

**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

ISSN 1448-949X

6979



**PERTH, THURSDAY, 30 DECEMBER 2004 No. 244 SPECIAL**

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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OPTOMETRISTS ACT 1940  
**OPTOMETRISTS REGISTRATION BOARD AMENDMENT RULES (No. 2) 2004**

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**OPTICAL DISPENSERS AMENDMENT REGULATIONS 2004**

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**PHYSIOTHERAPISTS REGISTRATION BOARD AMENDMENT RULES 2004**

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WATERWAYS CONSERVATION ACT 1976  
**WATERWAYS CONSERVATION AMENDMENT REGULATIONS 2004**



Optometrists Act 1940

## **Optometrists Registration Board Amendment Rules (No. 2) 2004**

Made by The Optometrists Registration Board with the approval of the Governor in Executive Council.

**1. Citation**

These are the *Optometrists Registration Board Amendment Rules (No. 2) 2004*.

**2. Commencement**

These rules come into operation on the day on which Part 2 Division 91 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The rules amended**

The amendments in these rules are to the *Optometrists Registration Board Rules 1941\**.

[\* *Reprint 2 as at 7 March 2003.*

*For amendments to 2 December 2004 see Gazette 8 April 2004.]*

**4. Rule 27 repealed**

Rule 27 is repealed.

**5. Rule 29 repealed**

Rule 29 is repealed.

**6. Rule 43D amended**

Rule 43D is amended by deleting “Board.” and inserting instead —

“ State Administrative Tribunal. ”.

**7. Rule 45 amended**

Rule 45 is amended by deleting “, or may require the charge or complaint or any part thereof to be verified by statutory declaration of the complainant or of some other person or persons”.

**8. Rules 46 to 52A replaced by rule 46**

Rules 46 to 52A are repealed and the following rule is inserted —

“

**46. Notice of appointment of investigator**

If the Board, under section 25A(1) of the Act, appoints a person to investigate a matter relating to an optometrist, the Board shall give or post to the last known place of address of the optometrist a written notice stating that the person has been appointed.

”.

**9. First Appendix amended**

- (1) The First Appendix Forms 6 and 8 are deleted.
- (2) The First Appendix Form 10 is amended by deleting “INQUIRY BY” and inserting instead —

“ **BEFORE THE** ”.

Passed by a resolution of The Optometrists Registration Board at a meeting of the Board held on .....

The Common Seal of The )  
 Optometrists Registration )  
 Board was at the time of the )  
 above resolution affixed in )  
 the presence of — )

ANNE DURACK,  
Chairman.

COLIN EMMOTT,  
Registrar.

Approved by the Governor,

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

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## Optical Dispensers Act 1966

**Optical Dispensers Amendment  
Regulations 2004**

Made by the Governor in Executive Council.

**1. Citation**

These are the *Optical Dispensers Amendment Regulations 2004*.

**2. Commencement**

These regulations come into operation on the day on which Part 2 Division 90 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The regulations amended**

The amendments in these regulations are to the *Optical Dispensers Regulations\**.

[\* *Reprint 1 as at 23 April 2004.*]

**4. Regulation 3 amended**

Regulation 3 is amended by deleting “section 5(2)(a)” and inserting instead —

“ section 5(2) ”.

**5. Schedule amended**

The Schedule Form 1 is amended as follows:

- (a) by deleting “section 5(2)(a)” and inserting instead —  
“ section 5(2) ”;
- (b) by deleting Note (2).

By Command of the Governor,

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

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## Physiotherapists Act 1950

**Physiotherapists Registration Board  
Amendment Rules 2004**

Made by the Physiotherapists Registration Board with the approval of the Governor in Executive Council.

**1. Citation**

These are the *Physiotherapists Registration Board Amendment Rules 2004*.

**2. Commencement**

These rules come into operation on the day on which Part 2 Division 102 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The rules amended**

The amendments in these rules are to the *Physiotherapists Registration Board Rules 1952\**.

[\* *Reprint 1 as at 9 May 2003.*]

**4. Rule 3 repealed**

Rule 3 is repealed.

**5. Rule 4 amended**

Rule 4 is amended by deleting “and extraordinary”.

**6. Rule 27 amended**

Rule 27 is amended by deleting “verified by statutory declaration”.

**7. Rules 28 to 33 repealed**

Rules 28, 29, 30, 31, 32 and 33 are repealed.

Passed by a resolution of The Physiotherapists Registration Board at a meeting of the Board held on 17 December 2004.

The Common Seal of The  
Physiotherapists Registration Board was  
at the time of the above resolution  
affixed in the presence of —

Professor ANTHONY WRIGHT, Chairman.  
KIM BRADBURY, Registrar.

Approved by the Governor,

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

## Occupational Therapists Registration Act 1980

**Occupational Therapists Amendment  
Rules 2004**

Made by the Occupational Therapists Registration Board of Western Australia with the approval of the Governor in Executive Council.

**1. Citation**

These are the *Occupational Therapists Amendment Rules 2004*.

**2. Commencement**

These rules come into operation on the day on which Part 2 Division 89 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The rules amended**

The amendments in these rules are to the *Occupational Therapists Rules 1981\**.

[\* Reprinted as at 2 October 2001.]

**4. Rule 15 amended**

The Table to rule 15 is amended by deleting “6. Application for statement of reasons for decision of Board (section 33(1)).”.

**5. Schedule 2 amended**

- (1) Schedule 2 Form 4 paragraph 12(b) is amended by inserting after “disciplinary action by any” —  
“ tribunal, ”.
- (2) Schedule 2 Form 6 is deleted.

By resolution of the Occupational Therapists Registration Board of Western Australia made on 17 December 2004.

The Common Seal of the Board was  
affixed in the presence of —

JOANNA RICHES, Member.  
THELMA BURNETT, Member.  
KIM BRADBURY, Registrar.

Approved by the Governor in Executive Council,

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

## Nurses Act 1992

**Nurses Amendment Rules (No. 2) 2004**

Made by the Nurses Board of Western Australia with the approval of the Governor in Executive Council.

**1. Citation**

These are the *Nurses Amendment Rules (No. 2) 2004*.

**2. Commencement**

These rules come into operation on the day on which Part 2 Division 88 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The rules amended**

The amendments in these rules are to the *Nurses Rules 1993*\*.

[\* *Reprinted as at 22 June 2001.*

*For amendments to 29 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 259, and Gazette 16 April 2004.]*

**4. Rule 4 amended**

Rule 4(1)(g) is amended by inserting after “disciplinary action by” —

“ a tribunal or ”.

**5. Rule 25 amended**

Rule 25 is amended as follows:

- (a) in paragraph (b) by deleting “proceeding by way of a formal inquiry” and inserting instead —

“

having an allegation about the matter made to the State Administrative Tribunal

”.

- (b) in paragraph (c) by deleting “proceeding by way of formal inquiry” and inserting instead —

“

having an allegation about the matter made to the State Administrative Tribunal

”.



**6. Rule 26 repealed**

Rule 26 is repealed.

**7. Rule 27 amended**

Rule 27(1) is amended by deleting “or a formal”.

**8. Schedule 1 amended**

Schedule 1 Form 8 is amended by inserting after “disciplinary action by” —

“ a tribunal or ”.

Made by the Nurses Board of Western Australia.

Date: 16 December 2004.

The Common Seal of the )  
Nurses Board of Western )  
Australia was affixed in the )  
presence of — )

L. M. HORGAN,  
Presiding member.

PATRICIA FOWLER,  
Member.

Approved by the Governor,

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

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## Gas Standards Act 1972

**Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 2) 2004**

Made by the Governor in Executive Council.

**1. Citation**

These are the *Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 2) 2004*.

**2. Commencement**

These regulations come into operation on the day on which Part 2 Division 54 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The regulations amended**

The amendments in these regulations are to the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999\**.

[\* *Reprint 1 as at 3 January 2003.*

*For amendments to 24 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 154, and Gazette 13 July 2004.]*

**4. Regulation 9 amended**

- (1) Regulation 9(1) is repealed and the following subregulation is inserted instead —

“

- (1) For the purposes of section 13A(3)(e) of the Act, the Director is authorised to delegate his or her power to deal with a matter summarily under section 13A(11) of the Act to a person or body of persons appointed by the Director, and the exercise of that power by that person or persons is authorised.

”

- (2) Regulation 9(2) is amended by deleting “person to show cause at an inquiry” and inserting instead —

“ holder as defined in section 13A(12) of the Act ”.

(3) Regulation 9(3) is amended by deleting “at an inquiry” and inserting instead —

“ at proceedings ”.

(4) Regulation 9(4) is amended by deleting “at an inquiry” and inserting instead —

“ at proceedings ”.

**5. Regulation 10 repealed**

Regulation 10 is repealed.

**6. Schedule 2 amended**

Schedule 2 Form 3 is deleted.

By Command of the Governor,

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

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## Electricity Act 1945

**Electricity (Licensing) Amendment Regulations  
(No. 3) 2004**

Made by the Governor in Executive Council.

**1. Citation**

These are the *Electricity (Licensing) Amendment Regulations (No. 3) 2004*.

**2. Commencement**

These regulations come into operation on the day on which the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 40* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The regulations amended**

The amendments in these regulations are to the *Electricity (Licensing) Regulations 1991\**.

[\* *Reprint 2 as at 14 March 2003.*

*For amendments to 2 December 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 87, and Gazette 13 July 2004.]*

**4. Regulation 13 amended**

Regulation 13(2)(f) is deleted.

**5. Part 2 Divisions 2 and 3 repealed**

Part 2 Divisions 2 and 3 are repealed.

**6. Regulations 30 and 31 replaced by regulations 30, 31 and 31A**

Regulations 30 and 31 are repealed and the following regulations are inserted instead —

“

**30. Discipline**

- (1) There is proper cause for disciplinary action in respect of a person who is the holder of a licence or permit if the person —
  - (a) is not a fit and proper person to be the holder of a licence or permit issued under this Part;

- (b) obtained the licence or permit by misrepresentation as to any material fact or by other fraudulent means;
  - (c) is or has been the subject of a disqualification or suspension imposed in another State, a Territory or New Zealand that prevents or prevented him or her from carrying out in that State or Territory or in New Zealand electrical work of the kind authorised by his or her licence or permit;
  - (d) has carried out electrical work in a manner that —
    - (i) endangers, or is likely to endanger, any person or property; or
    - (ii) is negligent or incompetent;or
  - (e) has committed an offence against the Act or these regulations or other regulations made under the Act, or against the *Energy Operators (Powers) Act 1979* or the *Energy Coordination Act 1994* or regulations made under those Acts.
- (2) Without limiting subregulation (1)(a), there is proper cause for disciplinary action in respect of a person if the person —
- (a) is addicted to alcohol or any drug; or
  - (b) suffers from any mental or physical disorder,
- to a degree that may at any time affect his or her ability to carry out electrical work in a safe and satisfactory manner.
- (3) Without limiting subregulation (1)(d)(i), there is proper cause for disciplinary action in respect of a person if the person has failed to comply with the requirements of regulation 49 or 50.

### **31. Disciplinary powers**

- (1) The Director may allege to the State Administrative Tribunal that there is proper cause for disciplinary action, as mentioned in regulation 30(1), against the holder of a licence or permit.
- (2) If, in a proceeding commenced by an allegation under this regulation against the holder of a licence or permit, the State Administrative Tribunal is of the opinion that there is proper cause for disciplinary action, the Tribunal may do one or more of the following —
  - (a) by order cancel the licence or permit held by that person;

- (b) if the person is a nominated electrical worker — by order cancel the nomination of that person;
  - (c) by order suspend the licence or permit held by that person for a period, not exceeding 12 months, that is specified in the order;
  - (d) by order impose any restriction or condition on the authority conferred by the licence or permit held by that person or vary any restriction or condition to which the licence or permit is already subject;
  - (e) by order require that person to complete successfully a specified educational or training course of study;
  - (f) by order require that person to undergo a specified theoretical or practical assessment, examination or trade test;
  - (g) censure that person;
  - (h) recommend to the Director, where an offence is disclosed, that proceedings be instituted against that person in respect of that offence.
- (3) Where any restriction or condition on the authority conferred by a licence or permit is imposed or varied under subregulation (2)(d), the Board may order the return of the licence or permit document for endorsement and may endorse the licence or permit document accordingly.

**31A. Alternative to bringing proceedings**

- (1) Instead of making an allegation to the State Administrative Tribunal under regulation 31, if the Director —
- (a) is satisfied that the matter may be disposed of satisfactorily without cancelling or suspending the licence or permit of the person;
  - (b) has afforded to the person concerned the opportunity of giving an explanation to the Director either in person or in writing and has not been offered an explanation or is not satisfied by any explanation offered; and
  - (c) has afforded to the person concerned the option of the matter proceeding before the Tribunal and that option has not been taken up,

the Director may do one or more of the following —

- (d) if the person is a nominated electrical worker — by order cancel the nomination of that person;

- (e) by order impose any restriction or condition on the authority conferred by the licence or permit held by that person or vary any restriction or condition to which the licence or permit is already subject;
  - (f) by order require that person to complete successfully a specified educational or training course of study;
  - (g) by order require that person to undergo a specified theoretical or practical assessment, examination or trade test;
  - (h) censure that person;
  - (i) where an offence is disclosed — institute proceedings against that person in respect of that offence.
- (2) Before deciding whether a matter may be disposed of satisfactorily without cancelling or suspending the licence or permit of the person, the Director may request the Board to give the Director advice on that matter and the Board is to comply with that request.
- (3) If a person chooses to give the Director an explanation referred to in subregulation (1)(b) in person, the explanation may be given that way by —
- (a) the person; or
  - (b) a legal practitioner or other representative of the person.
- (4) An order under subregulation (1)(e), (f) or (g) has effect according to its tenor.
- (5) Where any restriction or condition on the authority conferred by a licence or permit is imposed or varied under subregulation (1)(e), the Board may order the return of the licence or permit document for endorsement and may endorse the licence or permit document accordingly.
- (6) An order made by the Director under this regulation is to be reduced to writing signed by the Director and a copy of the order given to the person against whom it is made.

”.

## 7. Regulation 32 amended

- (1) Regulation 32(2) is amended by deleting “The” and inserting instead —

“ Subject to subregulation (3), the ”.

(2) After regulation 32(2) the following subregulation is inserted —

“

- (3) The Board cannot to any extent revoke a suspension that was imposed by an order of the State Administrative Tribunal unless it has applied for, and obtained, the approval of the State Administrative Tribunal to do so.

”

**8. Regulations 46 and 47 replaced by regulations 46, 47 and 47A**

Regulations 46 and 47 are repealed and the following regulations are inserted instead —

“

**46. Discipline**

- (1) There is proper cause for disciplinary action in respect of a person who is the holder of a licence if the person —
- (a) is not a fit and proper person to be the holder of a licence issued under this Part;
  - (b) obtained the licence or enabled the licence to be obtained by misrepresentation as to any material fact or by other fraudulent means;
  - (c) has carried out or caused or permitted to be carried out any electrical work in a manner that —
    - (i) endangers, or is likely to endanger, any person or property; or
    - (ii) is negligent or incompetent;
  - (d) has, personally or through a person authorised by him or her, signed a notice of completion of electrical work in respect of electrical work that has not been carried out by him or her or on his or her behalf; or
  - (e) has committed an offence against the Act or these regulations or other regulations made under the Act, or against the *Energy Operators (Powers) Act 1979* or the *Energy Coordination Act 1994* or regulations made under those Acts.
- (2) Without limiting subregulation (1)(c)(i), there is proper cause for disciplinary action in respect of a person if the person has failed to comply with the requirements of regulation 49 or 50.



**47. Disciplinary powers**

- (1) The Director may allege to the State Administrative Tribunal that there is proper cause for disciplinary action, as mentioned in regulation 46(1), against the holder of a licence.
- (2) If, in a proceeding commenced by an allegation under this regulation against the holder of a licence, the State Administrative Tribunal is of the opinion that there is proper cause for disciplinary action, the Tribunal may do one or more of the following —
  - (a) by order cancel the licence held by that person;
  - (b) by order suspend the licence held by that person for a period, not exceeding 12 months, that is specified in the order;
  - (c) by order impose any restriction or condition on the authority conferred by the licence held by that person or vary any restriction or condition to which the licence is already subject;
  - (d) by order require that person to complete successfully a specified educational or training course of study;
  - (e) by order require that person to undergo a specified theoretical or practical assessment, examination or trade test;
  - (f) censure that person;
  - (g) recommend to the Director, where an offence is disclosed, that proceedings be instituted against that person in respect of that offence.
- (3) Where any restriction or condition on the authority conferred by a licence is imposed or varied under subregulation (2)(c), the Board may order the return of the licence document for endorsement and may endorse the licence document accordingly.

**47A. Alternative to bringing proceedings**

- (1) Instead of making an allegation to the State Administrative Tribunal under regulation 47, if the Director —
  - (a) is satisfied that the matter may be disposed of satisfactorily without cancelling or suspending the licence of the person;
  - (b) has afforded to the person concerned the opportunity of giving an explanation to the Director either in person or in writing and has not been offered an explanation or is not satisfied by any explanation offered; and

- (c) has afforded to the person concerned the option of the matter proceeding before the Tribunal and that option has not been taken up,

the Director may do one or more of the following —

- (d) by order impose any restriction or condition on the authority conferred by the licence held by that person or vary any restriction or condition to which the licence is already subject;
  - (e) by order require that person to complete successfully a specified educational or training course of study;
  - (f) by order require that person to undergo a specified theoretical or practical assessment, examination or trade test;
  - (g) censure that person;
  - (h) where an offence is disclosed — institute proceedings against that person in respect of that offence.
- (2) Before deciding whether a matter may be disposed of satisfactorily without cancelling or suspending the licence of the person, the Director may request the Board to give the Director advice on that matter and the Board is to comply with that request.
  - (3) If a person chooses to give the Director an explanation referred to in subregulation (1)(b) in person, the explanation may be given that way by —
    - (a) the person; or
    - (b) a legal practitioner or other representative of the person.
  - (4) An order under subregulation (1)(d), (e) or (f) has effect according to its tenor.
  - (5) Where any restriction or condition on the authority conferred by a licence is imposed or varied under subregulation (1)(d), the Board may order the return of the licence document for endorsement and may endorse the licence document accordingly.
  - (6) An order made by the Director under this regulation is to be reduced to writing signed by the Director and a copy of the order given to the person against whom it is made.

”.

## 9. Regulation 61 amended

Regulation 61 is amended as follows:

- (a) in paragraph (a) by deleting “17, 30(4) or 46(4);” and inserting instead —  
“ 31(2)(c) or 47(2)(b); ”;

- (b) in paragraph (b) by deleting “17;” and inserting instead —  
“ 31(2)(a) or 47(2)(a); ”;
- (c) in paragraph (c) by deleting “a request from” and inserting instead —  
“ an order by ”;
- (d) in paragraph (c) by deleting “17” and inserting instead —  
“ 31(3), 31A(5), 47(3) or 47A(5) ”.

**10. Regulation 63B inserted**

After regulation 63A the following regulation is inserted —

“

**63B. Delegation by Director**

- (1) The Director may delegate to the Board a power of the Director under regulation 31A or 47A.
- (2) The delegation is to be in writing signed by the Director.
- (3) The Board cannot delegate a power delegated to it under this regulation.

”.

By Command of the Governor,

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

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Strata Titles Act 1985

## **Strata Titles (Resolution of Disputes) Repeal Regulations 2004**

Made by the Governor in Executive Council.

**1. Citation**

These are the *Strata Titles (Resolution of Disputes) Repeal Regulations 2004*.

**2. Commencement**

These regulations come into operation on the day on which Part 2 Division 121 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The *Strata Titles (Resolution of Disputes) Regulations 1985* repealed**

The *Strata Titles (Resolution of Disputes) Regulations 1985* are repealed.

By Command of the Governor,

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

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## Country Areas Water Supply Act 1947

**Country Areas Water Supply (Clearing Licence)  
Amendment Regulations (No. 2) 2004**

Made by the Governor in Executive Council.

**1. Citation**

These are the *Country Areas Water Supply (Clearing Licence) Amendment Regulations (No. 2) 2004*.

**2. Commencement**

These regulations come into operation on the day on which Part 2 Division 28 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The regulations amended**

The amendment in these regulations is to the *Country Areas Water Supply (Clearing Licence) Regulations 1981\**.

[\* *Reprint 1 as at 23 May 2003.*]

*For amendments to 25 November 2004 see Gazette 30 June 2004.*]

**4. Regulation 12 repealed**

Regulation 12 is repealed.

By Command of the Governor,

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

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## Rights in Water and Irrigation Act 1914

**Rights in Water and Irrigation Amendment  
Regulations 2004**

Made by the Governor in Executive Council.

**1. Citation**

These are the *Rights in Water and Irrigation Amendment Regulations 2004*.

**2. Commencement**

These regulations come into operation on the day on which Part 2 Division 114 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The regulations amended**

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

[\* *Published in Gazette 10 January 2001, p. 165-210.*  
*For amendments to 25 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 408.*]

**4. Part 5A repealed**

Part 5A is repealed.

**5. Schedule 1 Part 3 repealed**

Schedule 1 Part 3 is repealed.

By Command of the Governor,

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

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## Waterways Conservation Act 1976

**Waterways Conservation Amendment  
Regulations 2004**

Made by the Governor in Executive Council on the recommendation of the Water and Rivers Commission.

**1. Citation**

These are the *Waterways Conservation Amendment Regulations 2004*.

**2. Commencement**

These regulations come into operation on the day on which Part 2 Division 134 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

**3. The regulations amended**

The amendment in these regulations is to the *Waterways Conservation Regulations 1981*\*.

[\* Reprinted as at 16 November 2001.]

**4. Part V Division 4 repealed**

Part V Division 4 is repealed.

By Command of the Governor,

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

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