

**DRAFT WATER CHARGE (PLANNING AND MANAGEMENT  
INFORMATION) RULES 2009**

I, \_\_\_\_\_ the Minister for Climate Change and Water, having regard to advice given by the Australian Competition and Consumer Commission, make the following Rules under section 92 of the *Water Act 2007*.

Dated:

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**1 Name of Rules**

These Rules are the *Water Charge (Planning and Management Information) Rules 2009*.

**2 Commencement**

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

**3 Objects**

The objects of these Rules are:

- (a) to improve transparency of pricing in relation to water planning and water management activities; and
- (b) to improve the availability of information about charges relating to water planning and water management activities.

**4 Definitions**

In these Rules, unless the contrary intention appears:

*commencement date* means the date on which these Rules commence.

*fee units* means a number (whether whole, fractional or decimal) of what are called fee units stated in a law of a State that, in accordance with an Act of that State, is to be construed as a number of dollars equal to the product obtained by multiplying the first-mentioned number by the amount determined from time to time by or under that Act

*regulated charge* means a charge for water planning and water management activities within the meaning of the *Water Act 2007* but does not include:

- (a) a regulated charge within the meaning of the *Water Charge (Infrastructure) Rules 2009*;
- (b) a fee regulated under the *Water Charge (Termination Fees) Rules 2009*;

- (c) any other fee or charge (however described) of a kind referred to in paragraph 91(1)(a), (b) or (d) of the *Water Act 2007*.

***transitional period*** means the period beginning on the commencement date and ending on 30 June 2010.

## **5 Publication of information about regulated charges**

- (1) The information referred to in subrule (2) relating to a regulated charge must be published, or be caused to be published, in accordance with subrules (3) and (4) by the person determining the charge.
- (2) The information relating to a regulated charge is:
  - (a) the name or a description of the regulated charge;
  - (b) the amount of the regulated charge (whether expressed as a dollar amount or as fee units) or details of rates, fixed and variable components and all other details necessary to determine the amount;
  - (c) the legislative, contractual or other authority for the regulated charge;
  - (d) a description of the process applied in determining the regulated charge including—
    - (i) the cost allocation principles; and
    - (ii) whether the regulated charge has been the subject of consultation, a review or audit and, if it has, a description of the process of the consultation, review or audit and a summary of its outcome;
  - (e) the class of persons by whom the regulated charge is payable;
  - (f) the person to whom or agency to which the regulated charge is payable;
  - (g) when the regulated charge is payable and, if payable by instalments, the number of instalments and intervals at which they are payable;
  - (h) if applicable, the water resource, catchment or district, and the water resource plan or other plan, to which the regulated charge relates;
  - (i) if applicable, the class of water access right, water delivery right or irrigation right to which the regulated charge relates;
  - (j) a description of the water planning and water management activity or activities to which the regulated charge relates including, in relation to each activity:
    - (i) the financial year or other period during which the activity is being, or is to be, carried out;

- (ii) the actual or estimated operating, capital and corporate services costs of the activity in respect of the financial year or other period;
  - (iii) whether the costs of the activity have been the subject of consultation or a review or audit;
  - (iv) the relationship between the costs of the activity and the calculation of the regulated charge; and
  - (k) any other information the person determining the charge considers necessary or desirable to explain the regulated charge.
- (3) The information referred to in subrule (2) relating to a regulated charge must be published:
- (a) in the case of a regulated charge that took effect before the commencement date and relates to a period that ends after the transitional period—before the end of the transitional period;
  - (b) in the case of a regulated charge that takes effect on or after the commencement date but before the end of the transitional period—no later than 3 months after the date on which the regulated charge takes effect or the end of the transitional period, whichever is the later;
  - (c) in the case of a regulated charge that takes effect on a date after the transitional period—before the regulated charge takes effect;
  - (d) if there is a change in the name, description or amount of a regulated charge after the transitional period —before the change takes effect.
- (4) The information referred to in subrule (2) must be published within the period referred to in subrule (3), together with a statement that the information is published in accordance with these Rules—
- (a) in the *Australian Government Gazette*; or
  - (b) while the regulated charge is current, on the Internet site of the person that determined the charge or the person to whom or agency to which the charge is payable—
- and must be made available, while the regulated charge is current, during business hours at the principal place of business of the person that determined the regulated charge or the person to whom or agency to which the charge is payable.
- (5) In addition to the publication under subrule (4) of information relating to a regulated charge, a notice must be published at or about the same time in a newspaper circulating generally in the area where any person liable to pay the regulated charge resides or carries on business or, if there is no such newspaper, in such newspapers as circulate generally in each part of the area to the effect that the information referred to

in subrule (2) is published and available as mentioned in subrule (4).

- (6) If a person requests a copy of the information referred to in subrule (2), a copy must be provided to that person, or be caused to be so provided, by the person that determined the charge as soon as possible after the request is made.