

Western Australia

Energy Safety Regulations 2006

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Western Australia

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Energy Safety Regulations 2006

1. Citation

These regulations are the *Energy Safety Regulations 2006* ¹.

2. Commencement

These regulations come into operation on the day on which the *Energy Safety Act 2006* comes into operation.

3. Penalty for non-payment of levy (section 18(1))

If an amount of a levy remains unpaid after the day on which it becomes due for payment, there is payable to the chief executive officer by way of penalty, in addition to the amount of the levy, an amount calculated at the rate of 20% per annum upon the amount of the levy from time to time remaining unpaid.

4. Provision of information to Director of Energy Safety

- (1) The Director of Energy Safety may publish in the *Gazette* and twice in a daily newspaper circulating generally in the State a notice specifying —
- (a) any of the persons or classes of persons that are included within the definition of “energy industry participant” in the Act; and
 - (b) a date, being not earlier than 28 days after the publication of the notice in the *Gazette*, by which those persons must comply with subregulation (2).

r. 4

(2) An energy industry participant of a class or type specified in a notice published in accordance with subregulation (1) must give to the Director of Energy Safety in writing, within the time specified in the notice, the following information —

- (a) the name, address and telephone number of the energy industry participant;
- (b) a brief description of the energy industry participant's business.

Penalty: a fine of \$5 000.

(3) The Director of Energy Safety may, by written notice given to any person —

- (a) require the person to provide to the Director of Energy Safety such information as is described in the notice, for the purpose of determining whether the person is an energy industry participant; and
- (b) specify a date, being not earlier than 28 days after the issue of the notice, by which the person is required to provide the information.

(4) A person who does not comply with a requirement under subregulation (3) commits an offence.

Penalty: a fine of \$5 000.

(5) The Director of Energy Safety may, by written notice given to an energy industry participant —

- (a) require the energy industry participant to provide to the Director of Energy Safety such information as is described in the notice, for the purpose of determining whether the energy industry participant is liable to pay a levy and, if so, the amount of the levy; and
- (b) specify a date, being not earlier than 28 days after the issue of the notice, by which the energy industry participant is required to provide the information.

- (6) A person who does not comply with a requirement under subregulation (5) commits an offence.

Penalty: a fine of \$10 000.

5. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.

- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

[Regulation 5 inserted in Gazette 25 Aug 2009 p. 3309.]

6. Authorised officers and approved officers

- (1) The Director of Energy Safety may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.

- (2) The Director of Energy Safety is to issue to each authorised officer a certificate of his or her appointment.

[Regulation 6 inserted in Gazette 25 Aug 2009 p. 3310.]

7. Forms

The forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

[Regulation 7 inserted in Gazette 25 Aug 2009 p. 3310.]

Schedule 1 — Prescribed offences and modified penalties

[r. 5]

[Heading inserted in Gazette 25 Aug 2009 p. 3310.]

Offences under <i>Energy Safety Act 2006</i>		Modified penalty	
		Individual	Body corporate
s. 28(6)	Failing to comply with a requirement under section 28	\$800	\$4 000
s. 30(4)	Failing to comply with a requirement under section 30(3)(e)	\$800	\$4 000

Offences under <i>Energy Safety Regulations 2006</i>		Modified penalty	
		Individual	Body corporate
r. 4(2)	Failing to give information specified in regulation 4(2) to the Director of Energy Safety	\$200	\$1 000
r. 4(4)	Failing to comply with a requirement under regulation 4(3)	\$200	\$1 000
r. 4(6)	Failing to comply with a requirement under regulation 4(5)	\$400	\$2 000

[Schedule 1 inserted in Gazette 25 Aug 2009 p. 3310.]

Schedule 2 — Forms

[r. 7]

[Heading inserted in Gazette 25 Aug 2009 p. 3311.]

Form 1 — Infringement notice

<i>Energy Safety Act 2006</i>	Infringement notice no.
Infringement notice	
Alleged offender	Name: Family name _____
	Given names _____
	or Company name _____ ACN _____
	Address _____ Postcode _____
Alleged offence	Description of offence _____
	<i>Energy Safety Act 2006 s.</i> <i>Energy Safety Regulations 2006 r.</i>
	Date / /20 Time a.m./p.m.
	Modified penalty \$ _____
Officer issuing notice	Name _____
	Signature _____
	Office _____
Date	Date of notice / /20
Notice to alleged offender	It is alleged that you have committed the above offence. If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.
	<p>How to pay</p> <p>By post: Send a cheque or money order (payable to ‘Director of Energy Safety’) to: Director of Energy Safety [Address]</p> <p>In person: Pay the cashier at:</p>

	Energy Safety <i>[Address]</i>
	<p>If you do not pay the modified penalty within 28 days, you will be prosecuted for the alleged offence or enforcement action will be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver's licence and/or vehicle licence may be suspended.</p>
	<p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Director of Energy Safety at the above address.</p> <p>If you want this matter to be dealt with by prosecution in court, tick this box <input type="checkbox"/> and post this notice to the Director of Energy Safety at the above address within 28 days after the date of this notice.</p>

[Form 1 inserted in Gazette 25 Aug 2009 p. 3311.]

Form 2 — Withdrawal of infringement notice

<i>Energy Safety Act 2006</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Infringement notice	Infringement notice no. _____	
	Date of issue / /20	
Alleged offence	Description of offence _____	
	<i>Energy Safety Act 2006 s.</i>	
	<i>Energy Safety Regulations 2006 r.</i>	
	Date / /20	Time a.m./p.m.
Officer	Name _____	

withdrawing notice	Signature
	Office
Date	Date of withdrawal / /20
Withdrawal of infringement notice <i>[*delete whichever is not applicable]</i>	<p>The above infringement notice issued against you has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:</p> <p style="text-align: center;">Director of Energy Safety [Address]</p> <p>Signature/ /20</p>

[Form 2 inserted in Gazette 25 Aug 2009 p. 3311-12.]

Notes

¹ This is a compilation of the *Energy Safety Regulations 2006* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Energy Safety Regulations 2006</i>	27 Jun 2006 p. 2351-5	28 Jun 2006 (see r. 2 and <i>Gazette</i> 27 Jun 2006 p. 2349)
<i>Energy Safety Amendment Regulations 2009</i>	25 Aug 2009 p. 3309-12	r. 1 and 2: 25 Aug 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Aug 2009 (see r. 2(b))
