

Utilities Exemption 2007 (No 1)

Disallowable instrument DI2007-169

made under the

Utilities Act 2000, s22 (Exemption)

1. Exemption

I exempt the water services provider, CC Jeffrey Pty Ltd, 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

CC Jeffrey Pty Ltd is exempt from the requirement for a licence in relation to a water utility service for the Tharwa community on the following conditions as set out in this instrument.

- (i) all 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) water to be supplied to the school, the public toilets and for fire protection;
- (iii) all 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);
- (iv) 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 use;
- (v) water extracted from the river be metered at the pump;
- (vi) all parties accessing the network must agree on the basis for sharing operational and maintenance costs for the system;
- (vii) 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 (noting that water used for bushfire purposes is not subject to the WAC);

- (viii) all parties are advised in writing that the water provided is not for potable use;
- (ix) any disputes that cannot be resolved between the operator of the network and another party would be referred to the Commission for arbitration; and
- (x) arrangements be put in place for the operation of the system by other parties should CC Jeffery Pty Ltd no longer wish, or not be in a position, to operate the network.

Jon Stanhope MLA
Chief Minister
28 June 2007