

# Utilities (Licensing) Exemption 2015 (No 1)

## Disallowable Instrument DI2015—10

made under the

*Utilities Act 2000*, section 22 (Exemption)

## EXPLANATORY STATEMENT

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Section 22 of the *Utilities Act 2000* (the Act) allows the Minister to exempt a person from the requirement to hold a licence in relation to a utility service. An exemption is subject to compliance with the conditions stated in the instrument of exemption.

This disallowable instrument provides an exemption to the Territory, as represented by the Directorate that has responsibility from time to time for providing the non potable water supply service in this disallowable instrument (currently Territory and Municipal Services Directorate (TAMS)) from holding a utility licence for a period of five years to operate and evaluate the Inner North Reticulation Network (INRN).

This Instrument does not revoke any previous instrument.

The INRN is a stormwater harvesting initiative of the ACT Government. The INRN is a pilot project seeking to monitor and evaluate the viability of large-scale stormwater harvesting in the Territory. Non-potable water will be captured in urban ponds, filtered, reticulated and sold by TAMS for irrigation uses. In lieu of a licence, an exemption is required to operate and evaluate the network.

Specifically, the exemption is limited to five years for the operation and evaluation of the INRN which sources stormwater from Flemington Road Pond, Dickson Pond, Lyneham Pond and EPIC bore.

Under the exemption, TAMS will operate as a utility under relevant general terms and conditions modelled on section 25(2) of the Act. TAMS must comply with the following conditions:

- each industry code that applies to the utility service (Section 25(2)(a)(iii));
- each technical code that applies to the utility service (Section 25(2)(a)(iv));
- a direction given to TAMS under Part 5 of the Act by the Director-General of the Environment and Planning Directorate (EPD) who is the relevant Director-General for Part 5 of the Act (section 25(2)(a)(vi)); and,
- keeping all records and documents necessary to enable TAMS to meet any reporting requirements including any requirement to produce a record or document under the Act or another condition of the exemption (Section 25(2)(c)).

In accordance with section 36(1)(b) of the *Legislation Act 2001* a Regulatory Impact Statement is unnecessary as the disallowable instrument only provides for a matter that does not operate to the disadvantage of anyone by affecting the person's rights, or imposing liabilities on the person.