



Western Australia

Water Agencies (Powers) Act 1984

Water Agencies (Infringements) Regulations 1994

Water Agencies (Infringements) Regulations 1994

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Defined terms

Water Agencies (Infringements) Regulations 1994

1. Citation

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

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

2. Commencement

These regulations come into operation on 1 November 1994.

3. Offences prescribed (Act s. 103)

The offence under the *Water Agencies (Water Use) By-laws 2010* by-law 4 is prescribed as an offence that may be dealt with under section 103 of the Act.

[Regulation 3 inserted: Gazette 29 Sep 1998 p. 5407; amended: Gazette 28 Sep 2007 p. 4934; 16 Mar 2010 p. 980.]

4. Modified penalty prescribed (Act s. 103)

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: Gazette 17 Feb 1998 p. 923;
29 Oct 1999 p. 5403.]*

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

(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) chief executive officer;
- (ii) Executive Director Regional Delivery and Regulation;

- (iii) Director Regions;
 - (iv) Director Regulation;
 - (v) Regional Manager.
- (2) For the purposes of section 103 of the Act, an **authorised person** is a person authorised in writing 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*².
- (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.

[Regulation 5 inserted: Gazette 23 Oct 2001 p. 5638-9; amended: Gazette 24 Feb 2006 p. 889; 28 Sep 2007 p. 4934; 16 Mar 2010 p. 980-1; 20 Dec 2011 p. 5412.]

6. Forms prescribed (Act s. 103(2), (6) and (11))

The forms set out in Schedule 1 are prescribed for the respective purposes for which forms are required by section 103(2), (6) and (11) of the Act.

[Regulation 6 amended: Gazette 16 Mar 2010 p. 981.]

7. Unauthorised alteration of infringement notice, offence

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

Penalty: \$200.

Schedule 1 — Forms

[r. 6]

[Heading inserted: Gazette 16 Mar 2010 p. 982.]

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 and Environmental Regulation
 Locked Bag 33 Cloisters Square
 PERTH WA 6850

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* / 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) some or all of the following action may be taken —
your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold; 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 1 inserted: Gazette 16 Mar 2010 p. 982-3; amended: Gazette 20 Aug 2013 p. 3845; 15 Sep 2017 p. 4795-6.]

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 2 inserted: Gazette 16 Mar 2010 p. 983-4.]

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

[Delete the inapplicable]*

[Form 3 inserted: Gazette 16 Mar 2010 p. 984; amended: Gazette 15 Sep 2017 p. 4796.]

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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. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Water Authority (Infringements) Regulations 1994</i> ³	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. 6295-302	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 Agencies (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))
<i>Water Agencies (Infringements) Amendment Regulations 2010</i>	16 Mar 2010 p. 980-4	r. 1 and 2: 16 Mar 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Apr 2010 (see r. 2(b))
<i>Water Agencies (Infringements) Amendment Regulations 2011</i>	20 Dec 2011 p. 5412	r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Dec 2011 (see r. 2(b))
Reprint 2: The <i>Water Agencies (Infringements) Regulations 1994</i> as at 9 Mar 2012 (includes amendments listed above)		

Citation	Gazettal	Commencement
<i>Water Agencies (Infringements) Amendment Regulations 2013</i>	20 Aug 2013 p. 3845	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815)
<i>Water Legislation Amendment Regulations 2017 Pt. 3</i>	15 Sep 2017 p. 4794-6	16 Sep 2017 (see r. 2(b))

² Repealed by the *Water Agencies (Water Use) By-laws 2010*.

³ Now known as the *Water Agencies (Infringements) Regulations 1994*; citation changed (see note under r. 1).

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
authorised person	5(2)
designated person.....	5(3)
prescribed person	5(1)