



Registration as a service provider

The *Water Supply (Safety and Reliability) Act 2008* (the Act) requires certain owners of infrastructure for supplying water or sewerage services to be registered as service providers.

This fact sheet has been written to assist understanding of the process of applying for registration as a service provider and the obligations relating to registration.

Who must register as a service provider?

Section 20 of the Act lists who is obliged to register:

- local governments
- water authorities
- other people, if a charge is intended to be made for supplying the water or sewerage services
- a person nominated in a regulation.

Schedule 3 of the Act sets out what is considered to be a water or sewerage service.

Importantly, some services that would otherwise be considered to be water or sewerage services are excluded from these definitions, for example, services supplied by infrastructure used solely for mining purposes.

An operator (i.e. not an owner) of infrastructure for supplying water or sewerage services is also not required to register as a service provider. It is an offence under s. 190 of the Act for a person to supply a water or sewerage service unless the person is either a registered provider for that service or operating infrastructure for the registered provider.

A person/entity must be registered before commencing to operate as a service provider.

Applying for registration

An application for registration must be made to the regulator under s. 21 of the Act. The regulator is the Director-General of the Department of Natural Resources and Water (NRW).

The application form

An application for registration should be made using the Service Provider Application Form SPA01. This form, together with explanatory notes is available from NRW.

Form SPA01 must also be used by service providers to:

- change their registration details
- notify an intention to transfer ownership of their infrastructure for a registered service
- notify an intention to stop supplying a registered water or sewerage service where there is no one willing to take over operating the infrastructure for that service
- apply to cancel their registration as a service provider if they have not supplied and do not intend to start supplying the registered service.

Information that must be supplied

Form SPA01 requires applicants to supply certain information for inclusion in the register of service providers (the register) if the application is approved.

The regulator also has power, under s. 211(2) of the Act, to require an applicant to supply additional information about the application or verify any information supplied by statutory declaration.

After application for registration is made

If the applicant complies with the above requirements the regulator must (s. 22 of the Act):

- register the applicant as a service provider, for the services shown in the application, and
- give the applicant notice of the registration.

The regulator must enter the following details in the register for each service provider:

- name and contact details
- nominated contact officer
- details of infrastructure operated
- name and contact details of the operator (if applicable)
- nature of the water and/or sewerage services offered
- other information the regulator requires.

Registration takes effect from the day the applicant's details are entered in the service provider register.

Other approvals required

Service providers may need to obtain other approvals before beginning to operate. For example, it is an offence



under the *Water Act 2000* to take water without a water entitlement or resource operations licence if required.

Service providers are responsible for determining which, if any, additional approvals may be required under the Act or other legislation.

Annual review of registration details

Section 30 of the Act requires service providers to review their registration details annually, within 30 business days after 30 June each year.

A service provider must give notice in the approved form to the regulator, if there has been any change in its registration details since the last annual review—for example, a change of address or contact details.

Amending registration details

Under s. 23 of the Act, service providers may apply to the regulator to amend their registration details, for example, to add or remove a registered service or infrastructure.

Service providers should contact the regulator if they are unsure whether notice is required to be given in a particular situation—for example, where there is only a small addition to existing infrastructure occurring.

On receiving the application, the regulator must record the changes in the register and give the service provider a copy of its new registration details.

Transferring ownership of infrastructure

Under s. 24 of the Act a service provider must notify the regulator, in the approved form, if it intends to transfer ownership of its infrastructure used for a registered service.

Section 24(4) of the Act gives the regulator power to require either the existing or intended service provider to give additional information about the notice or verify any information provided by statutory declaration.

If the regulator is satisfied the existing service provider has complied with the above requirements, under s. 25 of the Act, the regulator must:

- cancel or alter the existing service provider's registration
- register the intended service provider as the service provider for relevant infrastructure and services; and
- issue notices of cancellation and registration to the respective parties as required.

A new service provider's registration takes effect from the day the provider is registered by the regulator as the new service provider.

When ownership is transferred, the transferee service provider needs to be aware that if the regulator has given a compliance notice to the previous provider before the new provider's registration takes effect and that notice

has not been complied with, the transferee provider is responsible for compliance.

Ceasing to operate as a service provider

Section 26 of the Act requires a service provider to notify the regulator if supply of a registered service is likely to stop and there is no other entity willing to take over operation of the infrastructure for that service. At least 60 business days notice must be given. The notice must also state the day the service provider intends to stop supplying the service.

If a notice of intention to stop operating is given, the Governor in Council may, by gazette notice, authorise the regulator or another person with the necessary qualifications or experience to operate the infrastructure under s. 530 of the Act.

Cancellation of registration as a service provider

Section 28 of the Act provides that a service provider may apply to the regulator, in the approved form, to have the service provider's registration cancelled if the provider has not supplied, and does not intend to start supplying, the registered service.

If the regulator is satisfied the service provider has complied with the above requirements the regulator must cancel the existing service provider's registration as the service provider for the infrastructure and services and issue a notice of cancellation to the service provider.

Further information

Further information can be found in the following fact sheets:

- W94—Service provider obligations
- 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>.

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

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

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For further information phone 13 13 04