



Water Amendment (Authorised Compliance Officers—Fit and Proper Requirements) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 23 July 2021

David Hurley
Governor-General

By His Excellency's Command

Keith Pitt
Minister for Resources and Water

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1 Name

This instrument is the *Water Amendment (Authorised Compliance Officers—Fit and Proper Requirements) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) the day the <i>Water Legislation Amendment (Inspector-General of Water Compliance and Other Measures) Act 2021</i> commences.	5 August 2021 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Water Act 2007*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Water Regulations 2008

1 After Part 10

Insert:

Part 10AA—Inspector-General of Water Compliance (special powers)

10AA.01 Matters to which Inspector-General must have regard in deciding whether contractor is fit and proper to be authorised compliance officer

For the purposes of paragraph 222G(5)(a) of the Act, the matters to which the Inspector-General must have regard in deciding whether an individual is fit and proper to be an authorised compliance officer are as follows:

- (a) whether the individual has appropriate training;
- (b) whether the individual has been convicted of an offence against the *Water Act 2007* or a law of a State or Territory relating to water management;
- (c) whether an infringement notice has been issued to the individual for contravention of a civil penalty provision of the *Water Act 2007* or a provision of a law of a State or Territory relating to water management;
- (d) whether the individual has been ordered to pay a pecuniary penalty for contravention of a civil penalty provision of the *Water Act 2007* or a law of a State or Territory relating to water management;
- (e) whether the individual has been convicted within the preceding 10 years of an indictable offence, punishable by a period of 12 months imprisonment or more, against a law of the Commonwealth, or a State or Territory;
- (f) whether the individual has been convicted of an offence against a law of the Commonwealth, or a State or Territory, involving:
 - (i) entry onto premises; or
 - (ii) fraud or dishonesty; or
 - (iii) intentional use of violence against another person or intentional damage or destruction of property.

Note 1: In making the decision, the Inspector-General may also have regard to any other matter the Inspector-General considers appropriate (see paragraph 222G(5)(b) of the Act).

Note 2: Application may be made to the Administrative Appeals Tribunal for review of a decision by the Inspector-General that an individual is not fit and proper to be an authorised compliance officer (see subsection 222G(6) of the Act).