

Service Providers—Power to Restrict Water Supply

This fact sheet explains the powers of water service providers to restrict water supply, under the *Water Supply (Safety and Reliability) Act 2008* (the Act).

Power to impose water restrictions

Section 41 of the Act gives water service providers powers to impose water restrictions.

Water restrictions are restrictions relating to:

- the volume of water taken by or supplied to a customer or type of customer
- the hours when water may be used on premises for stated purposes
- the way water may be used on premises.

When water restrictions can be imposed

Section 41(1) permits a water service provider to impose a water restriction only if the provider considers it necessary because of:

- climatic conditions, for example, a drought
- water conservation needs.

A water restriction can only be imposed if:

- there is an urgent need for it
- the available water supply has fallen to a level at which unrestricted use of the water is not in the public interest
- it is essential to ensure the aims of a service provider's demand management strategy are met. This strategy must be both reasonable and comprehensive
- the Minister responsible for administering the *Water Act 2000* has published a notice under s. 22 of the *Water Act 2000*, or made a regulation under s. 23 of the *Water Act 2000*, limiting or prohibiting the taking of, or interfering with, water. For this to occur, it must have been demonstrated that action should be taken because there is something in harmful quantities in the water, or there is a water shortage
- the provider is directed under a water supply emergency declaration, a water supply emergency regulation or an approved water supply emergency response, to impose the restriction. Refer to ss. 25A, 25B, 25F and 25I of the *Water Act 2000* for the definitions of water supply emergency, water supply emergency declaration, a water supply emergency regulation and approved water supply emergency response.

A water service provider may have a drought management plan which sets out trigger points and restrictions which will be applied when the trigger points are reached.

Water restrictions must be consistent with the provider's authority to supply water

If a water restriction is imposed, it must be consistent with the conditions contained in the service provider's resource operations licence, interim resource operations licence, water licence or water allocation, relating to the supply of water.

Obligation to give notice of a water restriction

Section 43(1) requires water service providers to give notice of the water restriction to anyone who will be affected by it. However, providers can choose the most appropriate method for giving such notice, having regard to the circumstances in which the restriction is imposed.

Section 43(2) provides a water restriction does not take effect until the day after the notice is given.

Regulator may direct restriction

Section 42 permits the regulator to direct a service provider to

- impose a restriction, under section 41, in the area within a stated period
- provide a written response to the regulator stating the steps the water service provider intends to take to ensure compliance with the restriction.

This only applies if the regulator considers there is a significant threat to sustainable and secure water supply in an area outside the SEQ region or a designated region.

Temporary interruptions to water supply

A water service provider has power under s. 44 to temporarily interrupt water supply to premises for a reasonable time to perform work on its infrastructure, or the pipe connecting the property to the infrastructure.

In this situation, at least 48 hours notice of the temporary supply interruption must generally be given to anyone likely to be affected by it. The notice must advise the reasons for shutting off supply and for how long it will be shut off.

Temporary shut off without prior notice

Under s. 44(3) water supply can be shut off without giving 48 hours notice if there is:

- a serious risk to public health
- a likelihood of serious personal injury or property damage
- another emergency.

Although prior notice is not required in this situation, the service provider must still give notice of the shut off to anyone likely to be affected by it. The notice must state:

- the reasons for the shut off
- if the shut off is continuing when the notice is given, how long it will continue.

Further information

Further information can be found in the following fact sheets:

W96—Service provider powers

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

Alternatively, specific queries can be emailed to the Office of the Water Supply Regulator:
corrooerenrowsr@derm.qld.gov.au.

General information regarding Queensland's water industry regulator can be found on the Department of Environment and Resource Management website <www.derm.qld.gov.au>.

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

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For general enquiries contact the
Queensland Government call centre 13 QGOV (13 74 68)
or visit www.derm.qld.gov.au