

Utilities Exemption 2009 (No 1)*

Disallowable instrument DI2009–37

made under the

Utilities Act 2000, s22 (Exemption)

1. Exemption

I exempt the water services provider, Outward Bound Australia (premises in South Tharwa), from the requirement for a licence in relation to a water utility service, upon the conditions prescribed in clause 2 of this instrument.

2. Conditions

Outward Bound Australia is exempt from the requirement for a licence in relation to a water utility service for the South Tharwa group on the following conditions as set out in this instrument.

- (i) all South Tharwa residents may access the water network, with any costs for new access to be borne by the party seeking access. It is not necessary to provide access to a person who holds 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 provided that they meet Outward Bound Australia's conditions (for example, a requirement to pay fees);
- (iii) when 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 persons who access the network must agree:
 - (a) that they will undertake necessary maintenance of the network; and
 - (b) that they will collectively pay all operational and maintenance costs for the system; and
 - (c) to the basis for sharing those costs;
- (v) all persons who access the network must have a current Water Access Entitlement (WAE) and must contribute their relative proportions of the Water Abstraction Charge (WAC) based on either metered use or their agreed share of the WAC;

*Name amended under Legislation Act, s 60

- (vi) all persons who access the network must have their consumption measured by a meter;
- (vii) all persons who access the network must be advised in writing that the water provided is not for potable use;
- (viii) any disputes that cannot be resolved between Outward Bound Australia as the operator of the network and another person must be referred to the Independent Competition and Regulatory Commission for arbitration.

Simon Corbell MLA
Minister for the Environment, Climate Change and Water

24 March 2009