

Western Australia

Rights in Water and Irrigation Act 1914

## **Carnarvon Irrigation District By-laws 1962**

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## Carnarvon Irrigation District By-laws 1962

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### CONTENTS

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#### **Division I — Preliminary**

- |    |                          |   |
|----|--------------------------|---|
| 1. | Citation and application | 2 |
| 3. | Interpretation           | 2 |

#### **Division II — Protection of water, grounds, works, etc., from trespass and injury**

- |     |                           |   |
|-----|---------------------------|---|
| 4.  | Unauthorised entry        | 3 |
| 5.  | Camp fires                | 3 |
| 6.  | Native flora              | 3 |
| 7.  | Endangering works         | 3 |
| 8.  | Rubbish                   | 4 |
| 9.  | Unauthorised use of water | 4 |
| 10. | Interference with works   | 4 |
| 11. | Animals straying          | 5 |

#### **Division III — Conditions governing the supply and control of water**

- |     |                                |   |
|-----|--------------------------------|---|
| 12. | Basis of supply                | 6 |
| 15. | Additional supply points       | 6 |
| 16. | Occupier's distributing system | 6 |
| 17. | Regulating supply              | 7 |
| 18. | Meters                         | 7 |
| 19. | Testing of meters              | 8 |
| 20. | Meter out of order             | 9 |
| 21. | Water for household purposes   | 9 |

Contents

---

23.	Notice of determination of water entitlement	10
25.	Charges for water	10
26.	Water for land outside the District for irrigation purposes	10
	<b>Division V — Miscellaneous</b>	
27.	General penalty provision	11
	<b>Schedule 1 — Minimum fee for testing a meter</b>	
	<b>Notes</b>	
	Compilation table	13

Western Australia

Rights in Water and Irrigation Act 1914 <sup>2</sup>

## **Carnarvon Irrigation District By-laws 1962**

## **Division I — Preliminary**

### **1. Citation and application**

(1) These by-laws may be cited as the *Carnarvon Irrigation District By-laws 1962*<sup>1</sup>.

(2) These by-laws shall have and take effect in the Carnarvon Irrigation District constituted under the provisions of the *Rights in Water and Irrigation Act 1914*.

*[By-law 1 inserted in Gazette 25 Sep 1981 p. 4116; amended in Gazette 29 Jun 2007 p. 3233.]*

*[2. Repealed in Gazette 30 Sep 1983 p. 4005.]*

### **3. Interpretation**

In these by-laws unless the context requires otherwise —

***District*** means the Carnarvon Irrigation District constituted under the Act;

***property*** means one or more pieces of land owned or occupied by a consumer for which he is allocated in accordance with these by-laws a quantity of water for irrigation thereof;

***the Act*** means the *Rights in Water and Irrigation Act 1914*.

*[By-law 3 amended in Gazette 12 Oct 1962 p. 3438; 30 Sep 1983 p. 4005; 26 Apr 1985 p. 1481; 19 Jul 1985 p. 2501.]*

*[Division IA (bl. 3A) repealed in Gazette 19 Jul 1985 p. 2502.]*

**Division II — Protection of water, grounds, works, etc.,  
from trespass and injury**

**4. Unauthorised entry**

Trespassing within the fenced-off ground adjacent to or reserved for water supply or irrigation works, or the entering without proper authority upon any water or irrigation work not open to the public, is prohibited.

**5. Camp fires**

Camping or lighting of fires upon any Government water reserve, or in the immediate vicinity of any reservoir or headworks within the boundaries of the District, except on land set apart for such purposes, is prohibited.

**6. Native flora**

The removal, plucking, or damaging of any wildflower, shrub, bush, tree or other plant growing on any land reserved for or vested in the Corporation within one kilometre of any reservoir or headworks and within the District is prohibited.

*[By-law 6 amended in Gazette 28 Nov 1975 p. 4302;  
19 Jul 1985 p. 2502; 29 Dec 1995 p. 6306.]*

**7. Endangering works**

No vehicle, conveyance, or animal shall be driven, taken, or ridden in such a manner as to endanger or damage the mains, conduits, or any works, or shall cross the same, except at places where crossings have been provided.

**bl. 8**

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**8. Rubbish**

No person shall cast away, throw, or deposit on any works any rubbish of any kind; or carry on any operations, or do any act which creates or tends to create any nuisance on any works, and no occupier shall allow any sullage from his land to enter in or upon any works.

**9. Unauthorised use of water**

No person shall take or use or cause to be taken or used any water from any works, without the authority of the Corporation and no person shall allow any water supplied to him by the Corporation, or taken with the approval of the Corporation, to run to waste either on public roads or on private or public lands or otherwise.

*[By-law 9 amended in Gazette 19 Jul 1985 p. 2502;  
29 Dec 1995 p. 6305 and 6306.]*

**10. Interference with works**

- (1) No person without the consent of the Corporation shall —
  - (a) trespass upon, injure or interfere in any way with any works, including the banks of any watercourse or any Crown lands adjacent to the banks of any watercourse;
  - (b) do or cause to be done anything likely at any time to injure or interfere with any works, including the banks of any watercourse or any Crown lands adjacent to the banks of any watercourse;
  - (c) plant any tree or noxious weed within such distance from any works that any part of the tree or noxious weed or any roots thereof at some or any future time will be likely to injure or interfere with any works, including the banks of any watercourse or any Crown lands adjacent to the banks of any watercourse.
- (2) The Corporation, any officer of the Corporation or any person authorised by the Corporation may, subject to section 26H(1a)



of the Act, cut down, destroy, dig up and remove from any land any tree or noxious weed that is or is likely to become injurious to or an interference with any works.

*[By-law 10 amended in Gazette 19 Jul 1985 p. 2502;  
29 Dec 1995 p. 6306.]*

**11. Animals straying**

- (1) No person owning or having the right of control of any animal shall drive, or allow the same to stray, upon any works.
- (2) A person guilty of any contravention of this by-law shall in addition to the penalties prescribed in by-law 27 be liable for all damage that may thereby be caused to such works.

**Division III — Conditions governing the supply and control of water**

**12. Basis of supply**

The Corporation may from time to time determine the basis on which water for irrigation shall be supplied within the District.

*[By-law 12 amended in Gazette 19 Jul 1985 p. 2502;  
29 Dec 1995 p. 6306.]*

*[13, 14. Repealed in Gazette 30 Sep 1983 p. 4005.]*

**15. Additional supply points**

- (1) The owner of property within the District may apply in writing to the Corporation to have additional supply points provided to his land by the Corporation.
- (2) Upon receiving an application in accordance with sub-by-law (1), the Corporation may —
  - (a) allow additional supply points to be provided upon such terms as it may determine from time to time; or
  - (b) refuse to allow additional supply points to be provided, at its discretion.

*[By-law 15 inserted in Gazette 1 Jul 1993 p. 3249; amended in Gazette 29 Dec 1995 p. 6306.]*

**16. Occupier's distributing system**

- (1) The occupier of each property to be watered shall provide and maintain efficient head ditches or pipelines to the satisfaction of the Corporation, and shall make all arrangements for the distribution and retention of water on his land.
- (2) If requested to do so by the Corporation, the occupier shall provide and maintain a non-return valve on the pipeline to prevent backflow into the main supply of water for irrigation.

- (3) A non-return valve referred to in sub-by-law (2) shall be of a type, and installed at a location, approved by the Corporation.
- (4) The Corporation may refuse to supply water to a property if the occupier fails to provide and maintain the facilities specified in this by-law.

*[By-law 16 inserted in Gazette 30 Sep 1983 p. 4005-6; amended in Gazette 19 Jul 1985 p. 2502; 29 Dec 1995 p. 6306.]*

#### **17. Regulating supply**

The Corporation, any officer of the Corporation or any person authorised by the Corporation may, subject to section 26H(1a) of the Act, at any time, enter upon any property for the purpose of inspecting or regulating the water supply, or for both such purposes, and in the event of any water being taken or used in an unauthorised manner, or being unnecessarily wasted, shall have the power to stop all further supply of water, but this by-law shall not be construed in such manner as to relieve any person from any other penalties prescribed in these by-laws.

*[By-law 17 amended in Gazette 12 Oct 1962 p. 3438; 19 Jul 1985 p. 2502; 29 Dec 1995 p. 6306.]*

#### **18. Meters**

- (1) The Corporation may install a meter to measure the amount of water taken by a ratepayer.
- (2) The occupier of premises where a meter is installed shall provide and maintain a clear space not less than one metre horizontally and 2 metres vertically from the meter and ensure easy access for the Corporation's employees at all times.
- (3) A person, other than an officer of the Corporation or a person authorised by the Corporation, who —
  - (a) breaks or in any way interferes with the seal fixed on the meter through which water is supplied by the Corporation;

**bl. 19**

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- (b) turns or attempts to turn any screw, bolt or nut on or attached to such meter;
  - (c) uses any tool or appliance on any such meter;
  - (d) introduces or attempts to introduce any body or substance into such meter;
  - (e) in any way interferes with any portion of such meter or any pipes or fittings attached thereto,  
commits an offence.
- (4) Any owner or occupier supplied with water through a meter belonging to the Corporation shall, on finding that meter is damaged or not registering, immediately give notice of the fact to the Carnarvon District Office of the Corporation.
- (5) All repairs required to damaged meters shall be carried out by the Corporation.
- (6) An owner or occupier of land supplied with water through a meter belonging to the Corporation shall, if requested, pay the cost of replacement or making good any damage to such meter whilst on his land or in his charge.

*[By-law 18 inserted in Gazette 30 Sep 1983 p. 4006; amended in Gazette 19 Jul 1985 p. 2502; 29 Dec 1995 p. 6305 and 6306.]*

**19. Testing of meters**

- (1) The Corporation may at any time cause a test of a meter to be made.
- (2) The Corporation shall cause a test of a meter to be made if, within 7 days of receiving advice of a meter reading with which he is dissatisfied, the person who will be liable to pay for the water requests in writing that that meter be tested.
- (3) Where a person requests that a meter be tested under sub-by-law (2), and where upon being so tested the meter is found to register not more than the quantity of water actually passed through it, the person upon whose request the meter test was made shall pay to the Corporation —

- (a) the minimum fee prescribed in Schedule 1 for the testing of that meter; or
- (b) such greater amount as in the opinion of the Corporation approximates the actual cost of testing the meter,

as the Corporation may in each case specify.

*[By-law 19 inserted in Gazette 30 Sep 1983 p. 4006; amended in Gazette 19 Jul 1985 p. 2502; 14 Jul 1987 p. 2657; 29 Dec 1995 p. 6306; 29 Jun 1999 p. 2775.]*

**20. Meter out of order**

- (1) A meter shall be deemed not to be in proper order if —
  - (a) on being tested or otherwise, the meter is found not to register within the limits of error prescribed in sub-by-law (2);
  - (b) the meter is found by the Corporation to be so damaged or otherwise in such condition that, in the opinion of the Corporation, the meter is likely to inaccurately show the quantity of water passing through it; or
  - (c) the register of the meter is found to be unreadable.
- (2) For the purposes of these by-laws, the limits of error prescribed are plus or minus 2%.

*[By-law 20 inserted in Gazette 30 Sep 1983 p. 4006-7; amended in Gazette 26 Apr 1985 p. 1481; 19 Jul 1985 p. 2502; 14 Jul 1987 p. 2658; 29 Dec 1995 p. 6305.]*

**21. Water for household purposes**

The supply by the Corporation of water for irrigation and other purposes shall not be deemed to imply that the water is of potable quality or free from noxious germs or other matter dangerous or injurious to health.

*[By-law 21 inserted in Gazette 30 Sep 1983 p. 4007; amended in Gazette 19 Jul 1985 p. 2502; 29 Dec 1995 p. 6306.]*

**bl. 23**

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*[Division IV heading repealed in Gazette 14 Jul 1987 p. 2658.]*

*[22.      Repealed in Gazette 27 Jun 1986 p. 2137.]*

**23.      Notice of determination of water entitlement**

Where the Corporation determines under section 41(1) of the Act the periods during which a person is entitled to be supplied with water for irrigation and the quantities with which he is entitled to be supplied during those periods, the Corporation shall give notice of the determination to the person personally or by post.

*[By-law 23 inserted in Gazette 14 Jul 1987 p. 2657; amended in Gazette 29 Dec 1995 p. 6306.]*

*[24.      Repealed in Gazette 14 Jul 1987 p. 2658.]*

**25.      Charges for water**

*[(1)      repealed]*

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

*[By-law 25 inserted in Gazette 27 Jun 1986 p. 2137; amended in Gazette 14 Jul 1987 p. 2658; 29 Dec 1995 p. 6306.]*

**26.      Water for land outside the District for irrigation purposes**

Where surplus water is available, the Corporation may supply water to persons who desire to irrigate land outside the District on such terms as may be determined by the Corporation.

*[By-law 26 inserted in Gazette 30 Sep 1983 p. 4007; amended in Gazette 19 Jul 1985 p. 2502; 29 Dec 1995 p. 6306.]*

## **Division V — Miscellaneous**

**27.      General penalty provision**

Any person who commits a breach of any of the foregoing by-laws, or who refuses or neglects to obey any injunction in any such by-law or to comply with any requirements contained therein, is liable upon conviction to a penalty not exceeding \$2 000 and, in the case of a continuing breach, to a further penalty not exceeding \$200 for each day the offence continues after notice has been given by or on behalf of the Corporation to the offender.

*[By-law 27 amended in Gazette 26 Apr 1985 p. 1481;  
19 Jul 1985 p. 2502; 29 Dec 1995 p. 6306.]*

**Schedule 1 — Minimum fee for testing a meter**

[bl. 19(3)(a)]

*[Heading inserted in Gazette 27 Jun 2008 p. 3077.]*

<b>Meter Size</b>	<b>Fee</b>
	<b>\$</b>
20-25 mm .....	<b>88.00</b>
Over 25 mm .....	actual cost

*[Schedule 1 inserted in Gazette 27 Jun 2008 p. 3077.]*



### Notes

<sup>1</sup> This is a compilation of the *Carnarvon Irrigation District By-laws 1962* 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
Untitled by-laws <sup>3</sup>	2 Jul 1962 p. 1695-8	2 Jul 1962
Untitled by-laws	12 Oct 1962 p. 3438	12 Oct 1962
Untitled by-laws	28 Nov 1975 p. 4302	28 Nov 1975
Untitled by-laws	28 Oct 1977 p. 3817-18	28 Oct 1977
Untitled by-laws	29 Sep 1978 p. 3597-8	29 Sep 1978
Untitled by-laws	20 Apr 1979 p. 1056-7	20 Apr 1979
Untitled by-laws	28 Sep 1979 p. 2989	28 Sep 1979
<i>Carnarvon Irrigation District Amendment By-laws 1980</i>	26 Sep 1980 p. 3339	1 Oct 1980 (see bl. 2)
<i>Carnarvon Irrigation District Amendment By-laws 1981</i>	25 Sep 1981 p. 4116	1 Oct 1981 (see bl. 2)
<i>Carnarvon Irrigation District Amendment By-laws 1982</i>	24 Sep 1982 p. 3817	1 Oct 1982 (see bl. 2)
<i>Carnarvon Irrigation District Amendment By-laws 1983</i>	30 Sep 1983 p. 4005-8	1 Oct 1983 (see bl. 2)
<i>Carnarvon Irrigation District Amendment By-laws (No. 2) 1983</i>	9 Dec 1983 p. 4825-6	9 Dec 1983
<i>Carnarvon Irrigation District Amendment By-laws 1984</i>	28 Sep 1984 p. 3180	28 Sep 1984
<i>Carnarvon Irrigation District Amendment By-laws 1985</i>	26 Apr 1985 p. 1481	26 Apr 1985
<i>Carnarvon Irrigation District Amendment By-laws (No. 2) 1985</i>	28 Jun 1985 p. 2338	1 Jul 1985 (see bl. 2)

## Carnarvon Irrigation District By-laws 1962

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Carnarvon Irrigation District Amendment By-laws (No. 3) 1985</i>	19 Jul 1985 p. 2501-2	19 Jul 1985
<i>Carnarvon Irrigation District Amendment By-laws 1986</i>	27 Jun 1986 p. 2137-8	27 Jun 1986
<i>Water Authority Amendment By-laws 1987 bl. 3 and Pt. VIII</i>	14 Jul 1987 p. 2649-58	14 Jul 1987
<i>Water Authority Amendment By-laws 1988 Pt. 5</i>	29 Jun 1988 p. 2122-6	1 Jul 1988 (see bl. 3)
<i>Water Authority Amendment By-laws 1989 Pt. 6</i>	29 Jun 1989 p. 1883-91	1 Jul 1989 (see bl. 3)
<i>Water Authority Amendment By-laws 1990 Pt. 6</i>	29 Jun 1990 p. 3240-8	1 Jul 1990 (see bl. 3)
<i>Water Authority Amendment By-laws 1991 Pt. 6</i>	28 Jun 1991 p. 3281-9	1 Jul 1991 (see bl. 3)
<i>Water Authority Amendment By-laws 1992 Pt. 6</i>	26 Jun 1992 p. 2832-44	1 Jul 1992 (see bl. 3)
<i>Water Authority Amendment By-laws 1993 Pt. 6</i>	1 Jul 1993 p. 3238-50	1 Jul 1993
<i>Water Authority Amendment By-laws 1994 Pt. 6</i>	29 Jun 1994 p. 3159-70	1 Jul 1994 (see bl. 2)
<i>Water Authority Amendment By-laws 1995 Pt. 6</i>	30 Jun 1995 p. 2767-76	1 Jul 1995 (see bl. 2)
<i>Water Agencies (Amendment and Repeal) By-laws 1995 Pt. 2</i>	29 Dec 1995 p. 6305-32	1 Jan 1996 (see bl. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Water Agencies Amendment By-laws 1997 Pt. 6<sup>4</sup></i>	27 Jun 1997 p. 3204-20	1 Jul 1997 (see bl. 2)
<i>Water Agencies Amendment By-laws 1998 Pt. 6<sup>5</sup></i>	26 Jun 1998 p. 3417-21	1 Jul 1998 (see bl. 2)
<i>Water Agencies Amendment By-laws 1999 Pt. 2<sup>6</sup></i>	29 Jun 1999 p. 2775-87	1 Jul 1999 (see bl. 2)
<i>Water Agencies Amendment By-laws 2000 Pt. 2<sup>7</sup></i>	29 Jun 2000 p. 3365-79	1 Jul 2000 (see bl. 2)
<i>Water Agencies Amendment By-laws 2001 Pt. 2<sup>8</sup></i>	29 Jun 2001 p. 3230-42	1 Jul 2001 (see bl. 2)
<i>Water Agencies Amendment By-laws 2002 Pt. 6</i>	1 Jul 2002 p. 3137-53	1 Jul 2002

Citation	Gazettal	Commencement
<i>Water Agencies Amendment By-laws 2003 Pt. 2</i> <sup>9</sup>	27 Jun 2003 p. 2422-32	1 Jul 2003 (see bl. 2)
<b>Reprint 1: The Carnarvon Irrigation District By-laws as at 8 Aug 2003</b> (includes amendments listed above)		
<i>Water Agencies Amendment By-laws 2005 Pt. 2</i>	1 Jul 2005 p. 3009-17	1 Jul 2005 (see bl. 2)
<i>Water Agencies Amendment By-laws 2006 Pt. 2</i> <sup>10</sup>	30 Jun 2006 p. 2399-412	1 Jul 2006 (see bl. 2)
<i>Water Agencies Amendment By-laws 2007 Pt. 2</i> <sup>11</sup>	29 Jun 2007 p. 3233-44	1 Jul 2007 (see bl. 2)
<i>Water Agencies Amendment By-laws 2008 Pt. 2</i> <sup>12</sup>	27 Jun 2008 p. 3076-84	1 Jul 2008 (see bl. 2(b))

<sup>2</sup> 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.

<sup>3</sup> Now known as the *Carnarvon Irrigation District By-laws 1962*; citation changed (see note under bl. 1).

<sup>4</sup> The *Water Agencies Amendment By-laws 1997* bl. 3 reads as follows:

“

**3. Application**

Nothing in these by-laws affects the application after 1 July 1997 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.

”.

<sup>5</sup> The *Water Agencies Amendment By-laws 1998* bl. 3 reads as follows:

“

**3. Application**

Nothing in these by-laws affects the application after 1 July 1998 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.

”.

<sup>6</sup> The *Water Agencies Amendment By-laws 1999* bl. 3 reads as follows:

“

**3. Application**

Nothing in these by-laws affects the application after 1 July 1999 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.

”

<sup>7</sup> The *Water Agencies Amendment By-laws 2000* bl. 3 reads as follows:

“

**3. Application**

Nothing in these by-laws affects the application after 1 July 2000 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.

”

<sup>8</sup> 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.

”

<sup>9</sup> The *Water Agencies Amendment By-laws 2003* bl. 3 reads as follows:

“

**3. Application**

Nothing in these by-laws affects the application after 1 July 2003 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.

”

<sup>10</sup> The *Water Agencies Amendment By-laws 2006* bl. 3 reads as follows:

“

**3. Application**

Nothing in these by-laws affects the application after 1 July 2006 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.

”.

<sup>11</sup> The *Water Agencies Amendment By-laws 2007* bl. 3 reads as follows:

“

**3. Application**

Nothing in these by-laws affects the application after 1 July 2007 of a by-law in force before that day insofar 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.

”.

<sup>12</sup> The *Water Agencies Amendment By-laws 2008* bl. 3 reads as follows:

“

**3. Application**

Nothing in these by-laws affects the application after 1 July 2008 of a by-law in force before that day insofar 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.

”.