

WA304*

Waterways Conservation Act 1976

Waterways Conservation Amendment Regulations 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Waterways Conservation Amendment Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Waterways Conservation Regulations 1981*.

4. Regulation 5 amended

- (1) In regulation 5(1) delete “Commission or relevant management authority” and insert:

Minister

- (2) Delete regulation 5(3).

5. Regulation 6 amended

In regulation 6 delete the definition of *the Management Authority*.

6. Regulation 8 amended

In regulation 8(1):

- (a) in paragraph (d) delete “Management Authority;” and insert:

Minister;

- (b) in paragraph (e)(ii) delete “Management Authority;” and insert:

Minister;

- (c) in paragraph (f) delete “Management Authority” and insert:

Minister

- (d) in paragraph (f) delete “Management Authority,” and insert:

Minister,

- (e) in paragraph (g) delete “Management Authority” and insert:

Minister

- (f) in paragraph (h) delete “Management Authority,” and insert:

Minister,

7. Regulation 10 amended

In regulation 10(1) delete “Commission or relevant Management Authority” (each occurrence) and insert:

Minister

8. Regulation 11 amended

In regulation 11:

- (a) delete “(1) Where” and insert:

Where

- (b) delete “Commission” and insert:

CEO

- (c) delete “Commission,” and insert:

CEO,

- (d) delete “Commission.” and insert:

Department.

- (e) in paragraph (a) delete “as it sees fit” and insert:

as the CEO sees fit

9. Regulation 12 amended

In regulation 12 delete the passage that begins with “Commission” (first occurrence) and ends with “Commission” (second occurrence) and insert:

Minister shall be construed as including a reference to a person or body acting on behalf of, or under the direction of, the Minister

10. Regulation 13 amended

- (1) In regulation 13(1) delete “commission.” and insert:

Minister.

- (2) Delete regulation 13(2) and insert:

- (2) After receiving an application the Minister may, in writing, direct the applicant to provide additional information relevant to the application.

- (3) In regulation 13(3):

- (a) delete “Commission” and insert:

Minister

- (b) delete “it shall forthwith” and insert:

the Minister shall

- (4) In regulation 13(4):

- (a) delete “Commission” and insert:

Minister

- (b) delete “its licence in such form as it sees fit.” and insert:

the licence in an appropriate form.

11. Regulation 17 replaced

Delete regulation 17 and insert:

17. Licences under Jetties Act

- (1) In this regulation —
jetty has the same meaning as in the Jetties Act;
jetties CEO means the chief executive officer as defined in the Jetties Act section 3;
jetty licence means a licence issued under the Jetties Act section 7.
- (2) A person who holds a jetty licence in respect of a jetty is, for the purposes of these regulations, taken to hold a licence in respect of the jetty.
- (3) The jetties CEO shall, before issuing a jetty licence, give the Minister an opportunity to make recommendations in respect of the issue of the licence and shall have regard to any recommendations made by the Minister.

12. Regulation 23 amended

In regulation 23:

- (a) in paragraph (a)(iv) delete “Commission or Management Authority by which he is appointed;” and insert:

CEO;

- (b) in paragraph (b) delete “Commission or Management Authority by which he is appointed” and insert:

CEO

13. Regulation 25 deleted

Delete regulation 25.

14. Regulation 26 amended

In regulation 26(2) delete “Chairman” and insert:

CEO

15. Regulation 27 amended

In regulation 27(1):

- (a) delete “Chairman” and insert:

CEO

- (b) delete “Chairman,” and insert:

CEO,

16. Various references to “Commission” amended

In the provisions listed in the Table delete “Commission” (each occurrence) and insert:

Minister

Table

r. 2(1) def. of <i>proximate to any waters</i>	r. 3
r. 4(1), (2) and (3)	r. 15(2)
r. 16(2)(b)(ii) and (iii)	r. 18(1) and (3)(e)
r. 19(2) and (3)	

17. Schedule 1 amended

- (1) In Schedule 1 delete Form 2 and insert:

Form 2

Waterways Conservation Act 1976

LICENCE FOR A PRIVATE BOAT RAMP

Issued under section 46 of the Act.

This licence authorises

.....
Name

.....
Address

to construct a private boat ramp at

.....
(Location of boat ramp)

in accordance with the plans and specifications attached.

Subject to special conditions as set out on the reverse side of this licence.

.....
Date of issue

.....
Minister (or delegate)

(Reverse of Form 2)

SPECIAL CONDITIONS

- (2) In Schedule 1 delete Form 4 and insert:

Form 4

Waterways Conservation Act 1976

LICENCE TO CONSTRUCT A RETAINING WALL

Issued under section 46 of the Act.

This licence authorises

.....
Name

.....
Address

to construct a retaining wall at

.....
(Location of retaining wall)

in accordance with the plans and specifications attached.

Subject to special conditions as set out on the reverse side of this licence.

.....
Date of issue

.....
Minister (or delegate)

(Reverse of Form 4)

SPECIAL CONDITIONS

- (3) In Schedule 1 Form 5 delete:

..... Management Authority

- (4) In Schedule 1 delete Form 6 and insert:

Form 6*Waterways Conservation Act 1976***LICENCE TO DREDGE AND/OR RECLAIM**

Issued under section 46 of the Act.

This licence authorises

.....
Name

.....
Address

to carry out dredging and/or reclamation of the waters of the

.....
at
(Location of dredging and/or reclamation works)

in accordance with the plans and specifications attached.

This licence is for the period ending / / and is subject to the
special conditions set out on the reverse side of this licence.

.....
Date of issue

.....
Minister (or delegate)

(Reverse of Form 6)

SPECIAL CONDITIONS

- (5) In Schedule 1 Form 7 delete:

..... Management Authority

- (6) In Schedule 1 delete Form 8 and insert:

Form 8*Waterways Conservation Act 1976***DISPOSAL LICENCE**

Issued under section 47 of the Act.

This licences authorises

.....
Name

.....
Address

to discharge directly or via a drain, the wastes detailed on the reverse
side of this licence into the waters of the

.....

at
(Location of discharge point)

This licence is for one year from the date of issue and is subject to the special conditions set out on the reverse side of this licence.

.....
Date of issue

.....
Minister (or delegate)

(Reverse of Form 8)

SPECIAL CONDITIONS AND DETAILS OF WASTE

- (7) In Schedule 1 Forms 9 and 10 delete:

.....
Signature of Authorised officer of
the Water and Rivers Commission*

the Management Authority*

(*delete as appropriate)

and insert:

.....
Signature of CEO (or delegate)

- (8) In Schedule 1 Form 11 delete “Management Authority” and insert:

Department

- (9) In Schedule 1 Form 12 delete “Chairman, Management Authority.” and insert:

CEO (or delegate).

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.