



08 August 2001

NOTIFICATION
**ON FEES IN RELATION TO WATER SUPPLY CONNECTION FOR THE BIDAU-
SANTA ANA METIAUT ZONE**

The Transitional Administrator,

Pursuant to the authority given to him under United Nations Security Council Resolution 1272 (1999) of 25 October 1999, as reaffirmed in United Nations Security Council resolution 1338 (2001) of 31 January 2001,

Taking into account that the construction of a water supply system in the Bidau-Santa Ana Metiaut Zone commenced on 28 May 2001 and is expected to be completed on 20 August 2001,

Recognizing the benefits both of safe reliable water to the residents of Bidau-Santa Ana Metiaut Zone and of the participation of the local communities in the development of their water supplies, including investment in the water supply system through the payment of a user connection fee which, as an incentive for participation, shall during the construction period be lower than the anticipated future user connection fee, and

For the purposes of establishing, in addition to the fees set forth in the Notification of 26 July 2000 on Fees in Relation to Water Services, a Schedule of user charges under United Nations Transitional Administration in East Timor (UNTAET) Directive No. 2000/6 in relation to the cost of providing connections to the water supply system of the Bidau-Santa Ana Metiaut Zone during such construction period,

Hereby notifies the following:

The Schedule for fees in relation to the Water Supply Connection for the Bidau-Santa Ana Metiaut Zone, and the modalities of payment therefor, as set forth in the attached Schedule shall be effective as from 28 May 2001.

The present Notification will be published in the Official Gazette of East Timor, pursuant to UNTAET Regulation No. 1999/4.

Sergio Vieira de Mello
Transitional Administrator

Schedule of
**FEES IN RELATION TO WATER SUPPLY CONNECTION FOR THE BIDAU-SANTA
ANA METIAUT ZONE**

Section 1
Definitions

In addition to the terms defined in UNTAET Directive 2000/6 used in the present Schedule, the following terms shall have the following meanings wherever used in the present Schedule:

- (a) “*connection fee*” means the connection fee set forth in Section 4.1 of the present Schedule or, in the event of more than one connection with respect to the premises of a user of the *water supply system*, the total of all such fees.
- (b) “*expiry date*” means the 20 August 2001, unless extended pursuant to Section 2.2 of the present Schedule.
- (c) “*occupant*” means the person (as such term is defined in UNTAET Directive 2000/6) occupying premises located in the *Zone* and the user of the *water supply system*.
- (d) “*water supply system*” means the system of physical and other assets (including but not limited to pipelines, valves, pumps, tanks, reservoirs, equipment and structures) utilized in the distribution of potable water.
- (e) “WSS” means the Water and Sanitation Service, an organizational unit of the civil administration established by UNTAET, the principal office of which is located in Caicoli, Dili, East Timor.
- (f) “*Zone*” means the Limit of Water Supply Area, as delineated on the East Timor Transitional Administration, Water and Sanitation Service, Definition of Santa Ana Metiaut Water Supply Zone Boundary (sheets 1 - 4), drawing references BSAM-10 through 13 of the Santa Ana subdistrict of Dili (DIL STA 10 – 13, inclusive), maintained at the principal office of WSS.

Section 2
Application and Scope of Notification

2.1 The fees set forth in this Schedule shall apply only with respect to the connection or re-connection, prior to the *expiry date*, of the premises of an *occupant* who elects, by written notice delivered to WSS, to become a user of the *water supply system* of the *Zone*.

2.2 The provisions of this Schedule shall remain in force from the effective date through the *expiry date* hereof; provided, however, the Director of WSS may, by written notice made generally available to the *occupants* of premises located within the *Zone*, extend the period of the effectiveness of the provisions of this Schedule by establishing a later *expiry date* co-terminous with the expected completion of the construction period of the *water supply system* in the *Zone* if the same shall extend beyond 20 August 2001.

2.3 All maps, plans, drawings, diagrams and descriptions of the *water supply system* and the *Zone*, including those specifically referenced in Section 1(h) of the present Schedule,

shall at all times during the normal office hours of WSS be available for inspection at the principal office of WSS by *occupants* of premises located in the *Zone*.

2.4 The *connection fee* shall be in addition to, and users of the water provided through the *water supply system* shall be liable for the payment of, fees in relation to water services as set forth in the Notification of 26 July 2000 on Fees in Relation to Water Services or otherwise.

Section 3 Connections within the Zone

3.1 In accordance with the terms of the present Schedule, upon notice to WSS and following the payment of the *connection fee* by an *occupant* of premises located in the *Zone*, WSS shall, within 5 working days following payment of the *connection fee*, connect the premises to the *water supply system*.

3.2 WSS may refuse to connect the premises of an *occupant* in the *Zone* to the *water supply system* if connecting the premises to the *water supply system* would:

(a) be contrary to a prior decision of the Transitional Administration of East Timor, or

(b) not be in the public interest as likely to cause the supply of water to be overloaded, unreliable or dangerous, taking into account the need to provide an effective supply of water in the *Zone*;

provided that, in the event of such refusal, the Director of WSS shall, by notice, advise the *occupant* of the reasons therefor.

3.3 In effecting connections of premises to the *water supply system*, inspecting or maintaining the *water supply system* and for all other official purposes in connection with the *water supply system* –

(a) the *occupant* shall provide the staff of WSS such access to the *water supply system* and the premises as may be reasonably necessary for the purposes intended; and

(b) the staff of WSS shall at all times each display a tag or carry a letter of authority available for inspection by the *occupant* of the premises identifying them as staff of WSS.

Section 4 Connection Fee

4.1 In accordance with UNTAET Directive 2000/6, a user fee of US\$55 shall be payable by the *occupant* of premises located in the *Zone* for each connection of such premises to the *water supply system*.

4.2 Upon receipt of notice from the *occupant* of premises located in the *Zone* of the *occupant's* election to become a user of the *water supply system* of the *Zone*, WSS shall provide to such *occupant* an invoice in the amount of the *connection fee*, the invoice for which shall provide that the *connection fee* may, at the option of the *occupant* paying the same, be paid:

- (a) in full, within 14 days of the date of an invoice therefor issued by WSS;
 - (b) in two installments consisting of US\$35 to be paid within 14 days of the date of the invoice issued by WSS under Section 4.2(a) and US\$20 to be paid prior to the *expiry date*; or
 - (c) in the event the Director of WSS determines on the basis of written evidence that the *occupant* is not financially able to make the payments in the manner set out in Sections 4.2(a) and (b), the Director of WSS may approve an arrangement with the *occupant* other than is provided in the present Schedule for the payment of a *connection fee*, provided no such arrangement shall reduce the amount of the *connection fee* or extend the period for payment more than 6 months beyond the *expiry date*.
- 4.3 Notwithstanding any other provision of this Schedule, no *connection fee* shall be payable with respect to connections to the *water supply system* existing prior to the effective date of this Notification.
- 4.4 The user fee for connection to the *water supply system* for connections effected after the *expiry date* shall be established by later Notification.

Section 5 Repair Fees

Any damage to or other interference with a connection to the *water supply system*, including any interference with the activities of the staff of WSS in connection with the installation, inspection or maintenance of any connection or of the *water supply system* or any other official activity with respect to the *water supply system*, or any connection to the *water supply system* other than as provided in the present Schedule, may result in a fee not to exceed US\$500, as determined by the Director of WSS as the cost of repair or of the interference to the *water supply system*.

Section 6 Right of Review

6.1 Any person who has been refused connection to the *water supply system* under Section 3.2(b) of the present Schedule or assessed a fee under Section 5 hereof may request the Cabinet Officer for Infrastructure to review such refusal of assessment, which request shall:

- (a) be in writing, delivered to the Cabinet Officer for Infrastructure within 14 calendar days of the date of the notice relating to such refusal or assessment of fees; and
- (b) include such documentary evidence, data, statements and other information as may be relevant to the establishment of compliance with the requirements of the present Schedule.

6.2 Any decision of the Cabinet Officer for Infrastructure provided in connection with a submission permitted under Section 6.1 of the present Schedule shall be delivered in writing to the person making such submission within 14 calendar days of the date of the submission, which decision, together with all documentary evidence, data, statements and such other

information provided by the person making the submission, shall constitute, and shall be retained as, the official record of the consideration of the submission.

6.3 A person whose submission under Section 6.1 of the present Schedule shall have been rejected may, within ten calendar days of the date of such decision, appeal such decision to the tribunal for the review of administrative matters of the East Timor Transitional Administration or, pending the establishment thereof, the District Court for the District of Dili. The decision of the tribunal for the review of administrative matters of the East Timor Transitional Administration or, pending its establishment, the District Court for the District of Dili shall be final.

6.4 In the event the Cabinet Officer for Infrastructure or the tribunal for the review of administrative matters of the East Timor Transitional Administration (or, pending its establishment, the District Court for the District of Dili) orders a reduction, in whole or in part, of the fee assessed by WSS, WSS shall re-issue an invoice in accordance with the order thereof.