

EXPLANATORY STATEMENT

Jervis Bay Territory Acceptance Act 1915
Administration Ordinance 1990

Water and Wastewater Services Fees Determination 2013 (Jervis Bay Territory)

The *Administration Ordinance 1990* was made pursuant to Subsection 4F(1) of the *Jervis Bay Territory Acceptance Act 1915* (the Act) which provides that the Governor-General may make Ordinances for the peace, order and good government of the Jervis Bay Territory (the Territory).

Subsection 3B(1) of the *Administration Ordinance 1990* enables the Minister responsible for Australia's Territories to determine fees for the provision of utilities and services provided by the Australian Government in the Territory. The Minister has delegated the power to determine fees for these utilities and services to specific official positions within the Department of Regional Australia, Local Government, Arts and Sport (the Department). The signatory of this Determination is such a delegate under the *Christmas Island, Cocos (Keeling) Islands, and Jervis Bay Territory Delegation Instrument 2012 (No 2)* dated 20 July 2012.

The purpose of this Determination is to set the water and wastewater fees for the Territory to apply from 1 July 2013.

The water and wastewater fees take into account Australian Government policy to supply services to JBT residents at a standard based on general parity with those in the surrounding region. The water usage fee also, as far as practicable, observes the National Water Initiative pricing reform principles which have a basis for cost recovery commensurate with the level of consumption.

With the increase across the range of fees in the Determination, consumers in the Territory will continue to pay equivalent or lower water availability and usage fees, and equivalent or lower wastewater-service availability fees than residents in the nearby Shoalhaven region.

The Territory does not have an economy of scale to enable full recovery for all the costs related to the provision of water and wastewater services.

Consultation

The Department published in the Jervis Bay Territory Community Bulletin (the Bulletin) and on the Department's Internet, a notice of the proposed increase in fees and an invitation for comment on the proposal. It advised the availability of the then draft Determination and a comparison of the new fees and what was in force at the time of consultation. The Bulletin was posted to all water and wastewater account holders in the Territory.

No submissions were received in response to the Bulletin.

Compatibility with Human Rights

The *Statement of Compatibility with Human Rights* is set out in Attachment A.

DETAILS OF THE JERVIS BAY TERRITORY WATER AND WASTEWATER SERVICES FEES DETERMINATION 2013

Section 1 of the Determination provides that it may be cited as the *Water and Wastewater Services Fees Determination 2013*.

Section 2 provides that the Determination commences on 1 July 2013.

Section 3 provides for the revocation of the previous Water and Wastewater Fee Determination.

Section 4 defines the terms used in this Determination.

Section 5 provides for the water usage fees and that Schedule 1 determines the fees payable for the provision of water.

The water availability fee is the price charged to have water services made available and is dependent on the water connection size. All annual water availability fees are equivalent or lower than those charged in the nearby Shoalhaven region.

The water usage fee is the price charged per kilolitre of water used. Residents in the nearby region of Shoalhaven paid \$1.55 per kilolitre up to 450KL and \$1.75 per KL for usage greater than 450KL in 2012-13. With the new fee, residents in JBT will still be charged one of the lowest water usage fees in Australia, at \$1.03 per KL.

The supply of water is GST-free — see section 38.285 of the *A New Tax System (Goods and Services Tax) Act 1999*.

Section 6 provides that Schedule 2 determines the fees payable for the provision of wastewater services.

The wastewater-service availability fee is the price charged to have wastewater services made available and is dependent on the water connection size. The annual wastewater-service availability fees are equivalent or lower than those charged in the nearby Shoalhaven region.

The supply of wastewater services is GST-free — see section 38.290 of the *A New Tax System (Goods and Services Tax) Act 1999*.

Section 7 provides for water and wastewater fees being payable for each water meter service connection.

Section 8 provides for the period of payment and due date for the payment of fees.

Jervis Bay Territory Water and Wastewater Services Fees Comparison Table

Annual Water Availability Fees

Pipe Size	2012	2013	Variance (%)
25mm	\$122.00	\$127.00	4.10 %
32mm	\$200.00	\$207.00	3.50 %
50mm	\$488.00	\$506.00	3.69%
80mm	\$889.92	\$1067.90	20%
100mm or more	\$1252.80	\$1503.35	20%

Water Usage Fee

	2012	2013	Variance (%)
Water Usage Fee (per KL)	\$0.86	\$1.03	20%

Annual Wastewater Availability Fees

Pipe Size	2012	2013	Variance (%)
25mm	\$774.72	\$929.65	20%
32mm	\$891.36	\$1069.60	20%
50mm	\$1320.48	\$1584.55	20%
80mm	\$2455.20	\$2946.25	20%
100mm or more	\$3506.40	\$4207.70	20%

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Water and Wastewater Services Fees Determination 2013

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

This Legislative Instrument sets the water and wastewater services fees for the Jervis Bay Territory.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.