

Water Charge (Termination Fees) Amendment Rules 2010

I, PENELOPE YING YEN WONG, Minister for Climate Change and Water, having regard to advice given by the Australian Competition and Consumer Commission, make the following Rules under section 97 of the *Water Act 2007*.

Dated 2010

Minister for Climate Change and Water

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Part 1

Preliminary

1 Name of Rules

These Rules are the *Water Charge Termination Fees) Amendment Rules 2010*.

2 Commencement

These Rules commence on the day after the Rules are registered.

3 Amendment of the *Water Charge (Termination Fees) Rules 2009*

The Schedule amends the *Water Charge (Termination Fees) Rules 2009*.

Schedule – Amendment

1 Part 2, Subrule rule 5

After subrule 5(2), add:

(3) Where—

- (a) a person's right of access, and services in relation to that right, are terminated or surrendered in whole or in part; and
- (b) the person has paid the fees (if any) payable under rule 7 or 8 to the irrigation infrastructure operator:

the operator must not charge, and the person is not liable to pay, any fee in relation to that right, or a part of that right, that is terminated or surrendered, or services provided in relation to that right or part, in respect of a period after the termination or surrender.

Civil penalty: 200 penalty units.

2 Part 3, Paragraph 6(1)(b)

Delete "the person is in breach of the person's obligations under that contract", substitute "an act or omission by the person is in breach of the person's obligations under that contract (other than the act of trading the whole or a part of a water access right)".

3 Part 3, Paragraph 7(a)

Delete paragraph 7(a), substitute:

- (a) the amount determined by multiplying by 10:
 - (i) where the whole of a right of access, or services provided in relation to the whole of such a right, are terminated or surrendered, the total network access charge payable to the operator by the holder of the right in respect of the financial year:

- (A) in which notice of termination or surrender is given; or
- (B) in which, under the notice of termination or surrender, termination or surrender is to take effect:

whichever is the later; or

- (ii) where a part of a right of access, or services provided in relation to a part of such a right, are terminated or surrendered, the proportion applicable to that part of the total network access charge payable to the operator by the holder of the right in respect of the financial year:

- (A) in which notice of termination or surrender is given; or
- (B) in which, under the notice of termination or surrender, termination or surrender is to take effect:

whichever is the later.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au
2. These Rules amend the *Water Charge (Termination Fees) Rules 2009*, which commenced on 23 June 2009.