



PERTH

Grower profile**Name** Zelko and Rosita Borich**Location** Carnarvon**Property size** 17ha**Enterprises** Capsicum and stone fruit



A tampered meter.



Prosecution for illegal water take

A recent prosecution of a Gnangara vegetable grower reflected the commitment of the Department of Water (DoW) to ensure all licensed users remained within their allocated water entitlement.

DoW Executive Director Regional Delivery and Regulation Paul Brown said prosecution was always a last resort when working with the state's licensed water users.

"The department works closely with the large number of licensed water users and our compliance and enforcement program provides plenty of room for users that make honest mistakes in regard to water use," he said.

"However, deliberately taking more water than you are entitled to should never be an option."

A commercial farming tenant working on two plots of land in Gnangara when the offences were committed, was convicted in absentia under section 55 of the *Criminal Procedure Act 2004* for Unauthorised Taking of Water-contrary to Section 5C(1) (a) of the *Rights in Water and Irrigation Act 1914* and fined \$4,000 and ordered to pay \$656.15 costs.

He was convicted of taking 79,306 kilolitres more groundwater than he was licensed to.

In imposing the fine the Magistrate said the accused had taken water in blatant disregard of the licensed limit.

Mr Brown said the department was satisfied with the result as the community expected the department to manage water transparently and equitably.

"The magistrate has indicated the fine took into account the need for the sentence to act as both a specific and a general deterrent," he said.

"The Gnangara water resource is essential to Perth's public, industrial, agricultural, parks and recreational water supplies, and must be used within its limits."

"Allocation limits for Gnangara are set to ensure the sustainable productive use of the water, and users who take more than their licensed amount put at risk everyone else's supply by taking more than their share."

Mr Brown said the department had increased its compliance and enforcement actions in high risk areas like the Gnangara groundwater system, which are under pressure from the drying climate and significant productive use.

"We work with licensed users to help them bring their water use in line with entitlements before we prosecute, but the department will take action for serious, consistent and deliberate over-taking of water entitlements."

In fully allocated areas irrigators needed to focus on their water budgeting and options such as efficiency gains.

"We are in a changing water resource environment and businesses need to make