 1986 p. 2141	1 Jul 1986 (see regulation 2)

[These regulations were repealed by the Rights in Water and Irrigation \(Prevention of Pollution of Waters\) Repeal Regulations 2001 r. 2 as at 17 Aug 2001 \(see s. 2 and Gazette 17 Aug 2001 p. 4344\)](#)

- <sup>2</sup> These regulations were originally made under Part IIIA of the *Rights in Water and Irrigation Act 1914*. By virtue of clause 16 of Schedule 4 to the *Environmental*

*Protection Act 1986*, these regulations are deemed to have been made under that Act and may be repealed or amended accordingly.

- <sup>3</sup> Part IIIA of the *Rights in Water and Irrigation Act 1914* was repealed by the *Acts Amendment and Repeal (Environmental Protection) Act 1986* (No. 77 of 1986). Control of pollution is now dealt with in the *Environmental Protection Act 1986*. See Schedule 4 to the *Environmental Protection Act 1986* for transitional provisions.
- <sup>4</sup> Formerly the *Water Authority Act 1984*. Text changed under the *Reprints Act 1984*, s. 7(3)(gb).
- <sup>5</sup> Under the *Acts Amendment (Public Service) Act 1987* (No. 113 of 1987) s. 31(1)(f) references to “Permanent Head” shall be construed as references to “chief executive officer”.
- <sup>6</sup> Under the *Alteration of Statutory Designations Order (No. 2) 1992*, references in any law to the former Department of Mines shall be construed as references to the Department of Minerals and Energy.
- <sup>7</sup> At the time of this reprint the former Government Chemical Laboratories is called the Chemistry Centre (W.A.).
- <sup>8</sup> Under the *Public Sector Management Act 1994* (No. 31 of 1994) the names of departments can be changed. At the time of this reprint —
- (a) the former Department of Health is known as the Health Department of Western Australia;
  - (b) the former Department of Fisheries is known as Fisheries Western Australia; and
  - (c) the former Department of Conservation and Environment is known as the Department of Conservation and Land Management.
- <sup>9</sup> Under the *Alterations of Statutory Designations Order 1996*, references in any law to the Department of Agriculture shall be construed as references to the department of the Public Service designated Agriculture Western Australia.