

# Utilities Exemption 2009 (No 2)

## Disallowable instrument DI2009-55

made under the

***Utilities Act 2000, s 22 (Exemption)***

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### **1 Name of instrument**

This instrument is the *Utilities Exemption 2009 (No 2)*.

### **2 Commencement**

This instrument commences the day after it is notified.

### **3 Revocation**

This instrument revokes Utilities Exemption 2009 (No 1), Disallowable Instrument DI2009 – 37.

### **4 Exemption**

I exempt the water services provider, the Australian Outward Bound Foundation ACN 000 250 635 (Outward Bound Australia), from the requirement for a licence in relation to a water utility service, upon the conditions stated in clause 5 of this instrument.

### **5 Duration of licence exemption**

Outward Bound Australia is exempted from the requirement to hold a utilities licence to distribute and supply water to the South Tharwa community for the period commencing on the day this instrument commences for one year only.

### **6 Conditions**

Outward Bound Australia is exempt from the requirement for a licence, in relation to a water utility service for the South Tharwa community, on the following conditions:

- (i) All South Tharwa residents may access the water network, and any charge for the provision of new access must be borne by the person 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 if they meet the Outward Bound Australia's conditions (for example, a requirement to pay fees).
- (iii) When demand for supply exceeds licensed extraction rights, a higher allocation may be sought and, if a higher allocation is not available, all persons who access the network must 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) 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.
- (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

14 April 2009