



## Service provider obligations

This fact sheet explains water and sewerage service provider powers and obligations under the *Water Supply (Safety and Reliability) Act 2008* (the Act).

### What is a service provider?

A service provider is an entity registered with the Department of Natural Resources and Water (NRW) as the owner of infrastructure for supplying water and/or sewerage services.

'Water service' means:

- water harvesting or collection, e.g. in dams/weirs, through groundwater extraction or replenishment and river water extraction
- the transmission of water
- the reticulation of water
- drainage, other than stormwater drainage
- water treatment or recycling.

'Sewerage service' means:

- sewage treatment
- collection and transmission of sewage through infrastructure
- disposal of sewage or effluent.

The terms 'water service' and 'sewerage service' do not include services (excluded services) supplied by infrastructure, if:

- the infrastructure is used solely for mining purposes
- the service is used solely by the infrastructure owner, or the owner's guests or employees, e.g. supplied to guests at a resort
- the service is used solely by the occupants of lots in a community titles scheme under the *Body Corporate and Community Management Act 1997* and the owner of the infrastructure is a body corporate for that scheme.

### Registration as a service provider

Under s. 20 of the Act those obliged to register as a service provider include:

- local governments
- water authorities

- other entities, if a charge is intended to be made for supplying the water or sewerage services
- an entity nominated in a regulation.

An operator of infrastructure for supplying water or sewerage services, who is not the owner, is not required to register as a service provider.

An owner of infrastructure used only for excluded services is also not required to register as a service provider.

### Powers of service providers

The Act gives service providers powers in relation to its service and infrastructure.

A retail water service provider may fix a meter and/or seal to any private fire fighting system. A retail water service is a reticulated water service (i.e. not an irrigation, bulk water or recycled water service) supplied in a service area. A service area is an area declared by a local government under s. 161, or existing under s. 608 of the Act.

The Act gives a service provider powers to:

- recover the costs of connection to services
- carry out remedial work and recover costs
- restrict water supply in limited circumstances.

Local government sewerage service providers have the power to issue, suspend and cancel trade waste approvals for discharge into their sewerage infrastructure.

These service provider powers are in addition to powers under the *Local Government Act 1993*.

### Service provider obligations

An entity must be registered before commencing operation. To register as a service provider, application must be made to the regulator (Director-General, NRW).

Service providers are required to review their registration details each year, within 30 business days after 30 June.

Service providers may apply to the regulator to amend their registration details, for example:

- their address, telephone numbers or contacts
- to add or remove a service or infrastructure.



Service providers must give notice to the regulator if:

- they intend to transfer ownership of their infrastructure used for a registered service
- they are likely to stop supplying a registered service and there is no other entity willing to take over operation of the infrastructure for that service
- they stop supplying a registered service.

Section 28(1) of the Act allows a service provider to cancel their service provider registration if they have not supplied and do not intend to start supplying the registered service.

### Exercising powers

Service providers and authorised persons must exercise their powers in accordance with the Act:

- Powers can only be exercised for registered services.
- In many cases, notice must be given when exercising powers and before a property is entered to carry out work.
- Service providers and authorised persons have the power to enter a person's yard or business premises but not a residential dwelling.
- Service providers must be satisfied that the authorised persons they appoint under the Act have the necessary expertise or experience or have satisfactorily completed approved training.
- Authorised persons must be issued with identity cards.
- Retail water service providers cannot charge for water taken from a fire fighting system for fire fighting purposes.
- Water service providers can only impose water restrictions if there is a climatic or conservation need, and only after appropriate notice has been given to the people who will be affected by such restrictions.

Service providers affected by the service area provisions of the Act have obligations concerning the preparation of service area maps, the provision of access to relevant services, and connections to relevant services.

### Liability

The Act does not protect service providers, or the authorised persons they appoint, if they act negligently.

A person may make a claim for compensation from a service provider for losses or expenses incurred because of the exercise, or purported exercise, of certain powers under the Act by the service provider or an authorised person appointed by the service provider. However, the Act also states that compensation cannot be awarded in certain circumstances, for example, where the loss is

suffered because of the act of removing an unauthorised connection.

### Documents and reporting

Unless exempted, the Act requires service providers to:

- prepare a strategic asset management plan (SAMP), a system leakage management plan (SLMP), a drinking water quality management plan (DWQMP), a customer service standard (CSS) and a drought management plan (DMP)
- review the SAMP, SLMP, DWMQP, CSS and DMP
- audit the SAMP, SLMP and DWMQP
- annually report on the SAMP, SLMP, DWQMP and CSS.

Guidelines are available from NRW.

### Further information

For more information see the following fact sheets:

W95—Registration as a service provider.

W96—Service provider powers

W97—Service providers—power to restrict water supply

W98—Service providers—appointment and powers of authorised persons.

For more information about service provider issues email the Office of the Water Supply Regulator: <[wir.enquiries@nrw.qld.gov.au](mailto:wir.enquiries@nrw.qld.gov.au)>.

General information regarding Queensland's water industry regulator can be found on the NRW website: <[www.nrw.qld.gov.au](http://www.nrw.qld.gov.au)>.

The *Water Supply (Safety and Reliability) Act 2008* and related regulations can be obtained from the website for the Office of the Queensland Parliamentary Counsel: <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)>.

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For further information phone 13 13 04