

South Australia

Water Industry (Third Party Access) Proclamation 2016

under sections 5A and 86B of the *Water Industry Act 2012*

1—Short title

This proclamation may be cited as the *Water Industry (Third Party Access) Proclamation 2016*.

2—Commencement

This proclamation will come into operation on 1 July 2016.

3—Interpretation

In this proclamation—

Act means the *Water Industry Act 2012*;

Commission means the Essential Services Commission established under the *Essential Services Commission Act 2002*;

SA Water means *South Australian Water Corporation* established under the *South Australian Water Corporation Act 1994*;

SA Water's licence means the Water Industry Retail Licence issued on 1 January 2013 to SA Water by the Commission under section 18 of the Act.

4—Application of Part 9A of Act (section 86B)

- (1) In accordance with section 86B of the Act (but subject to clause 5), SA Water is declared to be an operator of infrastructure subject to the operation of Part 9A of the Act in respect of the classes of water and sewerage infrastructure and infrastructure services referred to in subclauses (2) and (3).
- (2) In connection with subclause (1)—
 - (a) the following water infrastructure is declared to be subject to the operation of Part 9A of the Act:
 - (i) the water distribution networks to which SA Water's licence relates;
 - (ii) the following water pipelines operated by SA Water:
 - (A) Murray Bridge to Onkaparinga;
 - (B) Mannum to Adelaide;
 - (C) Swan Reach to Paskerville;
 - (D) Myponga to Adelaide;
 - (E) Morgan to Whyalla;
 - (F) Tailem Bend to Keith;
 - (G) Eyre Peninsula;

(H) Glenelg to Adelaide; and

- (b) the bulk sewage and local sewage networks to which SA Water's licence relates are declared to be sewerage infrastructure subject to the operation of Part 9A of the Act.
- (3) In addition, infrastructure and infrastructure services the use of which is necessary for the transport of water or sewage (as the case may be) in water/sewerage infrastructure referred to in subclause (2) (such as treatment plants, pumping stations, storage tanks and surge protection units and valves) is declared to be infrastructure and infrastructure services subject to the operation of Part 9A of the Act.

5—Limitation of application of Part 9A of Act (section 5A)

- (1) In accordance with section 5A of the Act, it is declared that only the prescribed provisions of Part 9A of the Act apply to the following classes of water and sewerage infrastructure and infrastructure services (declared to be subject to that Part of the Act under clause 4):
 - (a) the water distribution networks to which SA Water's licence relates;
 - (b) the bulk sewage and local sewage networks to which SA Water's licence relates;
 - (c) infrastructure and infrastructure services of a kind referred to in clause 4(3) the use of which is necessary for the transport of water or sewage (as the case may be) in water/sewerage infrastructure referred to in paragraphs (a) and (b).
- (2) In this clause—

prescribed provisions means the following sections of Part 9A of the Act:

 - (a) section 86F (other than subsection (1)(c) and (d));
 - (b) section 86H;
 - (c) section 86ZO;
 - (d) section 86ZP.

Made by the Governor

with the advice and consent of the Executive Council
on 16 June 2016

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