

6 July 2020

Ms Tina Pigliardo  
Director (A/G), Water Section  
Specialised Enforcement and Advocacy Division  
Australian Competition and Consumer Commission  
GPO Box 3131  
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Dear Ms Pigliardo,

In accordance with rule 23A of the Water Charge Rules 2010 (Cth) (the Rules), I wish to notify you that the Department of Natural Resources, Mines and Energy (DNRME) has become a Part 6 operator for the Border Rivers Water Supply Scheme.

Under section 23 of the Rules, an infrastructure operator is a Part 6 operator if:

- a) *The operator is not required to have all its infrastructure charges determined or approved by a single State Agency under a law of the State in a way that is consistent with paragraph 29(2)(b); and*
- b) *The operator levies an infrastructure charge in relation to either:*
  - i) *A bulk water service in respect of water access rights; or*
  - ii) *Infrastructure services in relation to the storage or delivery of water that is necessary to give effect to an arrangement for the sharing of water between more than one Basin State.*

In relation to section 23(a), infrastructure charges for the Border Rivers Water Supply Scheme are not currently determined or approved by a single State Agency.

Infrastructure charges for the Border Rivers Water Supply Scheme are set in the Water Regulation 2016, which is subordinate legislation made by the Governor in Council. Governor in Council refers to the Governor of Queensland, acting on the advice of Executive Council (i.e. government ministers).

In relation to section 23(b), DNRME owns the water supply infrastructure of the Border Rivers Water Supply Scheme and levies the infrastructure charges set out in the Water Regulation 2016.

Our assessment therefore is that DNRME meets the definition of a Part 6 operator for the Border Rivers Water Supply Scheme.

Should you have any further enquiries, please contact Mr Trevor Dann, Director, Economics and Governance, Water Supply, Natural Resources, Department of Natural Resources, Mines and Energy on (07) 3137 4285.

Yours sincerely,

**James Purtill**  
**Director-General**



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