

Unauthorised Water Use Policy

The purpose of this document is to detail SunWater’s policy and procedures with respect to unauthorised water use within SunWater’s water supply schemes.

Customers Obligation – Customers have an obligation to comply with the Water Act 2000, the relevant Resource Operation Plan (ROP) for their water supply scheme, their Water Supply Contract with SunWater and the scheme rules and targets.

Under Section 4 of Schedule 3 of the Water Supply Contract, the customer is only permitted to take water under the Customer’s ROL Contract through the SunWater Diversion Works and the Customers Offtake Works. Any other water use is considered unauthorised water use.

Action taken by SunWater when unauthorised water use is detected

- (a) Unauthorised water and/or CAP use detected during Periodic Meter Reads** – If a meter reading indicates the customers usage is more than their Maximum Allowable Volume;
- SunWater will issue the Customer with a breach of Contract letter to remedy within 7 days;
 - The customer is required to obtain a Permanent or Temporary Transfer to cover the excess water use or CAP;
 - If the customer does not rectify the excess use in the specified time, they will be issued a “do not take” directive from SunWater as detailed in Section 12.2 of Schedule 3 of the Supply Contract;
 - If customer continues to take water, SunWater will lock off the customers outlet or take other action as detailed in Section 12.4 of Schedule 3 of the Supply Contract to prevent the customer taking water;
 - If customer continues to take water, SunWater will report the unauthorised use to the Department and may take steps to terminate the customers Water Supply Contract as detailed in Section 22.1 (c) of Schedule 3 of the Supply Contract.
- (b) Unauthorised water use detected at End of Water Year Meter Reading** – If the meter reading at the end of water year indicates the customer usage is more than their Maximum Allowed Volume:
- SunWater will issue the Customer with a breach of Contract letter and “do not take” directive immediately (at the end of the water year) as detailed in Section 12.2 of Schedule 3 of the Supply Contract;
 - If the customer continues to take water before they have remedied the breach, SunWater will lock off the customers outlet or take other action as detailed in Section 12.4 of Schedule 3 of the Supply Contract to prevent the customer taking water;
 - If customer continues to take water, SunWater will report the unauthorised use to the Department and may take steps to terminate the customers Water Supply Contract as detailed in Section 22.1 (c) of Schedule 3 of the Supply Contract.
 - The “do not take” directive will remain in force until the customer remedies the breach to SunWater’s satisfaction. The customer may remedy the breach by restoring to the scheme an equivalent amount of water to that taken in excess of their maximum delivery volume. As an announced allocation is set at the start of a water year, the customer can remedy the breach by reducing their entitlement to that announcement or obtain a temporary transfer. This will replace the water taken by the customer from the scheme.

- The remedy transaction in the customers account will be tagged as “unauthorised use”;
- SunWater will report the names of customers and the volume of all “unauthorised water use” to the Department at the end of each water year;
- Where a customer repeatedly uses water in excess of their annual maximum allowed volume, SunWater may take steps to terminate the customers Water Supply Contract as detailed in Section 22.1 (c) of Schedule 3 of the Supply Contract.

(c) Ordering Water when in excess of entitlement - SunWater will not accept water orders from customers who have used more than their maximum allowable volume (the combined volume of Announced allocation water, plus seasonal water assignment volume (if any), plus carry over volume (if any)).

- If customer continues to take water, SunWater will lock off the customer’s outlet or take other action as detailed in Section 12.4 of Schedule 3 of the Supply Contract to prevent the customer taking water.
- If customer continues to take water, SunWater will report the unauthorised use to the Department and may take steps to terminate the customers Water Supply Contract as detailed in Section 22.1 (c) of Schedule 3 of the Supply Contract.

(d) Action taken by SunWater when customers flow rate is in excess of Peak Flow Entitlement or Water Restrictions - SunWater will monitor the customers flow rates or take when Peak Flow Entitlement and water restrictions are in place;

- Customers caught taking more than their Peak Flow Entitlement or restriction limit will be directed to cease taking water immediately and required to reorder water and wait the relevant period before taking water again;
- If customer continues to take water, SunWater will lock off the customers outlet or take other action as detailed in Section 12.4 of Schedule 3 of the Supply Contract to prevent the customer taking water;
- If customer continues to take water, SunWater may take steps to cancel the customers Water Supply Contract as detailed in Section 22.1 (c) of Schedule 3 of the Supply Contract.

(e) Action taken by SunWater when Theft of water is detected

The theft of water includes use of unauthorised works to divert water, tampering with water meters or any other activity used in the theft of water.

- If the theft of water is detected, SunWater will make a formal complaint of theft to the Queensland Police.
- If the theft of water involves a breach under the Water Act 2000, SunWater will report the incident to the Department.
- SunWater will take action to recover the cost of the water stolen and for any damage caused to SunWater’s infrastructure.

Water Act 2000 – Offence Provisions – Section 8

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Unauthorised Water Usage Policy/Procedure

Customers should note the penalties for contravening conditions of water entitlement, seasonal water assignment notice or water permit under the Water Act 2000. The Act states:

The holder of a water allocation, interim water allocation, water licence, seasonal water assignment notice or water permit must not contravene a condition of the allocation, licence, notice or permit. Maximum penalty—1665 penalty units.

The penalty stated under section 5(1) of the Penalty and Sentences Act 1992 (Qld) is \$110. Section 812 of the Water Act 2000 states the holder of the allocation must not contravene a condition on the water allocation. As you are aware, water allocations can be held by companies and individuals. For the most severe contravention of a condition, the holder may be liable for a penalty up to \$183 150 (1665 * \$110 as at 10 February 2014).

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