

# Government Gazette

OF

# WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

(REGISTERED AT THE GENERAL POST OFFICE, PERTH, FOR TRANSMISSION BY POST AS A NEWSPAPER)

No. 105]

PERTH: WEDNESDAY, 1st DECEMBER

[ 1971

Crown Law Department, Perth, 24th November, 1971.

THE undermentioned By-laws made under the provisions of the Rights in Water and Irrigation Act, 1914, and amended from time to time up to and including the 1st September, 1971 are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

W. J. ROBINSON, Under Secretary for Law.

RIGHTS IN WATER AND IRRIGATION ACT, 1914.

# By-Laws for Harvey No. 1 Irrigation District Waroona Irrigation District, Harvey No. 2 Irrigation District, and Collie Irrigation District

Published in the Government Gazette on the 30th July, 1937, and reprinted in the Government Gazette published on the 6th April, 1955, incorporating the amendments thereto published in the Government Gazette up to the 4th December, 1953; and now reprinted incorporating the further amendments thereto published in the Government Gazette on the 12th December, 1956; 14th November, 1957; 28th January, 1960; 30th August, 1960; 17th August, 1961; 27th February, 1962; 7th August, 1963; 16th June, 1964; 23rd June, 1964; 10th February, 1966; 3rd March, 1967; 9th February, 1970; 20th March, 1970 and 12th August, 1970; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954 by authority of the Attorney General dated 23rd November, 1971.

RIGHTS IN WATER AND IRRIGATION ACT, 1914.

# By-Laws for Harvey No. 1 Irrigation District, Waroona Irrigation District, Harvey No. 2 Irrigation District, and Collie Irrigation District

By-law 1. Amended by G.G. 12/8/70, p. 2543.

## DIVISION I.

# 1.—Interpretation.

- (a) The words "Board," "District," "Irrigable," "Irrigation," "Occupier," "Prescribed," "Watercourse," and "Works" shall have the meanings severally attached to them in the Rights in Water and Irrigation Act, 1914, or any amendment thereof.
- (b) "Minister" shall mean the Minister for Water Suppy, Sewerage and Drainage acting in the exercise of the powers and authorities conferred on a Board in respect of each of the irrigation districts to which these by-laws apply respectively.
  - (c) "Schedule" means a schedule to these by-laws.

#### DIVISION II.

Protection of Water, Grounds, Works, etc., from Trespass and Injury.

# 2.—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.

## 3.—Camp Fires.

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

# 4.-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 Minister within half-a-mile of any reservoir and within the irrigation district is prohibited.

# 5.-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.

# 6.—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."

# 7.—Unauthorised Water.

No person shall take or use or cause to be taken or used any water from any "works," including any watercourse within the irrigation district, without the Minister's authority, and no person shall allow any water supplied to him by the Minister to run to waste either on public roads or on private or public lands or otherwise.

#### 8.-Interference with Works.

- 1. No person without the Minister's consent shall-
  - (a) trespass upon, injure or interfere in any way with any works; p. 118.
  - (b) do or cause to be done anything which at some or any future time will be likely to injure or interfere with any works;
  - (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.
- The Minister and any officer of his department authorised by the Minister may subject to giving to the owner or occupier of the land concerned one month's previous notice in writing of his intention so to do cut down, destroy, dig up and remove from any land any tree or noxious weed which is or is likely to become injurious to or an interference with any works.

## 9.—Animals Straying.

No person owning or having the right of control of any animal shall drive, or allow the same to stray, upon any "works." In the event of any contravention of this by-law the person guilty of such contravention shall in addition to the penalties prescribed in By-law No. 38 hereunder be liable for all damage that may thereby be caused to such works.

#### 10.—Bathing.

No person, except with the express permission of the Minister first had and obtained, shall bathe in any channels, conduits, reservoirs, watercourses, or other works within the irrigation district.

#### DIVISION III.

Conditions Governing the Supply and Control of Water.

# 11.—Basis of Supply.

The Minister may from time to time determine the basis on which water for irrigation shall be supplied within irrigation districts and the conditions either generally, or particularly in the case of any individual applicant, upon which water for irrigation shall be supplied to applicants for waterings under these by-laws.

By-law 11. Added by G.G. 30/8/60, p. 2628. Amended by G.G. 23/6/64, p. 2501.

By-law 8.

Substituted

## 11A.-Zones.

For the purpose of determining the times or period for supplying water for irrigation, the district may be divided into zones decided upon by the Minister from time to time.

By-law 11A. Renumbered by G.G. 30/8/60.

# 12.—Zone Period of Watering.

- (1) The Minister may from time to time determine the period of watering applicable to each zone in the district and cause to be prepared a programme of waterings in accordance with his determination.
- (2) Full particulars of such programme of waterings for each zone shall be publicly notified at the local office of the irrigation district.

# 13.—Application for Watering.

Applications for a watering for irrigation shall be made in writing by ratepayer, on forms to be provided by the Minister, to the district officer authorised by the Minister to receive same, and shall be lodged at least three days prior to commencement of the zone period applicable to the land referred to in the application.

# 14.—Supply of Water.

On receipt of such application for watering, the Minister may, at the times and in the quantities fixed by him, and subject to payment by the p. 2501. ratepayer of irrigation rates and charges due, and subject also to any conditions upon which water shall be supplied, determined by the Minister pursuant to by-law 11 of these by-laws, and to limitation of waterings as hereinafter provided, supply water, and to such point or points as in his opinion may be necessary.

By-law 14.

## 15.—Occupier's Distributary System.

The occupier of each block to be watered shall provide and maintain efficient head ditches to the satisfaction of the Minister, and shall make all arrangements for the distribution and retention of water on his land. Failing such provision, the Minister shall have the power to refuse the supply of water until the defects have been remedied to his satisfaction.

## 16.-Land Adjacent to Rivers.

No water will be supplied to any head ditches or other distribution channels constructed or located within two (2) chains of the nearest edge of any river in an irrigation district except with the approval of the Minister

#### 17.—Regulating Supply.

The officers of the Minister may, at any time, enter upon any holding for the purposes of inspecting and/or regulating the water supply 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. This by-law shall not be construed in such manner as to relieve any person from any other penalties prescribed in these by-laws.

#### 18.—Delivery Outlets.

All persons receiving water from any works shall take delivery thereof through the respective outlets, at such times and in such order and in such manner as the Minister may direct. The outlets for the delivery of water shall be operated only by the Minister or his officers.

# 19.—Water Deliveries.

If deliveries of water, for which application has been lodged, are refused when duly offered, such deliveries may be deemed to have been made, and may be charged for accordingly.

By-law 20. Amended by G.G. 30/8/60, p. 2628; G.G. 12/8/70, p. 2544.

## 20.—Maximum Watering.

No ratepayer may receive more than one watering during a zone period without payment of the surcharge prescribed in item 2 of Schedule A.

By-law 21. Amended by G.G. 20/1/50, p. 107.

## 21.—Water for Household Purposes.

The supply by the Minister of water for household 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.

# 22.—Waste of Water.

Every ratepayer or occupier shall take all necessary precautions to prevent unnecessary waste during the watering of the land in relation to which the water is supplied.

23.—Special Services for Demonstration, Grading, or Experimental Plots. On application being made, water may be supplied by the Minister without charge to any land which is controlled or supervised by the Department of Agriculture for demonstration, grading or experimental purposes.

# DIVISION IV.

# Rates and Charges.

# 24.—Irrigation Rate.

All irrigation rates levied in terms of the Rights in Water and Irrigation Act, 1914, on land within the irrigation district shall be payable in advance within one calendar month from publication in the Government Gazette, and a newspaper usually circulating in the particular district affected, of notice that the said rates have respectively been ordered to be made and levied.

25.—Water in Return for Rate ("Free Watering").

Subject as provided by the said Act and the by-laws and to the payment of the said annual rate, every ratepayer shall be entitled to receive in respect of the area for which the rate is payable—

- (a) [Deleted by G.G. 9/2/70, p. 374.]
- (b) where the supply is recorded on a measuring device installed by the Minister, water as prescribed in item 1 of Schedule B for each acre rated; or
- (c) water for a period as prescribed in item 2 of Schedule B at the rate of two cusecs for each acre rated.

#### 26.—Other or Subsequent Waterings.

- (1) Subject as provided by the said Act and the by-laws, every ratepayer who has paid his rates for the then current year, or the accommodation watering charges prescribed by by-law 27 of these by-laws, shall during such year, so far as the water is available—
  - (a) [Deleted by G.G. 9/2/70, p. 374.]
  - (b) where the supply is recorded on a measuring device, on payment in advance of the further sum as prescribed in item 3 of Schedule A for each acre foot of water applied for, be supplied with a further one acre foot of water for each acre rated at such times, in such order and in such manner as the Minister may direct; or
  - (c) on payment in advance of the further sum as prescribed in item 4 of Schedule A for each hour of supply applied for, be supplied with further water at the rate of two cusecs for six hours for each acre rated, at such times, in such order and in such manner as the Minister may direct.
- (2) When in any year additional supplies of water can be made available, the Minister may supply subsequent waterings, in addition to the waterings referred to in sub-bylaw (1) of this by-law, on the rate-payer paying in advance the further sum as prescribed,
  - (a) [Deleted by G.G. 9/2/70, p. 374.]
  - (b) in item 3 of Schedule A for each acre foot of water applied for, where the supply of water is recorded on a measuring device; or
- (c) in item 4 of Schedule A for each hour of supply applied for, and in each case the water for such subsequent waterings shall be supplied at such times, in such order and in such manner as the Minister may direct.

# 26A.—Meter Out of Order.

Where the supply of water is by measure and the meter recording such supply is for any cause out of order, or no meter is installed at the point of supply requested by the consumer, the quantity of water used by the consumer will be computed and charged for on the basis of six hours of supply at a two cusec rate equivalent to one acre foot.

By-law 26A. Added by G.G. 30/8/60, p. 2629.

## 27.—Accommodation Water Charges.

- (a) In cases where the Minister at his discretion supplies water for irrigation purposes within an irrigation district to a non-rated area, or to an acreage in excess of the rated area, or in excess of a settler's allocated quantity of water or "hours," as the case may be, the charges for watering shall be—
  - (i) [Deleted by G.G. 9/2/70, p. 374.]
  - (ii) if the water is supplied through a measuring device, as prescribed in item 3 of Schedule A.
  - (iii) if the water is supplied by the "hours" system, as prescribed in item 4 of Schedule A.
  - (b) [Deleted by G.G. 9/2/70, p. 375.]
- (c) Notwithstanding the provisions of paragraph (a) of this by-law, in respect to ratepayers paying the minimum rate no charge shall be made for water supplied pursuant to this paragraph for watering areas not exceeding five acres (inclusive of the rated area).

By-law 25. Amended by G.G. 4/12/53, p. 2405; G.G. 30/8/60, p. 5550; G.G. 27/2/62, p. 550; G.G. 16/6/64, p. 2421; G.G. 9/2/70, p. 374; G.G. 12/8/70, p. 2544.

By-law 26. Substituted by G.G. 30/8/60, p. 2628-9. Amended by G.G. 16/6/64, p. 2421; G.G. 10/2/66, p. 413; G.G. 3/3/67; p. 620; G.G. 9/2/70, p. 374; G.G. 12/8/70, p. 2544.

By-law 27. Substituted by G.G. 27/2/62, pp. 550-1: amended by G.G. 16/6/64, pp. 2421-2; G.G. 10/2/66, p. 413: G.G. 3/3/67, p. 621; G.G. 9/2/70, p. 374-5; G.G. 12/8/70, p. 2544. By-law 28. Substituted by G.G. 30/8/60. p. 2629; amended by G.G. 3/3/67. p. 621; G.G. 12/8/70, p. 2544.

By-law 28A.

Added by G.G. 30/8/60.

pp. 2629-30.

By-law 29.

28.—Charges for Late Application and Irregular Services during Zone Periods.

- (1) A ratepayer who lodges an application for watering after the expiration of the period specified in by-law 13 of these by-laws shall pay a surcharge as prescribed in item 1 of Schedule A in addition to the watering charge.
- (2) A ratepayer who receives water out of his order provided by the zone programme, although within his zone period, shall pay a surcharge as prescribed in item 2 of Schedule A in addition to the watering charge.

—Amendment of Application for Water.

A ratepayer desiring to amend an application lodged by him for water shall give to the Minister not less than six hours' prior notice thereof. but where the amendment will result in an increase by more than ten per centum of the area. acre feet or hours applied for. the ratepayer shall lodge a further application.

By-law 29.
Substituted by G.G. 30/8/60.
p. 2630: amended by G.G. 10/2/66.
p. 413:
G.G. 3/3/67.
p. 621:
G.G. 9/2/70.
p. 375:
G.G. 12/8/70.
p. 2544.

p. 2544.

29.—Minimum Watering Charge.

Subject to the minimum charges prescribed by by-laws 34 and 35 of these by-laws, the minimum charge for water supplied for irrigation, other than water allowed in return for the rate payable, shall be as prescribed in item 5 of Schedule A.

By-1aw 30. Amended by G.G. 7/3/41. p. 313: 15/9/50. 15/9/50. p. 2124: 27/6/52. p. 1599: G.G. 3/3/67. p. 621: G.G. 12/8/70, p. 2544. 30.—Watering out of Zone Period.

- (1) A ratepayer desiring water out of the zone period of watering applicable to his property shall make application for same to the Minister and with his application shall pay a surcharge as prescribed in item 6 of Schedule A.
  - (2) The Minister may grant or refuse any application.
- (3) If the Minister refuses the application, the amount of the said surcharge shall, at the election of the applicant, either be refunded to the applicant or credited to his account in the books of the Irrigation Board.

31.—Reconnection Charge.

Where the supply of water has been stopped in consequence of an infringement of by-laws 17 or 22, the settler may, on compliance with the necessary requirements of the Minister, be permitted to complete his interrupted watering on payment of a reconnection charge as prescribed in item 7 of Schedule A. provided water is still available within his zone and the watering can be completed within the zone period: if such watering is completed after the close of his zone period. the out of zone charge as prescribed in item 6 of Schedule A shall be paid in addition to the reconnection surcharge.

By-law 31. By-law 31. Amended by G.G. 15/9/50. p. 2124; 27/6/52. p. 1600; G.G. 3/3/67. p. 621; G.G. 12/8/70. p. 2544.

# 32.—Water for Stock.

(a) Every ratepayer shall, on payment of the irrigation rate levied, be entitled to a supply of water for stock.

Provided that-

- (i) if stock water is supplied at any time. other than as a watering in return for rates or accommodation water or subsequent waterings, a charge as prescribed in item 8 of Schedule A for each supply point shall be payable: and
- (ii) if an alternative supply point is required to be operated at any time, a charge as prescribed in item 8 of Schedule A for each alternative supply point shall be payable.
- (b) Every ratepayer requiring water for stock shall at his own expense provide a suitable receptacle for the storage of stock water, such receptacle to hold sufficient water to avoid the necessity of replenishing between zone periods: and the dam, tank, or other receptacle provided for the storage of stock water shall be subject to approval by the Minister. Unless such approval has been given, the Minister may refuse to supply water for stock purposes.

By-law 32. By-law 32. Amended by G.G. 7/3/41. p. 313: 2/1/42, p. 18: 15/9/50. p. 2124: 27/6/52. p. 1600: G.G. 12/12/56. p. 2907: G.G. 14/11/57, p. 3349: G.G. 30/8/60. p. 2630; G.G. 30/8/60, p. 2630; G.G. 10/2/66, p. 414; G.G. 3/3/67. p. 621: G.G. 9/2/70. G.G. 9/2/70, p. 375; G.G. 20/3/70, p. 858; G.G. 12/8/70.

p. 2544.

(c) Subject to the provisions of clause (b) being complied with, the holder of any land exempt from payment of irrigation rates because such land cannot be irrigated, or for any other reason, may be given a supply of stock water on such land on payment of a fee as prescribed in item 8 of Schedule A per supply point per service. Notwithstanding the foregoing provisions of this by-law, the minimum annual charge shall be as prescribed in item 9 of Schedule A.

# 33.—Stock Water for Use Outside Irrigation District.

If surplus water is available for persons who desire to water their stock whose land is not in the Irrigation District, then the scale of charges in by-law 32 or by-law 35, whichever is appropriate, shall apply; by-law 30 (surcharge for out of appropriate zone period) also charges in by-law 32 or by-law 35, whichever is appropriate, shall p. 977; amended by apply; by-law 30 (surcharge for out of appropriate zone period) also G.G. 27/6/52, applies and the provisions of by-law 32 regarding storage shall be p. 1600. complied with. complied with.

By-law 33. Substituted by G.G. 18/4/52,

#### 34.—Water for Land Outside an Irrigation District for Irrigation Purposes.

If surplus water is available for persons desiring same for irrigation purposes for land outside the district, other than piped supply services, sub-item (iii) of item 10 of Schedule A per acre; with a minimum charge as prescribed in sub-item (iv) of item 10 of Schedule A for acreage watered. If such water is taken outside the appropriate zone period applicable, the surcharge as prescribed by by-law 30, shall also be payable before such service is given.

35.—Pipe and Pump Supplies.

(1) The Minister may in respect of any land, whether that land is or is not subject to an irrigation rate or is or is not within an irrigation district, grant to the owner or occupier of that land, or to both of them, permission to take water from any work by means of pumping, or may construct works to supply water to that land, subject in either case to the condition that the water is taken as and when it is available in the channel, drain, watercourse or work and no special service for G.G. 3/3/67, p. 622;

a maividual consumer by the department is involved.

(2) The annual charges for water taken or supplied in accordance the provisions of sub-bylaw (1) of this by-law shall be as follows:

(a) For sprinkler irrigation of the control of the c the individual consumer by the department is involved.

with the provisions of sub-bylaw (1) of this by-law shall be as follows:-

- - (i) if the supply of water is from works installed and is a gravity supply to the property as prescribed in sub-item
    (i) of item 11 of Schedule A per acre; or
  - (ii) if the supply of water is pumped from any work, where supplies are sufficient to provide an assured service, as prescribed in sub-item (ii) of item 11 of Schedule A, or where supplies are not so sufficient, as prescribed in sub-item (iii) of item 11 of Schedule A;
- (b) For stock water supplies to non-rated properties, and for either or both household and dairy water supplies, including a garden cultivated in conjunction with the house—
  - (i) if supplies of water are continuous throughout the irrigation season as prescribed in sub-item (i) of item 12 of Schedule A; or
  - (ii) if supplies of water are intermittent due to zonal waterings, as prescribed in sub-item (ii) of item 12 of Schedule A.
- (3) (a) The Minister may from time to time limit either or both the area of land to be watered and the amount of water to be supplied, under the provisions of this by-law.
- (b) The Minister may at any time at his discretion cancel any permission granted by him under sub-bylaw (1) of this by-law.

By-law 34. Amended by G.G. 15/9/50, p. 2124; 27/6/52, p. 1600; G.G. 12/12/56, p. 2907; G.G. p. 2907; G.G. 14/11/57, p. 3350; G.G. 10/2/66, p. 414; G.G. 3/3/67, G.G. 3/3/67, p. 621; G.G. 9/2/70, p. 395; G.G. 12/8/70, p. 2545.

By-law 35. Substituted by G.G. 7/8/63, pp. 2291-2; amended by G.G. 10/2/66, p. 414; G.G. 3/3/67, p. 622:

- (4) Where it is necessary for the Minister to construct works for the purpose of supplying water under the provisions of this by-law, either or both the owner and the occupier shall be liable to pay the cost of constructing those works, plus a capitalised maintenance charge determined by the Minister.
- (5) Applications for any of the services referred to in this by-law shall be in writing and be made on the prescribed form.

# 26.—Unpaid Irrigation Rates.

The Minister may refuse to supply water to any land upon which irrigation rates are unpaid.

#### DIVISION V.

# 37.—Delegation of Authority.

The Minister may authorise any Government officer or agent to do any of the acts, matters or things which the Minister acting in the capacity of the Irrigation Board is by or under the Rights in Water and Irrigation Act, 1914, authorised or required to do.

## DIVISION VI.

By-law 38. Amended by G.G. 3/3/67, p. 622.

# 38.—Breach of By-law-Penalties.

Any person committing a breach of any of the foregoing by-laws, or who shall refuse or neglect to obey any injunction in any such by-law, or to comply with any requirements therein contained, shall upon conviction be liable to a penalty not exceeding \$40 and, in the case of a continuing breach, a further penalty not exceeding \$10 for each day the offence continues after notice has been given by or on behalf of the Minister to the offender of the Minister to the offender.

# DIVISION VII. 39.—Repeal.

All by-laws heretofore made and in force for the Harvey No. 1 Irrigation District, the Waroona Irrigation District, the Harvey No. 2 Irrigation District, and the Collie Irrigation District are hereby repealed.

# Schedule A. Added by G.G. 12/8/70, p. 2545-6.

# Schedule A.

# CHARGES

		CHARGES.	
Item	No	).	
1.		Late application for watering—surcharge in addition to watering charge	\$1.65
2.		Receipt of water out of order provided by the zone programme, although within the zone period; or	
	( <b>b</b> )	Where a ratepayer receives more than one watering during a zone period, for each further watering,	
		surcharge in addition to watering charge	\$1.10
3.		Where supply is recorded on a measuring device	\$3.00 per acre foot
4.		If supply is by "hours" system at a rate of 2 cusecs	\$0.50 per hour
5.		Minimum watering charge	\$6.00 per supply point
6.		Out of zone period watering—surcharge	\$3.30
7.		Reconnection charge	\$3.30
8.		Water for Stock	\$3.00 per supply point

9.	Minimum annual charge for water for stock—	
	(i) For any area not exceeding 25 acres	\$5.00
	(ii) For any area exceeding 25 but not exceeding 50 acres	\$10.00
	(iii) For any area exceeding 50 but not exceeding 75 acres	\$12.00
	(iv) For any area exceeding 75 but not exceeding	\$15.00
	(v) For any area exceeding 100 but not exceeding	\$20.00
		•
	(vi) For any area exceeding 300 acres	\$25.00
10.	Irrigation water for land outside an Irrigation District—	
	(i) First watering—per acre	\$5.00
		\$25.00
	(iii) Subsequent watering—per acre	\$1.50
	(iv) Subsequent watering—minimum charge	\$6.00
l1.	Pipe and pump supplies for sprinkler irrigation—  (i) Gravity supply—per acre	\$6.50
	(ii) Pumped supply, where supplies are sufficient —per acre	\$4.00
	(iii) Pumped supply, where supplies are not so sufficient—per acre	\$3.00
12.	Pipe and pump supplies for stock water—	40.00
	(i) Continuous supply through irrigation season	\$15.00
	(ii) Intermittent supply due to zonal waterings—	\$11.00

# SCHEDULE B.

- 1. For each acre rated—2 acre feet.
- 2. For each acre rated—a period of 12 hours.

Schedule B. Added by G.G. 12/8/70, p. 2546.