



Western Australia

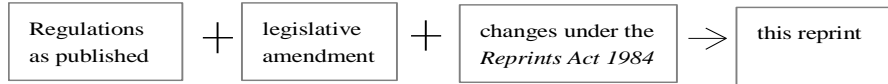
Country Areas Water Supply Act 1947

**Country Areas Water
Supply (Clearing Licence)
Regulations 1981**

Reprint 1: The regulations as at 23 May 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 23 May 2003

Western Australia

Country Areas Water Supply (Clearing Licence) Regulations 1981

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 23 May 2003

Country Areas Water Supply Act 1947

Country Areas Water Supply (Clearing Licence) Regulations 1981

1. Citation

These regulations may be cited as the *Country Areas Water Supply (Clearing Licence) Regulations 1981*¹.

[2. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

3. Application

These regulations apply to and in relation to controlled land as defined in section 12AA of the Act.

[*Regulation 3 amended in Gazette 23 Aug 1985 p. 3019.*]

4. Interpretation

In these regulations unless the contrary intention appears —
“**licence**” means a clearing licence issued under section 12C;
“**section**” means a section of the Act;
“**the Act**” means the *Country Areas Water Supply Act 1947*.

[*Regulation 4 amended in Gazette 23 Aug 1985 p. 3019.*]

5. Application for a licence

An application for a licence shall be in the form of Form 1.

6. Form of licence

A licence shall be in the form of Form 2.

7. Application for transfer of a licence

An application for the transfer of a licence shall be in the form of Form 3.

8. Form of compensation claim

A claim for compensation under section 12E shall be in the form of Form 4.

9. Form of memorial — unlawful cleaning

A memorial relating to unlawful clearing delivered pursuant to section 12BA(1) and (2) shall be in the form of Form 5.

10. Form of memorial — restoration order

A memorial relating to a restoration order delivered pursuant to section 12BB(1) shall be in the form of Form 6.

11. Form of memorial — injurious affection

A memorial relating to compensation paid for injurious affection delivered pursuant to section 12EA(1) shall be in the form of Form 7.

12. Appeal to Minister (section 12D)

An appeal to the Minister pursuant to section 12D —

- (a) shall be addressed to the Minister for Water Resources within 30 days after the date of the decision of the Commission, or within 30 days after the date on which the application is deemed to have been refused;

- (b) shall be in writing signed by the appellant; and
- (c) shall set out the grounds of the appeal and such other particulars as are necessary in support of the appeal.

[Regulation 12 amended in Gazette 23 Aug 1985 p. 3019; 29 Jun 1988 p. 2110; 29 Dec 1995 p. 6295.]

13. When a clearing licence is not required (section 12C)

In accordance with section 12C(1)(d), a clearing licence is not required —

- (a) where the land in question has an area of less than 0.2 hectare;
- (b) for the removal of suckers or regrowth less than 3 years old where the land in question was cleared of indigenous trees and vegetation as verified by Department of Land Administration photography —
 - (i) in the case of the Wellington Dam Catchment Area and the Harris River Catchment Area, by the date of the proclamation of the *Country Areas Water Supply Act Amendment Act 1976* (i.e. 15 November 1976); or
 - (ii) in the case of the Mundaring Weir Catchment Area, Denmark River Catchment Area, Kent River Water Reserve and Warren River Water Reserve by the date of the proclamation of the *Country Areas Water Supply Act Amendment Act 1978* (i.e. 15 December 1978),

or has subsequently been cleared as a result of a licence being issued;

- (c) for the removal of individual trees suitable for cutting for fencing and farm materials if used for maintaining existing improvements on the holding, where —
 - (i) those trees are cut from bush areas in random manner with not more than 2 trees removed per hectare; and

r. 13

- (ii) no action is taken that would be deleterious to the regrowth of stumps;
- (d) for the removal of regrowth and suckers not more than 10 metres beyond either side of existing fencelines;
- (e) for the removal or destruction of poison plants included in the toxic species of the genera *Gastrolobium* and *Oxylobium*.

[Regulation 13 amended in Gazette 29 Dec 1995 p. 6295.]

Schedule

Form 1

*COUNTRY AREAS WATER SUPPLY ACT 1947
COUNTRY AREAS WATER SUPPLY (CLEARING LICENCE)
REGULATIONS 1981*

APPLICATION FOR
LICENCE

Catchment area/
Water Reserve.

ZONE

1. Name and Address of Applicant
(PLEASE PRINT)
(Applicant to be owner/occupier or
Statutory Authority —
Delete whichever does not apply)

SURNAME

OTHER NAMES

NAME OF STATUTORY
AUTHORITY

(if applicable)

ADDRESS

TELEPHONE NO. 09..... /

2. Ownership, Occupancy and details of Holding

(i) FULL NAME AND ADDRESS OF OWNER(S) and/or
OCCUPIER(S) (IF COMPANY OR FIRM GIVE DETAILS)

.....
.....
.....

(ii) LOCATION NUMBER(S) AND/OR LOT NUMBER(S)

.....
.....

(iii) CERTIFICATE OF TITLE NUMBER(S)
OR

LEASE NUMBER(S)

(iv) TOTAL AREA OF HOLDING HECTARES

(v) TOTAL AREA ALREADY CLEARED HECTARES

(vi) AREA OF BUSH SUITABLE FOR AGRICULTURE
..... HECTARES

Form 2

*COUNTRY AREAS WATER SUPPLY ACT 1947
COUNTRY AREAS WATER SUPPLY (CLEARING LICENCES)
REGULATIONS 1981*

LICENCE TO CLEAR

..... CATCHMENT AREA/WATER RESERVE, ZONE

This is to certify that is the holder of a licence number granted under Part IIA of the *Country Areas Water Supply Act 1947* to on the following land, namely

(Description of Land)

to the extent of

(area of land that may be cleared)

as shown on the plan annexed to this licence subject to the * following conditions/* the conditions set out in the annexure of this licence.

.....
.....
.....
.....
.....

DATED this day of 20.....

.....
AUTHORISED OFFICER

*Delete which does not apply.

[Form 2 amended in Gazette 23 Aug 1985 p. 3020.]

Schedule

Form 3

*COUNTRY AREAS WATER SUPPLY ACT 1947
COUNTRY AREAS WATER SUPPLY (CLEARING LICENCE)
REGULATIONS 1981*

APPLICATION TO TRANSFER LICENCE NO.

ISSUED IN THE NAME OF

FOR THE CATCHMENT AREA/WATER RESERVE, ZONE

1. I,

(Name) Please Print

of 09 /

(address)

(Telephone No.)

being

(state the nature of interest of applicant, e.g. purchaser of land in respect of which a licence has been granted or a lessee, etc.)

hereby apply for the transfer of the licence issued in respect of

.....

.....

describe land by reference to location, certificate of title, lease, etc.).

2. The transfer of the licence is necessary for the following reasons

.....

.....

3. If the transfer of the licence is refused the land will be injuriously

affected in the following manner

.....

.....

Signed by Applicant*

DATE

*Application must be signed by the applicant personally or by the applicant's authorised attorney or agent. Any power of attorney or other authority must be forwarded with the application for sighting and return.

An application by a company must be made under the company's common seal.

Form 4

COUNTRY AREAS WATER SUPPLY ACT 1947
COUNTRY AREAS WATER SUPPLY (CLEARING LICENCE)
REGULATIONS 1981

CLAIM FOR COMPENSATION

1. I,
(Full Name/s — Please Print)
- of
(address)
- Being the (owner) of
(occupier)
(owner and (give full land description of holding).
occupier)
(Delete whichever does not apply)
-
whose application to clear hectares or to
transfer licence No. was refused/granted in part/granted
subject to conditions/ under Part IIA of the *Country Areas Water Supply
Act 1947* on (state date) hereby claim the sum of \$.....
as compensation for injurious affection in respect of
.....
.....
.....
(description of all land included in claim).
2. The amount claimed is made up as follows: *
- (a) Area for which clearing has been refused
.....ha @ per ha \$
- (b) Any loss of value of other areas included in claim
Land.....ha @ per ha \$
Buildings \$
Fencing \$
Water Supply \$
Other \$
- (c) Any additional items \$
- TOTAL\$

Schedule

3. Nature of Interest in Lands of Claimant**

State in full the nature of Interest (as for example, owner in fee simple, mortgagee, lessee, or occupier), and if the lands are leased or encumbered, or are subject to any easement, give particulars of such lease, encumbrance, or easements, etc.

.....
.....
.....

4. Where Claimant is not both the owner and occupier state the name and address of the owner or occupier (as the case may be)

.....
.....
.....

DATED this day of 20.....

.....
Signed by the Claimant.‡

*Item 2 is not compulsory; complete it to the best of your ability.

**If your interest in the land is not registered, you must provide documentary evidence (e.g. contract of sale, lease, partnership agreement) to support your right to claim.

‡Claim must be signed by the claimant personally or by the claimant's authorised attorney or agent. Any power of attorney or other authority must be forwarded with the claim for sighting and return.

A claim by a company must be made under the company's common seal.

Country Areas Water Supply (Clearing Licence) Regulations 1981

Schedule

Form 6

WESTERN AUSTRALIA

No.

MEMORIAL

WATER AND RIVERS COMMISSION File No.

COUNTRY AREAS WATER SUPPLY ACT 1947

NOTICE OF RESTORATION ORDER

THE MINISTER FOR WATER RESOURCES HEREBY GIVES NOTICE THAT A RESTORATION ORDER HAS BEEN MADE BY THE COURT WITH RESPECT TO THE UNDERMENTIONED LANDS IN ACCORDANCE WITH SECTION 12BB OF THE ABOVE ACT.

SCHEDULE

LAND DESCRIPTION Location, Lot, Certificate of Title, Crown Lease (State whether whole or part of land in C of T or C.L.)	REGISTERED PROPRIETOR Name, Address, Occupation

Dated this day of 20 .

.....
(Witness)

.....
FOR AND ON BEHALF OF THE MINISTER
FOR WATER RESOURCES.

[Form 6 amended in Gazette 23 Aug 1985 p. 3020; 29 Dec 1995 p. 6296.]

Country Areas Water Supply (Clearing Licence) Regulations 1981

Notes

- ¹ This reprint is a compilation as at 23 May 2003 of the *Country Areas Water Supply (Clearing Licence) Regulations 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Country Areas Water Supply (Clearing Licence) Regulations 1981</i>	22 May 1981 p. 1570-5	22 May 1981
<i>Country Areas Water Supply (Clearing Licence) Amendment Regulations 1985</i>	23 Aug 1985 p. 3019-20	23 Aug 1985
<i>Country Areas Water Supply (Clearing Licence) Amendment Regulations 1988</i>	29 Jun 1988 p. 2110	29 Jun 1988
<i>Water Agencies (Amendment and Repeal) Regulations 1995 Pt. 2</i>	29 Dec 1995 p. 6295-302	1 Jan 1996 (see r. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
Reprint 1: The Country Areas Water Supply (Clearing Licence) Regulations 1981 as at 23 May 2003 (includes amendments listed above)		