

Western Australia

Rights in Water and Irrigation Act 1914

**Harvey, Waroona and Collie River Irrigation
Districts By-laws 1975**

As at 03 Sep 2012

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Harvey, Waroona and Collie River Irrigation Districts By-laws 1975

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Harvey, Waroona and Collie River Irrigation Districts By-laws 1975

1. Citation

These by-laws may be cited as the *Harvey, Waroona and Collie River Irrigation Districts By-laws 1975* ¹.

2. Application

These by-laws apply in the Harvey Irrigation District, the Waroona Irrigation District and the Collie River Irrigation District as constituted from time to time under the Act.

3. Interpretation

In these by-laws, unless the contrary intention appears —

annual district allocation means the quantity of water allocated by the former Authority or the Corporation by notice under by-law 4 for each hectare of rated land in the district in relation to which the notice applies;

authorised person means an officer or other person appointed for the purposes of carrying out these by-laws;

District Officer means the officer appointed as the District Officer or other officer carrying out the duties of district officer in relation to a district;

Form means a form in the Second Schedule;

section means a section of the Act;

the Act means the *Rights in Water and Irrigation Act 1914* ²;

bl. 3A

watering programme means the zone periods specified by the former Authority or the Corporation by notice under by-law 4 in relation to which the notice applies;

zone period means a period of time specified in the watering programme applicable to a district during which water will be supplied to an occupier under these by-laws.

*[By-law 3 amended in Gazette 19 Jul 1985 p. 2502;
29 Dec 1995 p. 6316.]*

3A. Advisory Committee

- (1) The Corporation may from time to time appoint an Advisory Committee which shall have throughout the Irrigation Districts to which these by-laws apply the conjoint functions referred to in sub-by-law (5).
- (2) The Advisory Committee shall consist of such number of persons, including representatives of owners and occupiers of land and officers of Government Departments, as the Corporation appoints, but —
 - (a) not more than 3 persons shall be appointed members of the committee as representatives of owners or occupiers of land at any one time; and
 - (b) the persons to be members of the committee as representatives of owners and occupiers of land shall be such persons as the Corporation may nominate or may select from persons to be nominated by the local authorities in whose district the Irrigation Districts are situated.
- (3) When nominations by the local authorities are desired, the Corporation may determine the number of nominations to be made by each such local authority and the manner in which the nominations shall be made.
- (4) A person appointed to be a member of the committee shall hold office during the pleasure of the Corporation.

- (5) The functions of the Advisory committee shall include assisting and advising the Corporation on the conditions governing the supply and control of water and on such other matters as are referred to it.

[By-law 3A inserted in Gazette 20 Apr 1979 p. 1057; amended in Gazette 29 Dec 1995 p. 6316.]

4. Notice of area allocation, watering programme and zone periods

- (1) The Corporation may by notice in relation to a district to which these by-laws apply —
- (a) determine the period during which water will be supplied to the district;
 - (b) declare the quantity of water, to be known as the annual district allocation, that will be supplied for each hectare of rated land in the district; and
 - (c) set out a watering programme specifying the periods of time, to be known as zone periods, during which water will be supplied and the days or the dates before or on which, as the case requires, applications shall be made for the supply of water in the district.
- (2) A copy of the notice referred to in sub-by-law (1) shall be posted on the official notice board of the Corporation in the district to which the notice relates not less than 7 days before the date of the first zone period specified in the watering programme set out in the notice and the notice shall be kept posted at that place for the duration of the period to which the watering programme applies.
- (3) A notice given under sub-by-law (1) may be amended or revoked by subsequent notice by the Corporation and any amendment to the notice shall be kept posted at the office of the Corporation in the district to which it relates for the duration of the period to which the amendment applies.

bl. 5

*[By-law 4 amended in Gazette 19 Jul 1985 p. 2504;
29 Dec 1995 p. 6317.]*

5. Application for water

- (1) An occupier who desires to be supplied with water under these by-laws shall apply to the Corporation in the form of Form 1 giving the particulars required by that form.
- (2) An application referred to in sub-by-law (1) shall be lodged with the District Officer at the office of the Corporation in the district in which the land the subject of the application is situate —
 - (a) where the land is to be supplied with water in accordance with the watering programme for that district, not less than 3 days before the commencement of the zone period to which the application relates;
 - (b) in any other case, not less than 3 days before the occupier requires the water applied for.

[(3) deleted]

- (4) An occupier who desires to amend an application made pursuant to this by-law shall give the District Officer of the district not less than 6 hours' notice of his intention to amend his application.
- (5) Where an occupier has applied to be supplied with water and does not take the water when offered, he may be required to lodge a fresh application for water.

*[By-law 5 amended in Gazette 19 Jul 1985 p. 2504;
27 Jun 1986 p. 2139; 29 Dec 1995 p. 6317.]*

6. Supply of water

- (1) Subject to these by-laws, where an occupier who desires to be supplied with water under these by-laws has made an application therefor in accordance with these by-laws the Corporation may supply water to the land of the occupier in accordance with the application.

- (2) Supplies of water under these by-laws shall be made only to those supply points of an occupier's land as are approved by the Corporation and water so supplied shall be taken at those supply points at the times and in the manner approved by the Corporation.
- (3) Except when he does so at the direction of an authorised person, a person other than an authorised person shall not operate a supply point.
- (4) The Corporation may refuse to supply water to any head ditch or other distribution channel constructed or located within —
 - (a) 40 metres of a river; or
 - (b) 5 metres of any other works.

[By-law 6 amended in Gazette 19 Jul 1985 p. 2504; 29 Dec 1995 p. 6317.]

6A. Supply of water outside period

Notwithstanding the determination of a period under by-law 4(1)(a) in respect of a district, the Corporation may at the request of an occupier of land within the district, supply water to that land outside the period so determined subject to the payment by the occupier of the appropriate charges set out in Schedule 5 to the *Water Agencies (Charges) By-laws 1987* and such other terms and conditions as the Corporation thinks fit.

[By-law 6A inserted in Gazette 29 Jun 1989 p. 1890; amended in Gazette 29 Dec 1995 p. 6316 and 6317; 29 Jun 2001 p. 3238.]

6B. Corporation may approve arrangement for relinquishment of quantity entitlement

- (1) The Corporation may approve an arrangement under which an occupier agrees with another occupier (“**the second occupier**”) to relinquish an entitlement to the supply of a quantity of water under the annual district allocation so that the second occupier may be supplied with that quantity of water in addition to the

bl. 7

quantity of water to which the second occupier is otherwise entitled.

- (2) An application for approval under sub-by-law (1) shall be —
 - (a) in a form approved by the Corporation; and
 - (b) accompanied by an application fee of \$50.00.
- (3) The charge for water supplied as a consequence of an arrangement approved under sub-by-law (1) is the charge set out in item 1(a) or (b), as appropriate, of Schedule 5 Division 3 to the *Water Agencies (Charges) By-laws 1987*.

[By-law 6B inserted in Gazette 21 May 1996 p. 2140; amended in Gazette 29 Jun 2001 p. 3238.]

7. Occupier to have efficient distribution system

- (1) An occupier shall construct and maintain on his land an efficient distribution system for the distribution of water on his land.
- (2) Where the Corporation is of the opinion that the distribution system on any land is not efficient the Corporation may refuse to supply water to that land.

[By-law 7 amended in Gazette 19 Jul 1985 p. 2503; 29 Dec 1995 p. 6317.]

[8. Deleted in Gazette 27 Jun 1986 p. 2139.]

[9. Deleted in Gazette 14 Jul 1987 p. 2658.]

10. Waste of water

An occupier shall take all necessary steps for preventing waste of water supplied under these by-laws.

11. Pipe and pump supplies

- (1) Where it is possible to supply land whether or not the land is in a district with water by means of works without any other service being rendered by it, the Corporation may supply water

through any works for the purpose of enabling an occupier of land to take water from the works by pumping or other means.

- (2) An occupier who desires to take water supplied through a work under sub-by-law (1) shall apply to the Corporation in the form of Form 2 giving the particulars required by the form.
- (3) Where the Corporation approves of an application made under sub-by-law (2) the occupier shall not take any water from the works other than at the times appointed and in the manner approved by the Corporation.
- (4) An occupier who applies to take water under this by-law is liable to pay the costs of any works constructed by the Corporation for the purpose of supplying water to his land and a capitalised maintenance charge determined by the Corporation.
- (5) An occupier who desires to be supplied with water pursuant to this by-law shall at the commencement of each rating year apply to the Corporation in the form of Form 1.
- (6) An application made under sub-by-law (5) shall be lodged with the District Officer at the office of the Corporation in the district from which the water is supplied.

[By-law 11 amended in Gazette 19 Jul 1985 p. 2503 and 2504; 14 Jul 1987 p. 2656; 29 Dec 1995 p. 6317.]

11A. Supply of water for purposes other than irrigation

- (1) An occupier who desires to be supplied with water other than irrigation water from works by means of a pipe, for purposes approved under section 42(2), shall apply to the Corporation in the form of Form 3 giving the particulars required by the form.
- (2) An occupier who applies to take water under this by-law is liable to pay the costs of any works constructed by the Corporation for the purpose of supplying water to his land.

bl. 12

- (3) An application made under this by-law shall be lodged with the District Officer at the office of the Corporation in the district from which the water is supplied.

[By-law 11A inserted in Gazette 14 Sep 1984 p. 2924; amended in Gazette 19 Jul 1985 p. 2504; 14 Jul 1987 p. 2658; 29 Dec 1995 p. 6317.]

[11B. Deleted in Gazette 14 Jul 1987 p. 2658.]

12. Water used for domestic purposes and for stock

- (1) An occupier who is supplied with water under these by-laws for domestic purposes or for stock or both shall provide a suitable dam, tank or receptacle for those purposes.
- (2) A dam, tank or receptacle so provided shall be of such capacity as will enable the occupier to store enough water to meet his requirements for those purposes between zone periods.
- (3) Where the Corporation is satisfied that a dam, tank or receptacle that is used for storing water for the purposes referred to in sub-by-law (1) does not conform to the requirements of sub-by-law (2) it may refuse to supply water to the land of that occupier for those purposes.

[By-law 12 amended in Gazette 19 Jul 1985 p. 2503 and 2504; 29 Dec 1995 p. 6317.]

[13. Deleted in Gazette 14 Jul 1987 p. 2658.]

14. No warranty as to purity of water

The supply of water under these by-laws does not imply any warranty by the Corporation that the water is potable or is otherwise suitable for domestic purposes or for the watering of stock.

[By-law 14 amended in Gazette 19 Jul 1985 p. 2504; 29 Dec 1995 p. 6317.]

15. Authorised person may enter land and stop water

[(1) deleted]

- (2) Where an authorised person is satisfied that water supplied under the Act is being used in an unauthorised manner or that water so supplied is being wasted he may stop further supplies of water to the land for such period as is approved by the Corporation.

[By-law 15 amended in Gazette 19 Jul 1985 p. 2503 and 2504; 29 Dec 1995 p. 6317.]

[16. Deleted in Gazette 27 Jun 1986 p. 2139.]

[17. Deleted in Gazette 14 Sep 1984 p. 2924.]

[18. Deleted in Gazette 27 Jun 1986 p. 2139.]

19. Charges for water

[(1) deleted]

- (2) The Corporation may refuse to supply water to any property where any amount that has become due and payable for water supplied to a ratepayer on that property remains unpaid.

[By-law 19 inserted in Gazette 14 Sep 1984 p. 2924; amended in Gazette 19 Jul 1985 p. 2504; 27 Jun 1986 p. 2139; 14 Jul 1987 p. 2658; 29 Dec 1995 p. 6317.]

[20. Deleted in Gazette 28 Aug 1981 p. 3576.]

21. Supply of water to unrated land

The occupier of a non-rated area of land within a district to which these by-laws apply or an area of land outside such a district may request the Corporation to supply water to the land for irrigation purposes, for domestic purposes and for stock and the Corporation may supply water to that occupier on such terms and conditions as the Corporation thinks fit.

bl. 22

*[By-law 21 amended in Gazette 19 Jul 1985 p. 2503 and 2504;
29 Dec 1995 p. 6317.]*

22. Supply of waste water

Where water is available from a district to which these by-laws apply which if not used would run to waste the Corporation may on application by an occupier and subject to such terms and conditions as the Corporation thinks fit supply water to the land of the occupier.

*[By-law 22 amended in Gazette 19 Jul 1985 p. 2503 and 2504;
29 Dec 1995 p. 6317.]*

[23. Deleted in Gazette 14 Jul 1987 p. 2658.]

24. Trespassing prohibited

Except with the prior permission of the Corporation a person other than an authorised person shall not enter or remain in or on any works to which the public are not admitted.

*[By-law 24 amended in Gazette 19 Jul 1985 p. 2504;
29 Dec 1995 p. 6317.]*

25. Lighting fires

A person other than an authorised person shall not light a fire in or upon any work except at a place set aside by the Corporation for that purpose.

*[By-law 25 amended in Gazette 19 Jul 1985 p. 2504;
29 Dec 1995 p. 6317.]*

26. Native flora

A person other than an authorised person shall not pick, dig, remove or damage any native flora within the boundaries of a district to which these by-laws apply.

27. Endangering works

- (1) A vehicle shall not be driven and a person shall not permit or suffer a vehicle to be driven in such a manner as will endanger any works.
- (2) A person shall not drive or park a vehicle within the boundaries of any land on which works are constructed except on the portion of the land set aside for those purposes.

28. Animals

A person who owns or is in charge of an animal shall not drive or permit it to enter in or upon any works other than in areas set aside for that purpose.

29. Damage, danger and interference with works

A person other than an authorised person shall not do or cause anything to be done that will damage, endanger or interfere with or be likely to damage, endanger or interfere with a work.

30. Trees

- (1) A person other than an authorised person shall not whether on his land or not plant any trees that will in the opinion of the Corporation damage, endanger or interfere with or be likely to damage, endanger or interfere with any works.
- (2) An authorised person may request any person to remove a tree on that person's land that in the opinion of the Corporation damages, endangers or interferes with or that is likely to damage, endanger or interfere with any works.
- (3) Where a person does not carry out a request to remove a tree made pursuant to sub-by-law (2) an authorised person may with the approval of the Corporation enter the land of that person and remove, dig and destroy the tree or plant.

*[By-law 30 amended in Gazette 19 Jul 1985 p. 2504;
29 Dec 1995 p. 6317.]*

bl. 31

31. Litter

A person shall not throw, cast or deposit any litter or rubbish in or upon any works other than in a place or receptacle set aside for that purpose.

32. Bathing, fishing or using boats

A person shall not bathe, fish or use a boat in or upon any works except in a portion set aside by the Corporation for that purpose.

*[By-law 32 amended in Gazette 19 Jul 1985 p. 2504;
29 Dec 1995 p. 6317.]*

33. Unauthorised use of water

Except with the prior approval of the Corporation, water in any works shall not be taken or used and a person shall not cause or permit any water in a work to be taken or used.

*[By-law 33 amended in Gazette 19 Jul 1985 p. 2504;
29 Dec 1995 p. 6317.]*

34. Penalty and damages

- (1) A person who commits a breach of these by-laws is liable to a penalty not exceeding \$2 000 and where the breach is a continuing breach, to a further penalty not exceeding \$200 for each day the offence continues after notice thereof has been given by or on behalf of the Corporation to the offender.
- (2) In addition to any penalty imposed by a court any expense incurred by the Corporation in consequence of the breach of a by-law shall be paid by the person committing the breach.

*[By-law 34 amended in Gazette 19 Jul 1985 p. 2503 and 2504;
29 Dec 1995 p. 6317.]*

[First Schedule deleted in Gazette 14 Jul 1987 p. 2658.]

Second Schedule

Water Agencies (Powers) Act 1984

Rights in Water and Irrigation Act 1914²

Harvey, Waroona and Collie River Irrigation Districts By-laws 1975

[By-law 11(5)]

Form 1

APPLICATION FOR WATERING

NAME				Irrigation District	
	(Print Surname)	(Initials)		Zone Period	

- NOTE: 1. This application must reach the District Irrigation Office at least **THREE DAYS** prior to the commencement of the zone period in which watering is required.
2. **UNDER NO CIRCUMSTANCES** will an out of zone supply be given unless authorised by the District Officer, following a recommendation from the Department of Agriculture.

Supply Point No.	Crop	Cubic Metres required (1 000's)	Area to be watered (hectares)	Number of Watering (1st, 2nd, etc.)
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
TOTAL				

I hereby apply for waterings as above under the *Rights in Water and Irrigation Act 1914²* and certify that the head-ditches and distribution channels on the land for which the water is required comply with the requirements of the Corporation. I undertake to exercise the necessary supervision to prevent unnecessary waste during watering.

Signature

Date

Second Schedule

Water Agencies (Powers) Act 1984
*Rights in Water and Irrigation Act 1914*²
Harvey, Waroona and Collie River Irrigation Districts By-laws 1975

[By-law 11(2)]

Form 2

APPLICATION FOR A SUPPLY OF WATER

.....
Date 20

To —
THE WATER CORPORATION

1. I request you to supply water to me, as the occupier of the property indicated hereunder.

.....
2. Where it is necessary for the Corporation to install a pipe or provide other works to facilitate the supply of water, I will pay, on demand, the capital cost of such works plus a lump sum to be determined by the Corporation sufficient to meet maintenance charges on such works.

[3. repealed]

4. I agree to notify the Corporation when the supply or service is no longer required. I further agree that notwithstanding that the service or supply may at my request be discontinued during the relevant year, that the charges for such service shall be payable for the full year.

5. It is agreed by the Corporation that if the service or supply is first given after the commencement of a year, that the initial charge shall be apportioned according to the unexpired portion of such year.

6. It is understood that this application and the agreement made by your approval thereof (of which the supply of water pursuant to this application shall be sufficient evidence) will be subject in all respects to the provisions of the *Rights in Water and Irrigation Act 1914*² and to the by-laws thereunder in force for the time being during the continuance of the agreement, and that, notwithstanding any such agreement, it will not be compulsory upon you to continue to supply water to me, and that the agreement may be determined by you at such time as you may think fit.

7. It is understood that the water supplied is not guaranteed to be free of harmful and noxious germs nor is it of a potable nature.

Second Schedule

Purposes for which water is required (please cross out items not applicable): —

- (a) Sprinkler Irrigation.
- (b) Stock Watering.
- (c) Household and/or dairy purposes*.

*Water supplied for this purpose may be used for garden purposes without further charge, provided such garden does not exceed an area of one-fifth of one hectare.

Description of property — District

Lot No.

Full Name of Occupier

Full Name of Owner

Address of Owner

Witness
	Signature of Applicant

Second Schedule

Water Agencies (Powers) Act 1984
*Rights in Water and Irrigation Act 1914*²
Harvey, Waroona and Collie River Irrigation Districts By-laws 1975

[By-law 11A]

Form 3
APPLICATION FOR STOCK, DAIRY OR HOUSEHOLD
TANK SERVICE

Lot or Loc. Number

Assessment Number

.....

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I/we hereby make application for a —

Tick appropriate box

- Household tank service connection
- Stock water service connection
- Dairy service connection

to be connected to the above property subject to the following conditions —

1. The supply will be intermittent depending on the mains pressure available. There will be times when water may not be available due to maintenance operations.
2. The Corporation does not guarantee the potability of the water supplied. (The water may not be suitable for drinking purposes).
3. The installation costs (excluding meter) will be the responsibility of the applicant.
4. The consumer to be responsible for the cost of all repairs to the service.
5. All internal reticulation and plumbing to withstand a 70 metre head and to meet standards as advised by the Corporation.

*[Second Schedule amended in Gazette 14 Sep 1984 p. 2925-6;
19 Jul 1985 p. 2503-4; 27 Jun 1986 p. 2140; 14 Jul 1987 p. 2657
(erratum 24 Jul 1987 p. 2841); 29 Dec 1995 p. 6317.]*

Notes

¹ This is a compilation of the *Harvey, Waroona and Collie River Irrigation Districts By-laws 1975* and includes the amendments made by the other written laws referred to in the following table^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Harvey, Waroona and Collie River Irrigation Districts By-laws 1975</i>	31 Oct 1975 p. 4057-62	31 Oct 1975
Untitled by-laws	14 Oct 1977 p. 3706	14 Oct 1977
Untitled by-laws	20 Apr 1979 p. 1057	20 Apr 1979
Untitled by-laws	31 Aug 1979 p. 2639	31 Aug 1979
<i>Harvey, Waroona and Collie River Irrigation Districts (Amendment) By-laws 1980</i>	29 Aug 1980 p. 3062	29 Aug 1980
<i>Harvey, Waroona and Collie River Irrigation Districts Amendment By-laws 1981</i>	28 Aug 1981 p. 3576	1 Sep 1981 (see bl. 2)
<i>Harvey, Waroona and Collie River Irrigation Districts Amendment By-laws 1982</i>	27 Aug 1982 p. 3405	1 Sep 1982 (see bl. 2)
<i>Harvey, Waroona and Collie River Irrigation Districts Amendment By-laws 1983</i>	2 Sep 1983 p. 3271-2	2 Sep 1983
<i>Harvey, Waroona and Collie River Irrigation Districts Amendment By-laws 1984</i>	14 Sep 1984 p. 2924-6	14 Sep 1984
<i>Harvey, Waroona and Collie River Irrigation Districts Amendment By-laws 1985</i>	28 Jun 1985 p. 2339	1 Jul 1985 (see bl. 2)
<i>Harvey, Waroona and Collie River Irrigation Districts Amendment By-laws (No. 2) 1985</i>	19 Jul 1985 p. 2502-4	19 Jul 1985
<i>Harvey, Waroona and Collie River Irrigation Districts Amendment By-laws 1986</i>	27 Jun 1986 p. 2139-40	27 Jun 1986

Citation	Gazettal	Commencement
<i>Water Authority Amendment By-laws 1987</i> bl. 3 and Pt. VI	14 Jul 1987 p. 2649-58 (Erratum 24 Jul 1987 p. 2841)	14 Jul 1987
<i>Water Authority Amendment By-laws 1989</i> Pt. 7	29 Jun 1989 p. 1883-91	1 Jul 1989 (see bl. 3)
<i>Water Agencies (Amendment and Repeal) By-laws 1995</i> Pt. 5	29 Dec 1995 p. 6305-32	1 Jan 1996 (see bl. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Harvey, Waroona and Collie River Irrigation Districts Amendment By-laws 1996</i>	21 May 1996 p. 2140	21 May 1996
Reprint of the Harvey, Waroona and Collie River Irrigation Districts By-laws 1975 as at 27 May 1996 (includes amendments listed above)		
<i>Water Agencies Amendment By-laws 2001</i> Pt. 5 ³	29 Jun 2001 p. 3230-42	1 Jul 2001 (see bl. 2)
Reprint 2: The Harvey, Waroona and Collie River Irrigation Districts By-laws 1975 as at 2 Apr 2004 (includes amendments listed above)		

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Water Services Legislation Amendment and Repeal Act 2012</i> s. 199(b) ⁴	25 of 2012	3 Sep 2012	To be proclaimed (see s. 2(b))

² These by-laws have effect for the purposes of the *Rights in Water and Irrigation Act 1914* but the formal power to make them is now given by the *Water Agencies (Powers) Act 1984* s. 34.

³ The *Water Agencies Amendment By-laws 2001* bl. 3 reads as follows:

“

3. Application

Nothing in these by-laws affects the application after 1 July 2001 of a by-law in force before that day in so far as that by-law relates

to a fee or charge for a period commencing before that day or to a fee or charge for any matter or thing done before that day.

”.

⁴ On the date as at which this compilation was prepared, the *Water Services Legislation Amendment and Repeal Act 2012* s. 199(b) had not come into operation. It reads as follows:

199. Irrigation legislation repealed

These written laws are repealed:

- (b) the *Harvey, Waroona and Collie River Irrigation Districts By-laws 1975*;