

EN302*

Energy Coordination Act 1994
Criminal Procedure Act 2004

Energy Coordination (Designation of Inspectors) Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Energy Coordination (Designation of Inspectors) Amendment Regulations 2007*.

2. The regulations amended

The amendments in these regulations are to the *Energy Coordination (Designation of Inspectors) Regulations 1995**.

[* *Reprint 1 as at 7 May 2004.*

For amendments to 16 January 2007 see Western Australian Legislation Information Tables for 2005, Table 4.]

3. Part heading inserted

Before regulation 1 the following Part heading is inserted —

“

Part 1 — Preliminary

”.

4. Regulation 1 amended

Regulation 1 is amended by deleting “(*Designation of Inspectors*)” and inserting instead —

“ (*Inspectors and Infringement Notices*) ”.

5. Regulation 4 replaced

Regulation 4 is repealed and the following regulation is inserted instead —

“

4. Forms

The forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.

”.

6. Part heading inserted

Before regulation 5 the following Part heading is inserted —

“

Part 2 — Designation of inspectors

”.

7. Part 3 inserted

After regulation 8 the following Part is inserted —

“

Part 3 — Infringement notices

9. Prescribed offences and modified penalties

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

10. Authorised officers and approved officers

- (1) The Director may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes the *Criminal Procedure Act 2004* Part 2.
- (2) The Director is to issue to each authorised officer a certificate of his or her appointment.

”.

8. Schedule 1 amended

- (1) Schedule 1 is amended by deleting —

“

Schedule 1*ENERGY COORDINATION ACT 1994**ENERGY COORDINATION (DESIGNATION OF INSPECTORS)
REGULATIONS 1995*

[Regulation 4]

CERTIFICATE OF DESIGNATION

”

and inserting instead —

“

Schedule 1 — Forms

[r. 4]

Form 1 — Certificate of designation*Energy Coordination Act 1994**Energy Coordination (Inspectors and
Infringement Notices) Regulations 1995***CERTIFICATE OF DESIGNATION**

”.

- (2) The following forms are inserted at the end of Schedule 1 —

“

Form 2 — Infringement notice

<i>Energy Coordination Act 1994</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 Coordination Act 1994</i> s. _____		
	Date	/ /20	Time a.m./p.m.
	Modified penalty \$ _____		

Officer issuing notice	Name
	Signature
	Office
Date	Date of notice / /20
Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>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> <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 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 3 — Withdrawal of infringement notice

<i>Energy Coordination Act 1994</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 Coordination Act 1994 s.</i>		
	Date / /20	Time	a.m./p.m.
Officer withdrawing notice	Name		
	Signature		
	Office		
Date	Date of withdrawal / /20		
Withdrawal of infringement notice	The above infringement notice issued against you has been withdrawn.		
	<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>or</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: Director of Energy Safety [Address]</p>		
[*delete whichever is not applicable]	Signature	/	/20

9. Schedule 2 inserted

After Schedule 1 the following Schedule is inserted —

“

**Schedule 2 — Prescribed offences and
modified penalties**

[r. 9]

<i>Offences under Energy Coordination Act 1994</i>	Modified penalty	
	Individual	Body corporate
s. 20(1)(b) Failing to give inspector access to land, premises or thing, or to give reasonable assistance, when required under s. 14(b)	\$500	\$2 000
s. 20(2) Failing to provide information, records or documents when requested under s. 14(d)	\$500	\$2 000
s. 20(4) Failing to comply with order given by inspector under s. 18	\$500	\$2 000

”

By Command of the Governor,

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