

Utilities Exemption 2007 (No 2)

Disallowable instrument DI2007-255

made under the

Utilities Act 2000, s22 (Exemption)

1. Exemption

I exempt the water services provider, Mr Bruce Gibbs, from the requirement for a licence in relation to a water utility service, upon the conditions prescribed in clause 3 of this instrument.

2. Duration of licence exemption

Mr Bruce Gibbs is exempted from the requirement to hold a utilities licence to distribute and supply water to the South Tharwa community for one year only.

3. Conditions

Mr Bruce Gibbs is exempt from the requirement for a licence in relation to a water utility service for the South Tharwa community on the following conditions as set out in this instrument.

- (i) all South Tharwa residents would have a right to access the water network with any costs for new access to be borne by the party seeking access: access would not have to be provided to a party that has an existing licence to extract water;
- (ii) all South Tharwa residents connected to the water network have the right to supply from the network, subject to water availability, and providing they meet the supplier's conditions (for example pay their fees);
- (iii) where demand for supply exceeds licensed extraction rights a higher allocation could be sought and if a higher allocation is not available then all existing users of the network would proportionally reduce their consumption;
- (iv) all parties accessing the network must agree on the basis for sharing operational and maintenance costs for the system;

- (v) all users of the system contribute their relative proportions of the water abstraction charge (WAC) based on either metered use or agreed share of the WAC;
- (vi) all parties are advised in writing that the water provided is not for potable use; and
- (vii) any disputes that cannot be resolved between the operator of the network and another party would be referred to the Commission for arbitration.

Jon Stanhope MLA
Chief Minister

4 October 2007