



Service providers—appointment and powers of authorised persons

This fact sheet explains the appointment and powers of *authorised persons* appointed by service providers under the *Water Supply (Safety and Reliability) Act 2008* (the Act).

Section 45 of the Act permits a service provider to appoint authorised persons.

This fact sheet does not cover:

- all the powers of service providers under the Act
- the powers of local government service providers and authorised persons appointed under the *Local Government Act 1993* (LG Act).

The powers outlined below are in addition to powers under the LG Act.

Appointed authorised persons' requirements

Service providers must be satisfied that authorised persons:

- have the necessary expertise or experience; or
- have satisfactorily finished approved training.

Authorised persons are the responsibility of the service provider who appointed them, not the Department of Environment and Resource Management (DERM).

Identity cards must be issued

Section 46 of the Act requires service providers to give an identity card to each authorised person.

The identity card must:

- contain a recent photograph of and be signed by the authorised person
- identify the person as an authorised person of the service provider and include an expiry date.

The powers of authorised persons

In defined circumstances authorised persons have the power to enter a property and carry out work, for example to:

- disconnect an unauthorised connection
- rectify defective or improper equipment
- carry out remedial work

- inspect, operate, change, maintain, remove, repair or replace infrastructure.

Restrictions to authorised persons' powers

The following general restrictions apply to authorised persons when they exercise powers given to them by the Act:

- Powers can only be exercised for their provider's registered services.
- The Act does not protect authorised persons if they act negligently.
- Authorised persons cannot exercise their powers of entry under the Act for any residential parts of a property, i.e. they cannot enter a person's dwelling house.

Visibility of identity card

Section 48 of the Act requires authorised persons to produce their identity card for inspection or have it clearly visible when exercising their powers. If it is not practical for an authorised person to comply with this requirement, the card must be presented for inspection at the first reasonable opportunity.

Rectifying defective or improper equipment

A service provider has power, under s. 34 of the Act, to give a notice requiring a person to rectify defective or improper equipment connected to, or adversely impacting on, its infrastructure.

If the notice is not complied with, an authorised person may enter the property where the equipment is based and complete the work to the required standard.

Carrying out remedial work

A service provider may, under s. 34 of the Act, issue a notice requiring a person to carry out other remedial work if there is something (vegetation for example) affecting the provider's infrastructure or its ability to provide registered services.

If the notice is not complied with, an authorised person may enter the property and remove the vegetation or other obstructions.



Power to disconnect an unauthorised connection

Ordinary disconnection action

If the service provider is not satisfied with the response to a notice about unauthorised connection to a service provider's infrastructure, under s. 33 of the Act an authorised person may enter the property and disconnect the unauthorised connection.

Damage caused by connection

If an unauthorised connection is causing damage to a service provider's infrastructure, s. 33(5) of the Act allows an authorised person to enter the relevant property and disconnect it, without giving prior notice.

Under s. 33(6) of the Act, the authorised person must give notice to either the property owner or person in control of the property advising the purpose of entry.

If no one is at the property at the time of entry, the notice must be left at the property in a reasonably secure way and in a conspicuous position.

Power to enter property

Under s. 36 of the Act, an authorised person may enter a property and inspect, operate, change, maintain, remove, repair, or replace service provider infrastructure.

Entry may be at any reasonable time, provided:

- the occupier consents to it; or
- the occupier has been given at least 14 days notice of the entry, and its purpose, by the service provider; or
- the service provider needs to take urgent action to protect its infrastructure.

If urgent action is necessary to protect the service provider's infrastructure, the authorised person does not have to give prior notice or obtain consent before entering the property and carrying out the work.

However, in this situation the authorised person must still give a notice advising the purpose of entry, under s. 36(4) of the Act. This notice must be given to either the property owner or the person in control of it, when entering to carry out the work.

Damage caused by an authorised person exercising powers

If an authorised person damages anything when exercising powers under ss. 33, 34 or 36 of the Act, the authorised person is required to immediately give notice of the damage to the owner or the person in control of the property (as required under s. 38 of the Act).

If it is not practicable for the authorised person to comply with this requirement, the notice must be left at the place where the damage occurred.

If a person incurs loss or expense because of the exercise of a power by an authorised person under ss. 33, 34 or 36 of the Act, a claim may be made for compensation from the service provider (under s. 39 of the Act).

However, compensation may not be claimed if the loss or expense was caused by the act of removing an unauthorised connection under s. 33 of the Act, or the rectification of defective or improper equipment, or carrying out other remedial work.

A court may order the payment of compensation only if it is just in the circumstances.

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

For more information about service provider issues, email the Office of the Water Supply Regulator: <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 *Water Supply (Safety and Reliability) Act 2008* and related regulations can be obtained from the the Office of the Queensland Parliamentary Counsel website: <www.legislation.qld.gov.au>.

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