

WA301\*

Rights in Water and Irrigation Act 1914

## **Rights in Water and Irrigation Amendment Regulations 2007**

Made by the Lieutenant-Governor and deputy of the Governor 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 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 1 July 2007.

## 3. The regulations amended

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

[\* *Reprint 1 as at 9 February 2007.*]

## 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Regulation 19 is repealed and the following regulation is inserted instead —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- (1) Regulation 20(1), (2), (3), (4) and (5) are repealed and the following subregulations are inserted instead —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**

	<b>(S)</b>
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

(S)

3. Annual fee for a licence under s. 5C (r. 20(2), (3), (5)) —

Class	Water entitlement kL each year	Fee (\$)
1.	1 501 — 5 000	200
2.	5 001 — 50 000	325
3.	50 001 — 100 000	600
4.	100 001 — 500 000	1 200
5.	500 001 — 1 000 000	1 800
6.	1 000 001 — 5 000 000	2 400
7.	more than 5 000 000	3 000

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**

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By Command of the Lieutenant-Governor and deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.

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