



The New Drainage Request for Assistance Process

Water Security Agency (WSA) requires that all drainage works have an approval and are operated responsibly by complying with the conditions in the drainage approval.

To ensure drainage works are operated responsibly, WSA is committed to effectively handling agricultural drainage requests for assistance through a new Request for Assistance (RFA) process.

Under the new RFA process, a person experiencing a drainage issue (a Petitioner) makes a request for assistance to WSA. WSA first determines if the drainage works concerned actually exist, whether the drainage works have an approval and if they are being operated within the conditions in the approval.

The new RFA process ensures:

- that the impacted parties are heard and responded to;
- that the person who owns the concerned works (the Respondent) is informed of the options to bring their drainage into compliance with legislation, which can include getting their drainage works approved or closing their works; and
- that drainage works are brought into compliance in a timely manner.

What types of issues are handled via the RFA process?

Any person who has an issue related to damage or potential damage that they believe has been caused to them by drainage works may file a RFA with WSA.

If I have an issue related to drainage works what should I do?

File an RFA

The Petitioner (person who requests the WSA's assistance in resolving an issue related to damage or potential damage that the person believes has been or may be caused to that person by drainage works) can file a RFA by [downloading and completing the RFA form](#). The RFA form collects some basic information including those involved, a description of the drainage works, and a description of the issue the Petitioner would like resolved.

How will my RFA be handled?

WSA will undertake a preliminary investigation by:

- Verifying drainage works are present through a desktop review;
- Determining if the works have a valid drainage approval. If a drainage approval is present, the conditions of the drainage approval would be reviewed to determine if the works are in compliance with the approval; and
- Contacting the Respondent

The initial outcome of the RFA process is a recommendation letter issued by WSA to the Respondent. If no works are present, then the RFA would be dismissed. If works exist without approval, the letter will indicate the steps that are required of the Respondent to come into voluntary compliance with the legislation, as well as providing a deadline (usually one month) by which the Respondent must come into compliance.

What are my assurances that my issue will be resolved reasonably and fairly?

The compliance process requires that all actions and decisions are reasonable and fair and are defensible in court. If a client is concerned about the fairness of a particular decision there is always recourse to the courts to have the decision reviewed for fairness.

Please note, to ensure a fair compliance process, when a RFA is submitted, all unapproved drainage works involved in the area of the RFA will also be required to comply with the Act and regulations, including the Petitioner's drainage works.

What are the Respondent's voluntary compliance options for unapproved works?

I. Go through the Approval Process

If the Respondent decides to pursue an approval they must be able to demonstrate, within the specified deadline (usually one month), that they have the ability to obtain the necessary land control (see the Land Control Requirements for Drainage Fact Sheet). If the Respondent is able to show that it is possible for them to obtain land control, then WSA may extend the deadline to complete the approval process. It should be noted that in cases where the work is in high risk basins or the project is complex the Respondent may also be required to work with a Qualified Person for assistance with the technical and administrative process.



Figure 1. The approval of the Dry Lake Drainage Project is the result of landowners working together to resolve a RFA. The Dry Lake Project brings together 73 landowners and 18,000 acres into a single approval for an organized drainage network.

II. Go through the Closure Process

If the Respondent is unsuccessful in pursuing an approval, or if they prefer to restore the works to natural conditions, they can choose to voluntarily close their drainage works. If requested, WSA will provide on-site technical assistance (surveys) to aid the Respondent in restoring the works to natural conditions at the proper location.

If drainage works have been voluntarily closed the Respondent and Petitioner will receive a letter indicating that the works have been closed and natural conditions restored.



Figure 2. This photo is an example of a drainage works that was closed in response to a RFA by installing a ditch block. Respondent is now in compliance with *The Water Security Agency Act*.

What happens if voluntary compliance fails?

If WSA determines that there has not been significant progress towards voluntary compliance, WSA will issue an Order to restore the works to natural conditions under section 62 of *The Water Security Agency Act*. The Order will specify the timelines (generally one month) for the Respondent to close the works. Non-compliance with such an Order is an offence under WSA legislation.

After the Order deadline, WSA will follow up with a compliance inspection to determine if the Order has been complied with. If necessary, WSA will restore the works to natural conditions under Section 93 of *The Water Security Agency Act* and recover the cost from the landowner. If necessary to achieve and maintain compliance, WSA may also pursue a summary offence conviction pursuant to Section 90 of *The Water Security Agency Act*.

Outcome: Respondent is in compliance and Petitioner's RFA is resolved.