

Enforcement under the *Water Act 1989 (Vic)*



Section 296 of the *Water Act 1989 (Vic)* ("the Act") gives a member of the police force the power to bring proceedings for an offence against a provision of the Act or of regulations or by-laws made under the Act.

Common offences under the Act include:

- Interference with the Authority's property (section 288); and
- Wrongful taking of water (section 289)

Offences under GMW's By-law No. 1/2013 - Recreational Areas include:

- Entry into a recreational area (section 9)
- Temporary closure of recreational area (section 10)
- Areas where access is prohibited (section 11)
- Direction to leave recreational area (section 12)
- Use, carriage or possession of certain things, such as poison and firearms (section 13)
- Interfering with structures (section 14)
- Activities that may cause disturbance (section 15)
- Operating annoying or disturbing device or equipment (section 16)
- Lighting or maintaining fires (section 17)
- Fishing, yabbing or eel harvesting (section 18)
- Organised events (section 19)
- Protection of flora and fauna (section 27)
- Accommodation and camping (Part 4)
- Pets, livestock and other animals (Part 5)
- Use of vehicles, aircraft and vessels (Part 6)
- Boating (Part 7)
- Direction given by an Authorised Water Officer to leave a recreational area (section 50)
[*Authorised Water Officers are appointed by Goulburn-Murray Water and carry identification*]

A copy of the by-laws can be found at:

https://www.g-mwater.com.au/downloads/gmw/Recreation/GMW_By-Law_No_1_2013_-_Recreational_Areas.PDF

Section 293 of the Act gives an officer of the Authority or a member of the police force the power to require a person to state their name and address if that officer or member has reasonable grounds for believing that he or she has committed or is committing an offence against the Act, regulations or by-laws made under the Act.

This section makes it an offence under the Act not to provide name and address [*10 penalty units*].

As it is an offence against the Act, this provision enlivens section 458 of the *Crimes Act 1958* allowing the person to be arrested without warrant if the arresting officer considers it necessary in accordance with the section.

Should you have any queries in relation to relevant offences, please contact GMW's Legal Unit on (03) 5826 3538.