

Western Australia

**Water Agencies (Infringements)
Regulations 1994**

As at 16 Mar 2010

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Water Agencies (Infringements) Regulations 1994

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Water Agencies (Infringements) Regulations 1994

1. Citation

These regulations may be cited as the *Water Agencies (Infringements) Regulations 1994* ¹.

[Regulation 1 amended in Gazette 29 Dec 1995 p. 6301.]

2. Commencement

These regulations come into operation on 1 November 1994.

3. Prescribed offences

The offence under by-law 4 of the *Water Agencies (Water Use) By-laws 2007* is prescribed as an offence that may be dealt with under section 103 of the Act.

*[Regulation 3 inserted in Gazette 29 Sep 1998 p. 5407;
amended in Gazette 28 Sep 2007 p. 4934.]*

4. Modified penalty

The amount prescribed to apply in respect of each of the offences referred to in regulation 3, if it is dealt with under section 103 of the Act, is \$100.

*[Regulation 4 amended in Gazette 17 Feb 1998 p. 923;
29 Oct 1999 p. 5403.]*

s. 5

5. Prescribed, authorised and designated persons (s. 103)

- (1) For the purposes of section 103 of the Act and this regulation, a ***prescribed person*** is a person holding or acting in the office of the Corporation known as —
- (a) General Manager, Customer Services Division;
 - (b) Regional Business Manager, Perth Region;
 - (c) Regional Business Manager, North West Region;
 - (d) Regional Business Manager, Mid West Region;
 - (e) Regional Business Manager, Goldfields Region;
 - (f) Regional Business Manager, South West Region;
 - (g) Regional Business Manager, Great Southern Region;
 - (h) Regional Business Manager, Agricultural Region;
 - (i) Manager, Customer Centre; or
 - (j) Manager, Metering Services.
- (2) For the purposes of section 103 of the Act, an ***authorised person*** is a person authorised by a prescribed person to give an infringement notice in respect of an alleged offence under by-law 4 of the *Water Agencies (Water Use) By-laws 2007*.
- (3) For the purposes of section 103 of the Act, a ***designated person*** is the person holding or acting in the office of the Corporation known as Manager, Receivables and Business Support.

*[Regulation 5 inserted in Gazette 23 Oct 2001 p. 5638-9;
amended in Gazette 24 Feb 2006 p. 889; 28 Sep 2007 p. 4934.]*

6. Forms

The forms set out in the Schedule are prescribed for the respective purposes for which forms are required by section 103(2), (6) and (11) of the Act.

7. Offence of unauthorised alteration of infringement notices

A person who, not being an authorised person, makes any alteration to an infringement notice commits an offence.

Penalty: \$200.

Schedule

[Regulation 5]

Form 1

**WATER CORPORATION
INFRINGEMENT NOTICE**

Water Agencies (Powers) Act 1984
(section 103(2))

No.

Date/...../.....

.....

Surname** (Block letters)

Other names (in full)

Address

Number and street

.....

Town or suburb

Postcode

It is alleged that at hours on the
day of 20..... at
you committed the offence of using water supplied by the Corporation in
contravention of the stage of restrictions applicable under the *Water Agencies*
(*Water Use*) *By-laws 2007*, contrary to by-law 4.

.....
Authorised person

** For a body corporate, set out the body's name and (if known) ACN, ABN or
other registration number

You may dispose of this matter either —

(a) by payment of the modified penalty of within 21 days of the
date of this notice;

or

(b) by having it dealt with by a court.

If the modified penalty is not paid within the time specified, court proceedings
may be taken against you.

If you are convicted you will be liable to a maximum penalty of \$500.

[Payment details to be included with this form]

*[Form 1 amended in Gazette 24 Feb 2006 p. 889-90; 28 Sep 2007
p. 4935.]*

Form 2

WATER CORPORATION

WITHDRAWAL OF INFRINGEMENT NOTICE

Water Agencies (Powers) Act 1984
(section 103(6))

No.

Date/...../.....

.....
Surname** (Block letters)

Other names (in full)

Address

Number and street

.....
Town or suburb

Postcode

Infringement Notice No.

Date/...../.....

for the alleged offence of using water supplied by the Corporation in
contravention of the stage of restrictions applicable under the *Water Agencies*
(*Water Use*) *By-laws 2007*, contrary to by-law 4, on —
..... at

.....
specifying the modified penalty of is withdrawn.

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

.....
* General Manager, Customer Services Division

* Regional Manager,Region

* Manager,

* Delete that which is not applicable

** For a body corporate, set out the body's name and (if known) ACN, ABN
or other registration number

*[Form 2 amended in Gazette 24 Feb 2006 p. 890; 28 Sep 2007
p. 4935.]*

Form 3

Water Corporation

Certificate of Authorised Person

Water Agencies (Powers) Act 1984
(section 103(11))

(Front)

Water Corporation	
<div>Photograph</div>
	Name

	Employee No.

(Back)

<p>Certificate of Authorised Person</p> <p>This is to certify that the person identified on the front of this certificate is authorised, in accordance with section 103 of the <i>Water Agencies (Powers) Act 1984</i>, to give infringement notices in respect of alleged offences under by-law 4 of the <i>Water Agencies (Water Use) By-laws 2007</i>.</p>
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[Form 3 amended in Gazette 28 Sep 2007 p. 4935.]

[Schedule amended in Gazette 29 Dec 1995 p. 6301-2; 17 Feb 1998 p. 923-4; 29 Sep 1998 p. 5407; 29 Oct 1999 p. 5403; 23 Oct 2001 p. 5639; 28 Sep 2007 p. 4935.]

Notes

- ¹ This is a compilation of the *Water Agencies (Infringements) Regulations 1994* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Water Authority (Infringements) Regulations 1994</i> ²	28 Oct 1994 p. 5553-6	1 Nov 1994 (see r. 2)
<i>Water Agencies (Amendment and Repeal) Regulations 1995</i> Pt. 8	29 Dec 1995 p. 6301-2	1 Jan 1996 (see r. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Water Agencies (Infringements) Amendment Regulations 1998</i>	17 Feb 1998 p. 922-4	17 Feb 1998
<i>Water Agencies (Infringements) Amendment Regulations (No. 2) 1998</i>	29 Sep 1998 p. 5406-7	29 Sep 1998 (see r. 2)
<i>Water Agencies (Infringements) Amendment Regulations 1999</i>	29 Oct 1999 p. 5402-3	29 Oct 1999 (see r. 2)
<i>Water Agencies (Infringements) Amendment Regulations 2001</i>	23 Oct 2001 p. 5638-9	23 Oct 2001
Reprint of the <i>Water Authority (Infringements) Regulations 1994</i> as at 16 Aug 2002 (includes amendments listed above)		
<i>Water Agencies (Infringements) Amendment Regulations 2006</i>	24 Feb 2006 p. 889-90	24 Feb 2006
<i>Water Agencies (Infringements) Amendment Regulations 2007</i>	28 Sep 2007 p. 4934-5	r. 1 and 2: 28 Sep 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Sep 2007 (see r. 2(b))

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Water Agencies (Infringements) Amendment Regulations 2010</i> r. 3-7 ³	16 Mar 2010 p. 980-4	1 Apr 2010 (see r. 2(b))

² Now known as the *Water Agencies (Infringements) Regulations 1994*; citation changed (see note under r. 1).

³ On the date as at which this compilation was prepared, the *Water Agencies (Infringements) Amendment Regulations 2010* r. 3-7 had not come into operation. They read as follows:

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:

Where and when	At on the day of 20.....
Details of offence	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.
Modified penalty	\$100
Information about this notice	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.**

Information about the withdrawn notice	Date of issue: Alleged offence: Notice number:
Information about this notice	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]*