Submission from private individual

I provide these comments in relation to the Draft Water Industry Rule No:1 - Excluded Retail Services.

Greater scope should be given to the description and interpretation of what is a "dispute" in the draft rule. The draft rule appears to indicate that the only dispute that will be considered is a pricing dispute.

Whilst price may be the foundation of most disputes with SA Water, many other types of "disputes" can arise between SA Water and a developer. If the definition of dispute is not expanded, SA Water may attempt to have set aside a dispute if it can be argued the dispute falls outside the definition of a price dispute.

Potential "non price" disputes are:

- The amount of a bank guarantee, and the conditions, that SA Water requires a developer to provide to it.

- SA Water's determination of the financial level of augmentation charges, in relation to non standard works augmentation, eg a waste water treatment plants (WWTP) for new developments.

- Disputes that arise over the control and ownership of buffer zones between WWTPs, whereby SA Water imposes greater minimum requirements than the regulatory requirements set by the EPA and Health Department.

- SA Water's lack of resolve to reasonably effect the provisions of major development approvals where conditions involve SA Water involvement.

- Unreasonable delays in decisions by SA Water with issues and decisions and interactions with developers.

- SA Water refusing to provide a developer with the corporation's management decision makers details for specific requirements.

- SA Water requiring that Crown Law be the mandatory provider of legal documents between it and a developer.

- SA Water refusing to provide its consultants and/or internal advice documents to a developer when working cooperatively on proposals/projects, whilst requiring that a developer provide SA Water with the developer's consultants advice.

I would be happy to provide further comments/detail in relation to the above should the Commission require it.