

WA302\*

## Water Agencies (Powers) Act 1984

**Water Agencies (Infringements) Amendment  
Regulations 2010**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Water Agencies (Infringements) Amendment Regulations 2010*.

**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 April 2010.

**3. Regulations amended**

These regulations amend the *Water Agencies (Infringements) Regulations 1994*.

**4. Regulation 3 amended**

In regulation 3 delete “by-law 4 of the *Water Agencies (Water Use) By-laws 2007*” and insert:

the *Water Agencies (Water Use) By-laws 2010*  
by-law 4

**5. Regulation 5 amended**

(1) Delete regulation 5(1) and insert:

- (1) For the purposes of section 103 of the Act and this regulation, a *prescribed person* —
  - (a) in relation to water supplied by the Corporation, is a person holding or acting in any of the following offices of the Corporation —
    - (i) General Manager, Customer Services Division;
    - (ii) Regional Business Manager, Perth Region;

- (iii) Regional Business Manager, North West Region;
  - (iv) Regional Business Manager, Mid West Region;
  - (v) Regional Business Manager, Goldfields Region;
  - (vi) Regional Business Manager, South West Region;
  - (vii) Regional Business Manager, Great Southern Region;
  - (viii) Regional Business Manager, Agricultural Region;
  - (ix) Manager, Customer Centre;
  - (x) Manager, Metering Services;
- and
- (b) in relation to water supplied by the Bunbury Water Board or the Busselton Water Board, is a person holding or acting in the office of the chief executive officer of the Board; and
  - (c) in relation to any other water, is a person holding or acting in any of the following offices in the Department —
    - (i) the chief executive officer;
    - (ii) the Director Water Resource Use;
    - (iii) the Manager Water Licensing.

(2) Delete regulation 5(3) and insert:

- (3) For the purposes of section 103 of the Act, a ***designated person*** —
  - (a) in relation to water supplied by the Corporation, is the person holding or acting in the office of Manager, Receivables and Business Support for the Corporation; and
  - (b) in relation to any other water, is a person holding or acting in the office of chief finance officer (as defined in the *Financial Management Act 2006* section 57) for the Department.

**6. Regulation 6 amended**

In regulation 6 delete “the Schedule” and insert:

Schedule 1

**7. Schedule replaced**

Delete the Schedule and insert:

**Schedule 1 — Forms**

[r. 6]

**Form 1***Water Agencies (Powers) Act 1984 s. 103(2)***Infringement notice**

No. ....

Surname (Block letters) .....

Other names (in full) .....

Address .....

Town or suburb and postcode .....

It is alleged that you committed an offence:

<b>Where and when</b>	At ..... on the ..... day of ..... 20.....
<b>Details of offence</b>	Using water in contravention of the stage of restrictions applicable under the <i>Water Agencies (Water Use) By-laws 2010</i> , contrary to by-law 4.
<b>Modified penalty</b>	\$100
<b>Information about this notice</b>	Date: ..... Issued at: ..... By: ..... Signature of authorised person: .....

**WHAT YOU MUST DO:**

1. You may dispose of this matter by paying the modified penalty within a period of 21 days after this notice is given.

**PAY THE MODIFIED PENALTY TO:**

\* The Chief Finance Officer  
Department of Water  
PO Box K822  
PERTH WA 6842

or

\* Manager, Receivables and Business Support  
Water Corporation  
PO Box 1600  
Osborne Park DC WA 6916

[\*Delete the inapplicable]

If you wish to do so but are unable to make payment within 21 days you may apply to the Department of Water\* / Water Corporation\* for an extension of time within which the modified penalty may be paid.

*[\*Delete the inapplicable]*

**OR IF YOU DO NOT PAY THE MODIFIED PENALTY**

**2.** A prosecution notice may be issued against you for the alleged offence, in which case the matter will be dealt with by a COURT.

**OR**

The modified penalty may be recovered by the Fines Enforcement Registry, in which case —

- (a) additional administrative charges may be incurred; and
- (b) action may be taken to suspend your Motor Driver’s Licence or Vehicle Licence until you have paid in full the modified penalty and any additional charge; and
- (c) you will be given an opportunity to elect to have a prosecution notice for the alleged offence dealt with by a COURT.

PAYMENTS AFTER THE DUE DATE CAN ONLY BE MADE WITH A FINAL DEMAND LETTER WHICH INCURS AN ADDITIONAL ENFORCEMENT FEE.

**Form 2**

*Water Agencies (Powers) Act 1984 s. 103(6)*

**Notice of withdrawal of infringement notice**

No. ....  
 Surname (Block letters) .....  
 Other names (in full) .....  
 Address .....  
 Town or suburb and postcode .....  
 Infringement Notice No. .... Date ..... / ..... / .....

**AN INFRINGEMENT NOTICE GIVEN TO YOU HAS BEEN WITHDRAWN AND NO FURTHER ACTION WILL BE TAKEN\*/A SUMMONS WILL BE ISSUED\***

**\* Delete where not applicable.**

<b>Information about the withdrawn notice</b>	Date of issue: .....
	Alleged offence: .....
	Notice number: .....

<b>Information about this notice</b>	Date: .....
	Issued at: .....
	By: .....
	Signature of prescribed person: .....
	Title of the office held by the prescribed person: .....

**Form 3**

*Water Agencies (Powers) Act 1984 s. 103(11)*

**Certificate that person is an authorised person**

No. ....

Photograph of authorised person

.....  
(Name)

.....  
(Signature)

.....  
(Title of the office held by the authorised person)

.....  
(Date of issue)

.....  
(Date of expiry)

This is to certify that the person identified on this certificate is authorised, in accordance with the *Water Agencies (Powers) Act 1984* section 103, to give infringement notices in respect of alleged offences under the *Water Agencies (Water Use) By-laws 2010* by-law 4.

Signed: .....

Chief executive officer of the Department of Water\* or chief executive officer of the Water Corporation on behalf of the Water Corporation\*.

*[\* Delete the inapplicable]*

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.