

Utilities (Licensing) Exemption 2021

Disallowable instrument DI2021–24

made under the

Utilities Act 2000, s 22 (Exemptions)

EXPLANATORY STATEMENT

Section 21 of the *Utilities Act 2000* (the *Act*) provides that a person must not provide a utility service except in accordance with a licence. Section 22 of the Act permits the Minister to exempt a person from the requirement to hold a licence in relation to a utility service. Under section 22 (2), an exemption is subject to compliance with the conditions stated in the instrument of exemption.

This disallowable instrument provides a licensing exemption to Queanbeyan-Palerang Regional Council (QPRC Council) that is providing a sewerage service.

This sewerage service includes the sewerage network, the existing sewage treatment plant and the planned upgraded plant.

Under clause 5 of the exemption, QPRC must comply with the following conditions, which are developed from section 25 (2) of the Act:

- Queanbeyan-Palerang Regional Council must submit an application and a regulatory plan to the Technical Regulator for an operating certificate under the *Utilities (Technical Regulation) Act 2014* for the existing utility services within two months of the commencement of this instrument;
- Queanbeyan-Palerang Regional Council must, on application by a customer located in the Australian Capital Territory within 3.2 kilometres of the Queanbeyan Sewage Treatment Plant, connect and provide a sewerage service where a customer can reasonably expect to connect to that service, with connection costs to be paid by the customer;
- Queanbeyan-Palerang Regional Council must provide the Technical Regulator with copies of any reports or data submitted to the NSW Department of Planning, Industry and Environment (or its successor) relating to the performance of its sewerage service;
- Queanbeyan-Palerang Regional Council authorises the NSW Department of Planning, Industry and Environment (or its successor), NSW Environment Protection Authority and ACT Environment Protection Authority to provide the Technical Regulator with a copy of any correspondence relating to the operation of the sewage treatment system or a sewer overflow;

- Queanbeyan-Palerang Regional Council authorises the Technical Regulator to provide the NSW Department of Planning, Industry and Environment (or its successor) with a copy of any correspondence relating to a regulatory matter relevant to its sewerage service;
- Queanbeyan-Palerang Regional Council must keep all records and documents necessary to enable it to meet any reporting requirements or any requirement to produce a record or document under the *Utilities Act 2000* or another condition of this instrument.
- As at August 2020, Queanbeyan-Palerang Regional Council has advised the Territory that it is progressing plans to upgrade the sewage treatment plant and associated facilities. Until the planned upgraded sewage treatment plant is commissioned, Queanbeyan-Palerang Regional Council must provide the Technical Regulator with a report once per calendar year regarding the progress of the application for approval and during construction and commissioning under Section 60 of the *NSW Local Government Act 1993*. Each annual report is due by 30 September for the proceeding financial year. The first annual report is due by 30 September 2021.

In accordance with section 36 (1) (b) of the Legislation Act 2001 a regulatory impact statement is not required for this instrument as it 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.