

WA301*

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Amendment Regulations (No. 3) 2007

Made by the Governor in Executive Council in Executive Council under the *Rights in Water and Irrigation Act 1914* section 27 and the *Water Agencies (Powers) Act 1984* section 37.

1. Citation

These regulations are the *Rights in Water and Irrigation Amendment Regulations (No. 3) 2007*.

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. The regulations amended

The amendments in these regulations are to the *Rights in Water and Irrigation Regulations 2000*.

4. Regulation 3 amended

Regulation 3 is amended by deleting the definition of “licence”.

5. Regulation 4 amended

Regulation 4(1) is amended after paragraph (b) by deleting the full stop and inserting instead —

“

; and

- (c) accompanied by the fee set out in Schedule 1 Division 1 item 1.

”.

6. Regulation 19A inserted

Before regulation 19 the following regulation is inserted in Part 3 —

“

19A. Terms used in this Part

In this Part —

“**licence**” means a licence under section 5C;

“**water entitlement**” has the same meaning as in the Act Schedule 1 clause 28.

”.

7. Regulation 19 replaced

Regulation 19 is repealed and the following regulation is inserted instead —

“

19. Fees for application for licence and amendment of licence

- (1) The fee prescribed for the purposes of the Act Schedule 1 clause 4(1)(d) to accompany an application for a licence is set out in Schedule 1 Division 1 item 2.
- (2) The fee prescribed for the purposes of the Act Schedule 1 clause 23(3) to accompany an application for amendment of a licence is set out in Schedule 1 Division 1 item 2.

”.

8. Regulation 20 amended

- (1) Regulation 20(1), (2), (3), (4) and (5) are repealed and the following subregulations are inserted instead —

“

- (1) An annual fee is payable to the Commission for a licence —
 - (a) on the grant of the licence; and
 - (b) on each anniversary of the day on which the licence is granted.
- (2) The amount of the annual fee payable on the grant of a licence is the amount set out in Schedule 1 Division 1 item 3 for the water entitlement under the licence, less the amount already paid by way of the relevant application fee.
- (3) The amount of the annual fee payable on the anniversary of the grant of a licence is the amount set out in Schedule 1 Division 1 item 3 for the water entitlement under the licence.

- (4) For the purposes of subregulation (1)(b), the anniversary for a licence does not change even if —
- (a) the licence is renewed under the Act Schedule 1 clause 22; or
 - (b) the licence is amended on an application under the Act Schedule 1 clause 23; or
 - (c) the licence or the licensee's water entitlement under the licence is transferred under the Act Schedule 1 clause 29; or
 - (d) the licensee enters into an agreement referred to in the Act Schedule 1 clause 30.
- (5) If a licence is amended on an application under the Act Schedule 1 clause 23 so as to increase the water entitlement under the licence —
- (a) the licensee is to pay the amount set out in Schedule 1 Division 1 item 3 for the new water entitlement —
 - (i) less the amount already paid for the water entitlement that applied before the licence was amended; and
 - (ii) less the amount already paid by way of the relevant application fee;
 and
 - (b) the amount of the annual fee payable on the anniversary of the grant of the licence is the amount set out in Schedule 1 Division 1 item 3 for the new water entitlement.
- ”.
- (2) Regulation 20(6) is amended by deleting “subregulation (5), the late fee specified in item 2 of Schedule 1 Part 1” and inserting instead —
- “
- subregulation (1)(a) or (b), the late fee set out in Schedule 1 Division 1 item 4
- ”.
- (3) Regulation 20(7) is amended by inserting after “If” —
- “ a ”.
- (4) After regulation 20(8) the following subregulations are inserted —
- “
- (9) If a licensee has not paid the annual fee and any relevant late fee the Commission may refuse, until the fees have been paid, to deal with an application —
- (a) to renew or amend the licence; or

- (b) for the approval of a transfer of the licence or a water entitlement under the licence or of an agreement referred to in the Act Schedule 1 clause 30.
- (10) A quantity of water that a licensee is entitled to take under a licence on condition that that quantity is stored as surface water is not to be included in the water entitlement when assessing the amount mentioned in subregulation (3).

”.

9. Regulation 22 amended

Regulation 22(1) is amended by deleting “specified in item 4 of Schedule 1 Part 1.” and inserting instead —

“ set out in Schedule 1 Division 1 item 5. ”.

10. Regulation 28 amended

Before regulation 28(1) the following subregulation is inserted —

“

- (1a) The fee prescribed for the purposes of the Act Schedule 1 clause 32(1)(c) to accompany an application for the approval of a transfer of a licence or a water entitlement under a licence or of an agreement referred to in the Act Schedule 1 clause 30 is set out in Schedule 1 Division 1 item 6.

”.

11. Regulation 33 amended

Regulation 33(2) is amended as follows:

- (a) after paragraph (c) by deleting the full stop and inserting instead —

“

; and

- (d) the fee set out in Schedule 1 Division 2 item 7.

”;

- (b) after paragraph (a) by inserting —

“ and ”.

12. Regulation 40 amended

Regulation 40 is amended as follows:

- (a) after paragraph (c) by deleting the full stop and inserting instead —

“

; and

- (d) the fee set out in Schedule 1 Division 2 item 7.

”;

- (b) after paragraphs (a) and (b) by inserting —
“ and ”.

13. Regulation 42A inserted

Before regulation 42 the following regulation is inserted in Part 4A —

“

42A. Term used in this Part

In this Part —

“**licence holder**” means the holder of a licence under section 5C or 26D.

”.

14. Regulation 44 amended

Regulation 44(4) is amended by deleting “Part 1.” and inserting instead —

“ Division 1 item 8. ”.

15. Regulation 49 amended

Regulation 49 is amended by deleting “Part 2” and inserting instead —

“ Division 2 ”.

16. Regulation 56 amended

Regulation 56 is amended by deleting “specified in items 1 and 2 of Schedule 1 Part 1” and inserting instead —

“ set out in Schedule 1 Division 1 items 1, 2, 6 and 7 ”.

17. Regulation 56A inserted

After regulation 56 the following regulation is inserted —

“

56A. Fees for combined applications

(1) An application for —

- (a) amendment of a licence under section 5C; and
- (b) the approval of a transfer of the licence or a water entitlement under the licence or of an agreement referred to in the Act Schedule 1 clause 30,

is, for the purposes of assessing the applicable application fee, to be taken to be an application for amendment of the licence.

(2) An application for —

- (a) a licence under section 5C or amendment of a licence under section 5C; and

- (b) a licence under section 26D or an amended licence under section 26D,

is, for the purposes of assessing the applicable application fee, to be taken to be an application for a licence under section 5C or amendment of that licence, as is applicable to the case.

- (3) An application for the renewal of a licence under section 5C and —
 - (a) amendment of the licence; or
 - (b) the approval of a transfer of the licence or a water entitlement under the licence or of an agreement referred to in the Act Schedule 1 clause 30,

is, for the purposes of assessing the applicable application fee, to be taken to be an application for amendment of the licence.

”.

18. Schedule 1 amended

- (1) Schedule 1 Part 1 is repealed and the following Division is inserted instead —

“

Division 1 — Fees for licences and permits

		(\$)
1.	Application for a permit (r. 4(1)(c)) or for amendment of a permit (r. 11)	200
2.	Application for a licence under s. 5C (r. 19(1)) or for amendment of a licence under s. 5C (r. 19(2)) ...	200
3.	Annual fee for a licence under s. 5C until 3 years after the day on which the <i>Rights in Water and Irrigation Amendment Regulations (No. 3) 2007</i> r. 18 comes into operation (r. 20(2), (3), (5)) —	

Class	Water entitlement kL each year	Fee (\$)
1.	1 501 — 5 000	100
2.	5 001 — 50 000	150
3.	50 001 — 100 000	250
4.	100 001 — 500 000	700
5.	500 001 — 1 000 000	1 600
6.	1 000 001 — 5 000 000	2 500
7.	5 000 001 — 10 000 000	4 000
8.	more than 10 000 000	6 000

4.	Late fee for annual licence fee (r. 20(6))	200
5.	Fee for duplicate licence (r. 22(1))	50

		(\$)
6.	Application for approval of transfer of a licence, water entitlement or agreement referred to in the Act Sch. 1 cl. 30 (r. 28(1a))	200
7.	Application for a licence under s. 26D (r. 33(2)(d)) or for an amended licence under s. 26D (r. 40(d))	200
8.	Maximum amount for meter test (r. 44(4))	500
”.		
(2)	The heading to Schedule 1 Part 2 is amended by deleting “Part 2” and inserting instead — “ Division 2 ”.	

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
