



WATER SUPPLY (SAFETY AND RELIABILITY) ACT 2008 SERVICE PROVIDER SYSTEM LEAKAGE MANAGEMENT PLAN EXEMPTION APPLICATION FORM SPE02 (Version 2)

INTRODUCTION

These explanatory notes will assist service providers to complete the attached form, **Form SPE02** – Service Provider System Leakage Management Plan Exemption Application Form, that is used to seek an exemption from Chapter 2, Part 4, Division 2 of the *Water Supply (Safety and Reliability) Act 2008* (the Act).

Many terms in the form are defined in the Act and key definitions from the Act are reproduced in the Appendix at the end of these notes. There are also references to the relevant sections of the Act in these notes, eg **s. 84**.

Before applying for exemption, applicants should ensure they are aware of the implications of seeking an exemption from the requirements of Chapter 2, Part 4, Division 2. The criteria for an exemption are set out in **s. 84** of the Act and in the *Guidelines for granting exemptions for a system leakage management plan* (the guidelines) issued by the department.

The Act may be viewed electronically at the website for the Office of the Queensland Parliamentary Counsel
<www.legislation.qld.gov.au>

To access an electronic copy of the Act:

- (1) Log onto the website (this can be done by double-clicking on the hyperlink above or manually typing in the address in the web browser)
- (2) Proceed to the page tabbed as “Acts, SL as in force”
- (3) Click on ‘W’ in the alphabetical listing
- (4) Scroll down the list of Acts to *Water Supply (Safety and Reliability) Act 2008*
- (5) Click on the title to open the document. (Note: You will need to have a copy of Acrobat Reader in order to view the document as it is in PDF format. If you do not already have Acrobat you can download a copy by following the instructions at the foot of the Introduction page to the website.)

Printed copies of the Act may be obtained from Queensland Government Bookshop, SDS, Ground Floor, Mineral House, 41 George Street, Brisbane, Freecall 1800 679 778.

PURPOSE OF THE APPLICATION FORM

Service Provider System Leakage Management Plan Exemption Application Form (SPE02 Version 2) is the approved form for seeking exemptions from the requirements of Chapter 2, Part 4, Division 2 of the Act (**s. 83**).

INSTRUCTIONS FOR COMPLETING THE FORM

Please complete PART A, PART B, PART C and PART D of the form.

PLEASE:

- Print neatly in BLOCK LETTERS
- Use a blue or black ballpoint pen only
- Print one letter or number in each box
- Do not use correction fluid or tape
- Initial any alterations
- Print a tick (✓) in the relevant boxes and leave all other boxes blank
- Complete all parts of the form and sign Part D

PART A APPLICANT'S DETAILS

Part A must be completed for all applications.

'**Applicant's Details**' refers to the individual, partnership, company, Local Government, Joint Local Government, Water Authority or other legal entity making the application.

Name

The name inserted should be the service provider name that currently appears in the register of service providers kept by the regulator. Please include any registered business or trading name.

ABN Number

The Australian Business Number is the number issued to the organisation by the Australian Taxation Office. This is an eleven digit number.

Service provider number SP

This is the number that was issued to the entity when the service provider was first registered as a service provider e.g. SP1.

Mailing Address

This is the mailing address of the service provider.

Contact Details

The name of a nominated officer who is to be the initial point of contact should the regulator need to contact the service provider in regard to the application.

The contact telephone and facsimile numbers should include the Country Code + the Area Code + the Local Number, eg, in the case of a Queensland number the country code would be 61 and the area code would be 7.

Position

Insert the title of the position occupied by the nominated contact officer.

Email

To facilitate utilising electronic correspondence, a contact email address may be provided if available. If email is not available, please write "NOT AVAILABLE" in the space provided for the email address.

Any other details

If there are any other details relevant to the nominated contact officer please include in the space provided.

PART B EXEMPTION INFORMATION SUMMARY – s. 83

Part B must be completed to indicate the 'elements' of the registered water service for which the exemption is being sought and the basis on which the exemption is being sought for that particular element. The 'elements' of a service provider's water service are those that were used for service provider registration purposes ie bulk water, retail water, irrigation and primarily stock and domestic. System leakage management plan provisions do not apply to service providers providing drainage only (s. 78).

An exemption can only be granted for the entire registered water service. Exemptions are not permitted for part of a service provider's registered service.

Exemption Categories

The *Water Supply (Safety and Reliability) Act 2008* nominates seven (7) criteria upon which an exemption may be sought, namely:

1. the water service distribution system is considered relatively new (ie less than 15 years old);
 2. the water service distributes underground water from the Great Artesian Basin primarily for stock and domestic purposes;
 3. the water service provider's distribution system is designed to operate as a groundwater recharge system;
 4. the current water leakage from the distribution system is considered low;
 5. the current water leakage from the distribution system is considered high but the water service provider does not have the financial capacity to undertake a cost/benefit analysis for the distribution system;
 6. the current water leakage from the distribution system is considered high but the cost of undertaking a cost benefit analysis for the distribution system is more than the cost of the water that could be recovered;
 7. a cost benefit analysis for the distribution system shows that it is not cost-effective to implement any measures to reduce leakage.
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The requirements for determining eligibility under these exemption categories are set out in the *Guidelines for granting exemptions for system leakage management plans* issued by NRW and available from NRW or on the NRW website <www.nrw.qld.gov.au>.

Service providers should insert the number of the applicable exemption category (1-7 above) in the box adjacent to the applicable water service element(s) making up their water service. If the service provider's water service is comprised of more than one element, all relevant exemption categories for each element must be completed. Exemptions will not be granted for only one discrete element of a service or scheme within a service provider's registered service.

Example 1

Service provider The Heathcliffe - Farnborough Water Supply Board provides a bulk water service supplying raw water to two local governments. The Heathcliffe - Farnborough Water Supply Board claims an exemption based on the fact that the average age of their infrastructure is 7.5yrs. The Heathcliffe - Farnborough Water Supply Board would complete Part B as follows:

Water Service Element	Service Area/Authority Area/Area	Exemption Category
Bulk Water	(a) The Heathcliffe - Farnborough Water Supply Board	1

Example 2

Service provider Heathcliffe Shire Council provides a retail water service in the towns of Danwood, Caton and Radford. It also provides treated water in bulk to the town of Blandford in an adjoining local government area. In the case of Danwood, Heathcliffe Shire Council has determined the leakage and it is below the level stated in the guidelines as "low". In both Caton and Radford the leakage has been determined and in both cases it is above the level stated as "low" but council has undertaken a cost/benefit analysis and it is not cost-effective to implement measures to reduce leakage. The bulk supply to Blandford is a new scheme and the average age of the infrastructure is only 2 yrs. Heathcliffe Shire Council would complete Part B as follows:

Water Service Element	Service Area/Authority Area/Area	Exemption Category
Bulk Water	(a) Blandford Water Supply	1
Retail Water	(a) Danwood Water Supply	4
	(b) Caton Water Supply	7
	(c) Radford Water Supply	7

However, if in the case of Caton, the leakage was above the level stated as "low" and a cost/benefit analysis indicated that it was cost effective to implement measures to reduce leakage and council had the financial capacity to carry out the required work, council could not claim an exemption. Based on the fact that one element of the registered water service, ie Caton, did not meet the eligibility criteria, council would not be granted an exemption from preparing a SLMP and would therefore be required to prepare a SLMP dealing with all the areas where the service is provided.

Example 3

Service provider Farnborough Water Board operates a rural water supply scheme based around an artesian bore and supplying non-potable water to 15 farmers who use the water for stock watering and some domestic use. Farnborough Water Board would complete Part B as follows:

Water Service Element	Service Area/Authority Area/Area	Exemption Category
Primarily Stock and Domestic	(a) Farnborough Water Board	2

The definitions for "service area" and "authority area" can be found in the Appendix. The "area" referred to means an area in which a private company/private individual service provider provides a water service to customers, that is not a declared service area.

PART C SUPPORTING INFORMATION

The application for exemption must be accompanied by the supporting information set out in the *Guidelines for granting exemptions for system leakage management plans* to enable the regulator to reach a decision with respect to the application.

Please ensure that the supporting information clearly demonstrates one or more of the following:

1. the water service distribution system is relatively new as defined in the guidelines;
2. the water service distributes underground water from the Great Artesian Basin primarily for stock and domestic purposes;
3. the water service provider's distribution system operates as a groundwater recharge system;
4. the current water leakage from the distribution system is below the values stated in the guidelines;
5. the current water leakage from the distribution system is high but the water service provider does not have the financial capacity to undertake a cost/benefit analysis for the distribution system;
6. the current water leakage from the distribution system is high but the cost of undertaking a cost benefit analysis for the distribution system is more than the cost of the water that could be recovered;
7. a cost benefit analysis for the distribution system shows that it is not cost-effective to implement any measures to reduce leakage.

If you are applying for exemption under exemption categories 4 to 7 the report must state the current level of leakage and the methodology used for measuring leakage.

Insufficient information provided at the application stage may delay granting of an exemption.

Reference should be made to the guidelines to ensure that the necessary certifications, (s. 83(5)), are part of the supporting information.

PART D SERVICE PROVIDER SIGNATURE(S)

This section should be fully completed and signed by the applicant in the presence of a witness. The person(s) signing must state their authority to sign on behalf of the service provider (eg. Director, CEO etc).

CHECKLIST

The following checklist is provided to assist in completing the application form and will help reduce application processing time.

THE APPLICATION FORM

All of the relevant sections of the form have been fully completed. Existing service provider registration numbers have been supplied where requested.

All of the information is correct.

The application form has been signed and witnessed.

ATTACHMENTS

The supporting information to expand on the application is included with the application.

LODGEMENT

Mail the application form and report(s) to the address shown below.

FURTHER INFORMATION

If you require further information or clarification in relation to completing the application form, please contact:

Manager
Infrastructure Management
Office of the Water Supply Regulator
Telephone: 07 3224 2733
Fax: 07 3224 7999
Email: wir.enquiries@nrw.qld.gov.au

Completed forms and accompanying documentation should be placed in an envelope and posted to the relevant departmental office below:

Manager, Infrastructure Management
Office of the Water Supply Regulator
Department of Natural Resources and Water
GPO Box 2454
Brisbane 4001

Principal Engineer
Water Industry Asset Management and Standards
Office of the Water Supply Regulator
PO Box 318
Toowoomba Qld 4350

Principal Engineer
Water Industry Asset Management and Standards
Office of the Water Supply Regulator
PO Box 937
Cairns Qld 4870

APPENDIX - DEFINITIONS FROM WATER SUPPLY (SAFETY AND RELIABILITY) ACT 2008

“**authority area**” means an area established under a regulation for a water authority (s. 548 *Water Act 2000*).

“**irrigation service**” means the supply of water or drainage services for irrigation of crops or pastures for commercial gain.

“**registered service**”, for a service provider, means a water or sewerage service for which the service provider is registered.

“**retail water service**” –

1. A *retail water service* is a water service that is the reticulated of water in a service area for a water service.
2. The term does not include
 - (a) an irrigation service or a bulk water service in any area; or
 - (b) the supply of recycled water in any area.

“**service area**” means an area declared under section 161 for either or both of the following –

- (a) a retail water service to customers;
- (b) a sewerage service to customers

“**service provider**” means a water service provider or a sewerage service provider.

“**service provider register**” means the register kept under section 12 of the Act.

“**sewerage service**” –

1. “Sewerage service” means -
 - (a) sewage treatment; or
 - (b) the collection and transmission of sewage through infrastructure; or
 - (c) the disposal of sewage or effluent
2. For chapter 2, part 3, the term does not include a service supplied by infrastructure, if
 - (a) the infrastructure is used solely for mining purposes; or
 - (b) the service is used only by-
 - (i) the owner of the infrastructure or the owner’s guests or employees, including, for example, guests at a resort, or
 - (ii) if the owner of the infrastructure is a body corporate for a community titles scheme under the *Body Corporate and Community Management Act 1997* – the occupants of lots in the scheme

“**sewerage service provider**” means a person registered under chapter 2, part 3, as a service provider for a sewerage service.

“**system leakage management plan**” means a plan certified by a registered professional engineer under chapter 2, part 4, division 2.

“**water authority**” means a water authority established under section 548 of the *Water Act 2000*.

“**water service**”

1. “Water service” means -
 - (a) water harvesting or collection, including, for example, water storages, groundwater extraction or replenishment and river water extraction; or
 - (b) the transmission of water; or
 - (c) the reticulation of water; or
 - (d) drainage, other than stormwater drainage; or
 - (e) water treatment or recycling.
2. For chapter 2, part 3, the term does not include a service supplied by infrastructure, if
 - (a) the infrastructure is used solely for mining purposes; or
 - (b) the service is used only by-
 - (i) the owner of the infrastructure or the owner’s guests or employees, including, for example, guests at a resort; or
 - (ii) if the owner of the infrastructure is a body corporate for a community titles scheme under the *Body Corporate and Community Management Act 1977*-the occupants of lots in the scheme.

“**water service provider**” means a person registered under chapter 2, part 3, as a service provider for a water service.