**Queensland Water Directorate (*qldwater*)** ***e-*flash**

**Information for Water Industry Managers and Practitioners in the Queensland Water Industry**

**(Issue #343 – 9 February 2018)**

**1.   Mt Isa City Council Supreme Court metering decision**

**2.   Toowoomba takes on the world**

**3.   Water Skills Partnership Forum**

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**1.   Mt Isa City Council Supreme Court metering decision**

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<https://www.sclqld.org.au/caselaw/QSC/2017/316> provides a transcript of a supreme court hearing from 19 September where the court delivered a judgement in favour of the Irish Association Friendly Society Ltd following the Association’s challenge of the lawfulness of a $49,187 charge levied by Council on a 2016 rates notice.

The decision is complex but raises potential issues for all councils.  It is our understanding that Council is considering an appeal and obtaining further legal advice.

In **very** brief:

* The Council developed its water charges with each parcel of land attracting a fixed charge based on a classification and number of “units” (with each unit having a water entitlement).  If a landowner exceeded the allocation, it would be charged an amount for each additional kilolitre or part of a kilolitre.
* Water meters were installed at the relevant properties, however the charge did not include a volumetric component.
* The Association argued that the Council’s charge contravened section 101(1)(a) of the Local Government Regulation, which generally required that a water charge be levied “wholly according to the water used.” 101(1)(b) allows for charges made partially according to the water used – i.e. a two part tariff.
* The ruling effectively argued that the whole charge should be based on water used, but also that the charges were invalid referencing a breach of “local government principles” from section 4 of the Local Government Act which include “transparent and effective processes, and decision-making in the public interest.”

Other councils which have meters installed, but do not use the readings in determining charges, may face similar challenges.  However the case has effectively elevated the status of “local government principles” which could have broader ramifications.  We will distribute further information as it’s made available.

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**2.   Toowoomba takes on the world**

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Water from Toowoomba’s Mt Kynoch Water Treatment Plant is on its way to Berkeley Springs in the USA to compete in the [International Water Tasting Competition](https://berkeleyspringswatertasting.com/) to be held on Saturday, 24 February 2018.

Toowoomba Regional Council’s water and wastewater team have been basking in glory for more than a year, first taking out the 2016 Queensland title of the IXOM [Best of the Best Queensland Water Taste Test](http://www.qldwater.com.au/Water_Taste_Test), then defeating NSW in the 2017 IXOM [Water of Origin](http://wioaconferences.org.au/qld/water-of-origin/) competition (where Queensland has reigned supreme for the past four years), before finally taking out the IXOM [Best Tap Water in Australia](https://wioa.org.au/awards/national-awards/australias-best-tap-water/) competition.

Toowoomba Regional Council Manager Water Operations, John Mills, is dusting off his winter woollies in preparation for the Berkeley Springs event.

“Winning all these competitions has been a great outcome for Council and can be attributed to the efforts of the hard working and dedicated staff that manage the provision of high quality potable water from catchment through treatment and distribution to our customers,” Mr Mills said.

The taste test forms part of the ***qldwater on tap*** campaign, which aims to show our communities the benefits of safe, secure and sustainable water services and promoting tap water as a smarter choice. Through ***qldwater on tap*** we hope to assist our members to find meaningful ways to engage with their communities.  For more information visit our website at [www.qldwaterontap.com.au](http://www.qldwaterontap.com.au).

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**3.   Water Skills Partnership Forum**

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Registrations for the Skills Forum being held on Wednesday 28 February close next week. No registrations will be possible on the day and all attendees must register before the event.

The registration options are:

* free for up to 3 representatives from each [partnership member](http://www.qldwater.com.au/Skills-and-Training) and invited guests. The complimentary registration code was sent to WSP members late last year, please contact [hgold@qldwater.com.au](mailto:hgold@qldwater.com.au) if you don’t have it;
* $50 + GST for all other ***qldwater*** members including affiliate members;
* $100 + GST for all other attendees.

For more information and registration, visit the [Event Website](https://ipweaq.eventsair.com/QuickEventWebsitePortal/water-skills-forum/event-info-site).

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