



WATER SUPPLY (SAFETY AND RELIABILITY) ACT 2008 SERVICE PROVIDER DROUGHT MANAGEMENT PLAN EXEMPTION APPLICATION FORM SPE03 (Version 2)

INTRODUCTION

These explanatory notes will assist service providers to complete the attached form, **Form SPE03** – Service Provider Drought Management Plan Exemption Application Form. SPE03 is required to be used to seek exemption from the requirements of Chapter 2, Part 4, Division 6 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. 126**.

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 6. The criteria for an exemption are set out in **s. 126** of the Act and in the *Guidelines for the preparation of a drought 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 respective 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 the Queensland Government Bookshop - Freecall 1800 679 778 or on the website <www.bookshop.qld.gov.au/home.aspx> or email service@sds.qld.gov.au.

PURPOSE OF THE APPLICATION FORM

Service Provider Drought Management Plan Exemption Application Form (SPE03 Version 2) is the approved form for seeking exemptions from the requirements of Chapter 2, Part 4, Division 6 of the Act (**s. 126**).

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 accordingly in Part D

PART A APPLICANT'S DETAILS

Part A must be completed for all applications.

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

The name inserted should be the service provider name that currently appears in the register of service providers kept by the regulator e.g. SP1. Please include any registered business or trading name.

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. 126

Part B must be completed to indicate for which "areas" exemptions are being sought. Separate applications may be made for each service area/authority area/area for which an exemption is sought.

Exemptions

Section 126 provides for exemptions to be granted by the regulator where satisfied that the service provider supplies at least 70% of the water service for an area from a source or sources that cannot be affected by drought. Also, under section 122, the requirement for preparing and submitting a drought management plan does not apply to a water service provider who supplies only drainage services or to a water service provider to the extent that the provider is supplying services to a customer holding a water entitlement.

Areas for which exemptions are sought

The Act states that a service provider must have a drought management plan for each:

- Service area s. 123(1)(a); and
- Authority area s. 123(1)(b); and
- Area s. 123(1)(c)

Please insert the names of the particular areas for which an exemption is being sought.

The definitions for "service area" and "authority area" can be found in the Appendix. The "area" referred to in s. 123(1)(c) means an area which is not a "service area" or an "authority area". It may, for example, be an area to which a private company/private individual service provider provides a water service where the service provider does not have a "service area" or "authority area" as defined in the Act.

PART C SUPPORTING INFORMATION

The application for exemption must be accompanied by sufficient supporting information to enable the regulator to reach a decision with respect to the application. Reference should be made to the *Guidelines for the Preparation of a Drought*

Management Plan for guidance on supporting information. Please ensure that the supporting information clearly demonstrates that at least 70% of the water service for an area comes from a source or sources that cannot be affected by drought.

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

PART D SERVICE PROVIDER SIGNATURE(S)

This section should be fully completed and signed by the applicant in the presence of a witness. The persons signing must be empowered to sign on behalf of the service provider and must state their authority to sign (eg. Director, CEO, secretary 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: owsr.enquiries@derm.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 Environment and Resource Management
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

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*).

“**drought management plan**” means a drought management plan prepared under section 123.

“**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.

“**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 1977*-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.

“**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.