



Service providers—drought management plan exemption

Service providers have an obligation under the *Water Supply (Safety and Reliability) Act 2008* (the Act) to prepare a drought management plan (DMP). More information about this obligation can be found in fact sheet W109—Service providers—drought management plans.

Service providers can apply to the regulator—the Director-General of the Department of Environment and Resource Management—to be exempted from complying with this requirement. This fact sheet explains the available exemption and how to apply for it.

Exemption available

A water service provider can seek an exemption from preparing a DMP (s. 126 of the Act) if the provider obtains at least 70 per cent of the water for a specific area from a source or sources that cannot be affected by drought, such as underground water from the Great Artesian Basin or desalinated seawater.

Note: underground water from the Great Artesian Basin is water from a direct connection to a defined and identified artesian aquifer, accessed by either artesian or sub-artesian bores.

Some providers are not required to provide DMP

DMPs are not required from:

- service providers who are registered to only provide a sewerage service
- service providers who are registered to only provide a drainage service
- service providers that supply water services to a customer who holds a water entitlement, e.g. a water service provider who is responsible only for the transmission or treatment of water on behalf of another service provider.

Service providers who are in doubt about their obligations should contact the department.

Applying for an exemption

An application for exemption must be submitted to the regulator in the approved form (SPE03) and supported by enough information to allow the regulator to make a decision. The approved form is available from the Department of Environment and Resource Management (DERM).

After the application is made

Under s. 126, an exemption must be granted if the regulator is satisfied that the service provider sources at least 70 per cent of the water for a specific area from a source or sources that cannot be affected by drought. If this requirement is not met, the regulator must refuse the application.

The regulator considers the *Guidelines for the preparation of a drought management plan* when deciding the application. These guidelines are available from DERM.

After a decision is made

According to s. 126(5), the regulator must notify the service provider of the outcome of the application within 10 business days after deciding the application. This notice must comply with the Act's formal requirements for information notices set out in Schedule 3 of the Act.

Change in circumstances

Section 127(1) of the Act requires the service provider to immediately notify the regulator if the circumstances under which an exemption was given change.

Amending/cancelling an exemption

Section 127 permits an exemption to be amended or cancelled by the regulator if the regulator becomes aware of a change in the circumstances under which an exemption was given, either through notice from the service provider or otherwise.

If an exemption is amended or cancelled, the regulator must notify the service provider of the amendment or cancellation, setting out the reasons for the decision.

Review and appeal provisions

Under the review provisions in Chapter 7 of the Act, the service provider can apply to the regulator for a review of the decision about the exemption. If the service provider is not satisfied with the review decision, arbitration can be sought from the Queensland Competition Authority.





Further information

For more information about service provider issues, email the Office of the Water Supply Regulator (OWSR) at: <owsr.enquiries@nrw.qld.gov.au>.

General information regarding Queensland's water industry regulator can be found on the DERM website <www.derm.qld.gov.au>.

The Act and related regulations can be obtained from the Office of the Queensland Parliamentary Counsel website <www.legislation.qld.gov.au>.

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For further information phone 13 13 04