

What is an offence under the Water Act?

Water Act 1989

Under the *Water Act* 1989 (Act), water users are responsible for adhering to conditions of their licence.

While most people are responsible and abide by their licence conditions, each year a small number of users break the law.

There are new rules for stronger compliance and tough enforcement action will be taken against people who do not comply with the Act.

(section 151)

- Obstructing GMW officers (section 292)
- Breaching GMW's by-laws

What are the penalties for offences under the Act ?

From 1 July 2020 new regulations are in place that enable GMW and other water corporations to fine water users for water theft and other offences by issuing penalty infringement notices.

The Water (Infringements) Regulations 2020 mean water users can now be fined if they go over their authorised volumes by even a very small amount. Penalty infringement notices can be issued for amounts of water up to 10 megalitres.

GMW will use penalty infringement notices as part of its enforcement strategies to put an end to water theft. Given Victoria's extensive water metering, this means that accounts with low balances can be checked frequently and penalty infringement notices issued promptly.

With limited water to go around, water theft has the potential to significantly impact other water users who are doing the right thing.

The Regulations set graduated penalties which increase with the amount of water taken and the nature of the offence. Penalties are up to five times higher for body corporates than for individuals.

Tougher penalties include:

- Your licence for taking water or constructing works can be suspended or cancelled if you do not comply with your licence conditions.
- You can be fined or issued with a penalty infringement notices (PIN) for illegally taking and using water.
- The maximum fine for intentional water theft and related offences under the Act has increased to \$990,000 for companies and \$198,000 for individuals.

What are the offences under the Act?

Take and Use of Water

- Failure to comply with licence conditions (sections 55A & 64AF)
- Unauthorised take of water (sections 33E & 63)
- Waste and misuse of water supply (section 143)
- Wrongful take of water (section 289)

Works

- Failure to comply with licence conditions (section 70A)
- Connections and discharges without consent (section 145A)
- Structures over works (section 148)
- Failing to comply with a notice to repair works (section 150)
- Unauthorised operation of works (section 75)
- Unauthorised works on waterways (section 75A)
- Unauthorised construction of bore(s) (s75A)
- Interference with GMW's property (sections 288)
- Interference with flow of water in any waterway, aquifer or works (section 289B)

Other

- Failure to comply with notice of contravention

ZERO tolerance on water theft

Keep your account balance positive to avoid penalties.

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Who is responsible for compliance and enforcement actions?

Under the Act, the Minister for Water has delegated powers and functions for licence administration to water corporations, like GMW.

In addition to delivering water and drainage irrigation services, GMW is responsible for the compliance and enforcement of rules and legislative requirements surrounding the take and use of water and construction of works.

GMW supports the Victorian Government in its zero-tolerance policy to stop water theft in Victoria, ensuring there is a level playing field for all water users.

More information

This factsheet is one in a series explaining compliance & enforcement at GMW.

You can find this series and further information about water use compliance on the GMW website at <https://www.g-mwater.com.au/water-resources/water-use-compliance>.

For enquiries call GMW on 1800 013 357 or email us via compliance@gmwater.com.au

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