

— PART 1 —

ENERGY

EN301*

Energy Safety Act 2006
Criminal Procedure Act 2004

Energy Safety Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Energy Safety Amendment Regulations 2009*.

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 the day after that day.

3. Regulations amended

These regulations amend the *Energy Safety Regulations 2006*.

4. Regulations 5 to 7 inserted

After regulation 4 insert:

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).

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.

7. Forms

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

5. Schedules 1 and 2 inserted

After regulation 7 insert:

Schedule 1 — Prescribed offences and modified penalties

[r. 5]

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 2 — Forms

[r. 7]

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: Energy Safety [Address]</p> <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 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_____	

