

# Procedural Guide

## Chapter 3 Water Act 2000

### Penalty Infringement Notice – Offence Codes

This document lists the offence codes that Department of Environment and Heritage Protection (EHP) officers will use when filling out a Penalty Infringement Notice (PIN) in relation to an alleged offence under chapter 3 of the Water Act 2000 as detailed below. The State Penalties Enforcement Registry (SPER) offence code field is one of the mandatory fields in the PIN. Please refer to the Procedural Guide on Penalty Infringement Notice (PIN) Manual for further guidance concerning the issuing of PINS. **Please ensure you have the most up to date version of this document, and reference to the relevant offence section in the relevant Act is ALWAYS required.**

**ONLY USE THIS DOCUMENT FOR OFFENCES THAT HAVE OCCURRED  
BETWEEN 1 JULY 2016 AND 30 JUNE 2017**

The current value of a penalty unit is \$121.90 for the financial year commencing 1 July 2016. The value of a penalty unit will continue to be indexed and will increase each financial year from the 1 July. The date of an offence determines the value of the penalty unit that must be applied. For offences that occurred prior to 1 July 2016, the penalty unit value is \$117.80. To calculate the penalty value, officers must multiply the penalty units for an offence by the penalty value at the time the offence occurred..

**\*Note:** if there is no Ecotrack code listed in this document, officers should use the appropriate code by searching the legislation and section number in Ecotrack.

### Chapter 3 Water Act 2000

Ecotrack Code*	SPER Code	Section	Offence Description	Penalty	
				Units	\$
<b>Chapter 3 Water Act</b>					
2014WA01	WA01	370(1)	Obligation to give underground water impact report – individual	20	2438
2014WA02	WA02	370(1)	Obligation to give underground water impact report – corporation	100	12190
2014WA03	WA03	372(1)	Obligation to give notice of closure – general – individual	10	1219
2014WA04	WA04	372(1)	Obligation to give notice of closure – general – corporation	50	6095
2014WA05	WA05	373(2)	Obligation to give notice of closure – relevant events – individual	10	1219

**Chapter 3 Water Act 2000**  
**Penalty Infringement Notices – Offence Codes**

Ecotrack Code*	SPER Code	Section	Offence Description	Penalty	
				Units	\$
2014WA06	WA06	373(2)	Obligation to give notice of closure – relevant events – corporation	50	6095
2014WA07	WA07	374(4)	Obligation to give final report – individual	20	2438
2014WA08	WA08	374(4)	Obligation to give final report – corporation	100	12190
2014WA09	WA09	384(4)	Failure to comply with notice to modify underground water impact report or final report – individual	10	1219
2014WA10	WA10	384(4)	Failure to comply with notice to modify underground water impact report or final report – corporation	50	6095
2014WA11	WA11	390(1)	Failure to comply with underground water impact report – individual	20	2438
2014WA12	WA12	390(1)	Failure to comply with underground water impact report – corporation	100	12190
2014WA13	WA13	390(2)	Failure to comply with final report – individual	20	2438
2014WA14	WA14	390(2)	Failure to comply with final report – corporation	100	12190
2014WA15	WA15	392(3)	Failure to comply with notice directing proposed amendment and consult of proposal – individual	10	1219
2014WA16	WA16	392(3)	Failure to comply with notice directing proposed amendment and consult of proposal – corporation	50	6095
2014WA25	WA25	400	Fail to comply with approved baseline assessment plan unless reasonable excuse - individual	10	1219
2014WA26	WA26	400	Fail to comply with approved baseline assessment plan unless reasonable excuse- corporation	50	6095
2014WA27	WA27	402(5)	Fail to comply with direction by chief executive to undertake baseline assessment unless reasonable excuse - individual	10	1219
2014WA28	WA28	402(5)	Fail to comply with direction by chief executive to undertake baseline assessment unless reasonable excuse - corporation	50	6095
2014WA19	WA19	405	Failure to provide notice of outcome of baseline assessment – individual	10	1219
2014WA20	WA20	405	Failure to provide notice of outcome of baseline assessment – corporation	50	6095
2014WA21	WA21	417(2)	Obligation to undertake bore assessment of immediately affected area bore in particular circumstances – individual	10	1219

**Chapter 3 Water Act 2000**  
**Penalty Infringement Notices – Offence Codes**

Ecotrack Code*	SPER Code	Section	Offence Description	Penalty	
				Units	\$
2014WA 22	WA22	417(2)	Obligation to undertake bore assessment of immediately affected area bore in particular circumstances – corporation	50	6095
2014WA 29	WA29	418(6)	Fail to comply with direction by chief executive to undertake bore assessment unless reasonable excuse - individual	10	1219
2014WA 30	WA30	418(6)	Fail to comply with direction by chief executive to undertake bore assessment unless reasonable excuse - corporation	50	6095
2014WA 23	WA23	419	Failure to give notice of outcome of bore assessment – individual	10	1219
2014WA 24	WA24	419	Failure to give notice of outcome of bore assessment – corporation	50	6095
2016WA 31	WA31	449(4)	Fail to comply with direction to carry out water monitoring activities unless reasonable excuse - individual	10	1219
2016WA 32	WA32	449(4)	Fail to comply with direction to carry out water monitoring activities unless reasonable excuse - corporation	50	6095
2016WA 33	WA33	452	Fail to comply with direction given under section 451 unless reasonable excuse - individual	20	2438
2016WA 34	WA34	452	Fail to comply with direction given under section 451 unless reasonable excuse - corporation	100	12190
2016WA 35	WA35	454(4)	Fail to comply with directions to petroleum tenure holders and bore owners to provide information unless reasonable excuse - individual	5	609
2016WA 36	WA36	454(4)	Fail to comply with directions to petroleum tenure holders and bore owners to provide information unless reasonable excuse - individual	25	3047

**Chapter 3 Water Act 2000**  
**Penalty Infringement Notices – Offence Codes**

Ecotrack Code*	SPER Code	Section	Offence Description	Penalty	
				Units	\$
<b>NOTE: The below offence codes can only be used for offences occurring between 1 July 2016 and 5 December 2016.</b>					
2014WA 17	WA17	397(1)	Failure to prepare baseline assessment plan – individual	10	1219
2014WA 18	WA18	397(1)	Failure to prepare baseline assessment plan – corporation	50	6095
<b>Water Reform &amp; Other Legislation Amendment Act 2014 amendments to Chapter 3 of the Water Act 2000</b>					
<b>NOTE: The below offence codes commenced on 6 December 2016 and cannot be used for offences occurring before 6 December 2016.</b>					
2016WA 37	WA37	370B(3)	Fail to notify the chief executive that tenure holder has exercised underground water rights - individual	10	1219
2016WA 38	WA38	370B(3)	Fail to notify the chief executive that tenure holder has exercised underground water rights - corporation	50	6095
2016WA 39	WA39	386(1)	Fail to publish report as required by chief executive, make report available and give notice to chief executive as required - Individual	3	365
2016WA 40	WA40	386(1)	Fail to publish report as required by chief executive, make report available and give notice to chief executive as required – Corporation	10	1219
2016WA 41	WA41	393(6)	Fail to publish amended report in way required by the chief executive - Individual	3	365
2016WA 42	WA42	393(6)	Fail to publish amended report in way required by the chief executive - Corporation	10	1219
2016WA 43	WA43	396(1)	Fail to comply with the minimum requirements of the baseline assessment guideline - individual	3	365
2016WA 44	WA44	396(1)	Fail to comply with the minimum requirements of the baseline assessment guideline - corporation	10	1219
2016WA 45	WA45	397(2)	Mining tenure holder fail to give baseline assessment plan to give executive in required timeframe - Individual	10	1219
2016WA 46	WA46	397(2)	Mining tenure holder fail to give baseline assessment plan to give executive in required timeframe - Corporation	50	6095
2016WA 47	WA47	397(3)	Petroleum tenure holder fail to give baseline assessment plan to give executive in required timeframe - Individual	10	1219
2016WA 48	WA48	397(3)	Petroleum tenure holder fail to give baseline assessment plan to give executive in required timeframe - Corporation	50	6095
2016WA 49	WA49	399(1A)	Fail to submit amended plan to chief executive within stated period - individual	3	365
2016WA	WA50	399(1A)	Fail to submit amended plan to chief executive within stated	10	1219

**Chapter 3 Water Act 2000**  
**Penalty Infringement Notices – Offence Codes**

Ecotrack Code*	SPER Code	Section	Offence Description	Penalty	
				Units	\$
50			period - corporation		
2016WA 51	WA51	401(2)	Failure to apply to the CE for an amendment of baseline assessment plan if material change occurs to affect section 398 - individual	3	365
2016WA 52	WA52	401(2)	Failure to apply to the CE for an amendment of baseline assessment plan if material change occurs to affect section 398 - corporation	10	1219
2016WA 53	WA53	401(2A)	Failure to apply to the CE for an amendment of baseline assessment plan if material change occurs to plan involving excluded area - individual	3	365
2016WA 54	WA54	401(2A)	Failure to apply to the CE for an amendment of baseline assessment plan if material change occurs to plan involving excluded area - corporation	10	1219
2016WA 55	WA55	414(1)	Fail to comply with minimum requirements of the bore assessment guideline - Individual	3	365
2016WA 56	WA56	414(1)	Fail to comply with the minimum requirements of the bore assessment guideline - Corporation	10	1219

**Template version history**

Version	Date	Version details
1.00	1 July 2016	Initial upload.
1.01	5 December 2016	<i>Water Reform and Other Legislation Amendment Act 2014</i> commenced, removing PIN offences against s 397(1) and inserting 10 new PIN offences against the <i>Water Act 2000</i> .

**Disclaimer**

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Heritage Protection should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.