



Fact Sheet

What is an offence under the Water Act?

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.

What is an offence under the Water Act?

Take and Use of Water

- Failure to comply with licence conditions (sections 55A)
- Unauthorised take of water (sections 63)
- Wrongful take of water (section 289)

Works

- Failure to comply with licence conditions (section 70A)
- 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)
- Interference with flow of water in any waterway, aquifer or works (section 289B)

Other

- Failure to comply with notice of contravention (section 151)
- Obstructing Melbourne Water officers (section 292)
- Breaching Melbourne Water's by-laws



What are the penalties for offences under the Act?

From 1 July 2020 new regulations are in place that enable Melbourne Water 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.

Melbourne Water 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 entitlements 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.

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 Melbourne Water.

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

Melbourne Water 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 and enforcement at Melbourne Water.

You can find this series and further information about water use compliance on the Melbourne Water website at: www.melbournewater.com.au/water-data-and-education/waterway-diversions/water-use-compliance.

FURTHER INFORMATION

If you have any further enquiries, please call Melbourne Water on 131 722 or email us via diversions@melbournewater.com.au

ZERO tolerance on water theft

So there is an even playing field for everyone.
melbournewater.com.au/watertheft

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Melbourne Water is owned by the Victorian Government. We manage Melbourne's water supply catchments, remove and treat most of Melbourne's sewage, and manage rivers and creeks and major drainage systems throughout the Port Phillip and Westernport region.