*Water Industry Competition Act 2006*

Deemed customer contract modification or exclusion application form

Version Control

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About this document

Use this form to apply to modify or exclude the application of the deemed customer contract under the *Water Industry Competition Act 2006* (WIC Act). You may apply for a modification or exclusion in general or specified circumstances. You must attach all supporting documentation as indicated in this form.

Please read the **Deemed customer contract modification or exclusion application guide** prior to filling in this application form. If you need further help in preparing your application, visit the [IPART website](https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WIC-Act/Forms-guidelines), or email [wica@ipart.nsw.gov.au](mailto:wica@ipart.nsw.gov.au?subject=WIC%20Act%20audit%20services%20panel%20application) or phone Director, Water Regulation and Compliance on (02) 9290 8412.

How to complete this application form

|  | Applicant’s responsibilities |
| --- | --- |
|  | It is a criminal offence under section 73D of the WIC Act to provide false or misleading information or documentation in this application.  The applicant must take all reasonable steps to ensure the information provided in the application form is complete, true, and correct.  An officer of the applicant corporation is required to make a declaration to this effect in the application form. Failure to disclose information, or any misrepresentation, may result in a modification or exclusion not being approved.  Substantial fines can apply for corporations and individuals providing false or misleading information to IPART. |

Instructions

1. Provide a response to all required questions.
2. Where an attachment is required, provide the complete file name of the attachment in the appropriate field in this form (include in the file name the number of the question to which the file relates, and the document extension). If included as part of a larger document, please specify the relevant pages in that document in this form.
3. Generally this form will not be published. However, in some circumstances this form may be provided to interested parties or published. Please provide confidential or commercially sensitive information as attachments and clearly label them as ‘Confidential’ in the file name. You should refer to our **Deemed customer contract modification or exclusion application guide** for details on how we treat confidential information.
4. Review the completed application form and supporting documentation to ensure that they are concise, complete, relevant and accurate and sign the Declaration and Acknowledgement for this application.

Meaning of icons in this form

|  |  |
| --- | --- |
|  | Indicates an instruction for completing this form. |
|  | Indicates that you should provide a document or supporting evidence with the application. |
|  | Important information to assist you with completing this form. |

Which questions to answer

1. Figure 1 Overview of questions that need to be answered:

This is a flowchart of questions to be answered. This flowchart can be interpreted as saying:
Provide a response to both Question 5 and 6 if you are applying for both a modification to and exclusion from the deemed customer contract. 
If you are applying for a modification only to the deemed customer contract, answer Question 5, then skip to Question 8.
If you are applying for an exclusion only to the deemed customer contract, then answer Question 6 only, then skip to Question 8.
If you are applying to add a new scheme to an existing modification to and/or exclusion arrangement, then answer Question 7 only and proceed to Question 8.



About the applicant

1. Who are your contacts for this application?

|  |  |
| --- | --- |
|  | Provide details of your primary and secondary contacts. |

|  |  |  |
| --- | --- | --- |
| Contact | Primary contact | Secondary contact |
| Full name |  |  |
| Job title |  |  |
| Contact number |  |  |
| Email address |  |  |

1. Who is applying for a modification to, or exclusion from, the deemed customer contract?

|  |  |
| --- | --- |
|  | Provide information about the applicant. |

|  |  |
| --- | --- |
| Name of registered operator and licence number. |  |
| Name of registered retailer and licence number. |  |

1. To which scheme/s does this application apply?

|  |  |
| --- | --- |
|  | Provide details in the table below. |

|  |  |
| --- | --- |
| What is the name and scheme approval number of the scheme or schemes to which this application applies? |  |

About the application

1. What kind of application is this?

|  |  |
| --- | --- |
|  | Tick the box that applies to the application (more than one box may apply): |

|  |  |
| --- | --- |
| Modification and/or exclusion application for **new** scheme/s |  |
| Modification and/or exclusion application for **existing** transitioning scheme/s |  |
| Add new scheme to **existing modification or exclusion** arrangement |  |

Use the **Deemed customer contract modification or exclusion application guide** when answering the following questions.

#### The following question applies to a modification to the deemed customer contract

|  |  |
| --- | --- |
|  | Provide a response to both **Question 5 and 6** if you are applying for both a **modification to and exclusion from** the deemed customer contract.  If you are applying for a **modification only** to the deemed customer contract, answer **Question 5**, then skip to **Question 8**.  If you are applying for an **exclusion only** to the deemed customer contract, then skip to **Question 6**, then skip to **Question 8**.  If you are applying to add a new scheme to an **existing modification to and/or exclusion arrangement**, then skip to **Question 7**. |

1. About the proposed modification

|  |  |
| --- | --- |
|  | If you are applying for a modification to the deemed customer contract, provide details in the table below. |

|  |  |
| --- | --- |
| What are the reasons for the proposed modification?  Who are the customers affected by the proposed modification and how are they affected?  Describe the type and number of customers and the impact on customers. |  |
| How will the proposed modification address:   * the objects of the WIC Act, and * protect the interests of your customers? |  |

| Deemed Customer Contract  clause | Proposed modification | Reason for change |
| --- | --- | --- |
| **Part 1 What is a customer contract and who is covered by it?** |  |  |
| 1. What is this contract? |  |  |
| 1. Who is covered by this contract? |  |  |
| 1. Can you ask for a change to this contract? |  |  |
| 1. Can you disconnect a service? |  |  |
| **Part 2 How do you read this contract?** |  |  |
| 1. Dictionary |  |  |
| 1. What is scheme infrastructure? |  |  |
| 1. What is your plumbing? |  |  |
| **Part 3 What services are covered and what service quality can you expect?** |  |  |
| 1. What services are covered by this contract? |  |  |
| 1. What basic level of service will be provided? |  |  |
| 1. What quality of drinking water will be provided? |  |  |
| 1. What quality of recycled water will be provided? |  |  |
| 1. What water pressure will be provided? |  |  |
| 1. What obligation does the operator have to minimise sewage overflows? |  |  |
| 1. What arrangements can you ask for if you are a customer with critical health needs? |  |  |
| 1. Are trade waste services covered by this contract? |  |  |
| 1. Are there other service levels? |  |  |
| **Part 4 What might affect services?** |  |  |
| 1. What if there is a sudden or unplanned service interruption? |  |  |
| 1. What is the process for a planned service interruption? |  |  |
| 1. What do you need to know about water restrictions? |  |  |
| **Part 5 What if there is a problem with a service?** |  |  |
| 1. What are the operator’s obligations to fix a problem? |  |  |
| 1. Can you get a rebate if there has been a problem? |  |  |
| 1. What else can you do if there is a problem? |  |  |
| **Part 6 What do you pay?** |  |  |
| 1. What are the standard contract charges? |  |  |
| 1. Where do you find information about standard contract charges? |  |  |
| 1. When can standard contract charges be increased? |  |  |
| 1. What additional charges are there? |  |  |
| 1. Are Government rebates available? |  |  |
| 1. When will you be billed and what information will be in your bill? |  |  |
| 1. What is your responsibility to pay your bill? |  |  |
| 1. What if you are undercharged? |  |  |
| 1. What if you are overcharged? |  |  |
| 1. What happens if your payment is dishonoured or declined? |  |  |
| 1. Can you be charged for an unauthorised connection? |  |  |
| 1. What can you do if you disagree with your bill? |  |  |
| **Part 7 What can you do if you can’t pay your bill?** |  |  |
| 1. What can you do if you are experiencing payment difficulty? |  |  |
| 1. Are late fees or interest payable? |  |  |
| 1. Will you get a reminder notice? |  |  |
| 1. Will you get a warning notice? |  |  |
| **Part 8 When can your service be restricted or disconnected?** |  |  |
| 1. Can a service be restricted or disconnected if you don’t pay your bill? |  |  |
| 1. Can a service be restricted or disconnected if you do something wrong? |  |  |
| 1. How do you get a service restored? |  |  |
| **Part 9 What are your obligations for damage, maintenance and repair?** |  |  |
| 1. What are your obligations? |  |  |
| 1. When do you have to report damage and incidents? |  |  |
| 1. When do you have to get something approved? |  |  |
| **Part 10 Who reads your water meter and what if it isn’t working properly?** |  |  |
| 1. Is your water service metered? |  |  |
| 1. Can someone enter your property to read a meter? |  |  |
| 1. What are your obligations to do with meters? |  |  |
| 1. What happens if you do not provide safe access for meter reading? |  |  |
| 1. When can estimated usage be used instead of meter reading? |  |  |
| 1. Can you ask for your meter to be tested? |  |  |
| **Part 11 When can the operator or retailer enter your property?** |  |  |
| 1. When can the operator or retailer enter your property to carry out work? |  |  |
| 1. When can the operator or retailer require you to remove trees or take other action? |  |  |
| **Part 12 What information must the operator or retailer give you?** |  |  |
| 1. What information must the retailer give you at the start? |  |  |
| 1. When and how will the retailer give you updated information? |  |  |
| 1. How must the operator or retailer notify you under the contract? |  |  |
| **Part 13 What information must you give the operator or retailer?** |  |  |
| 1. What contact information must you give the retailer? |  |  |
| 1. What information about your plumbing must you give the retailer? |  |  |
| 1. If you have tenants, what information must you give the retailer? |  |  |
| 1. What obligation do you have to give accurate information? |  |  |
| 1. How can the operator and retailer use your information? |  |  |
| 1. How must you notify the operator or retailer under the contract? |  |  |
| **Part 14 What else do you need to know?** |  |  |
| 1. What if the operator or retailer changes? |  |  |
| 1. What if the operator or retailer can no longer provide the services? |  |  |
| 1. How do you ask the operator or retailer to review a decision? |  |  |
| 1. Energy and Water Ombudsman NSW can help you resolve a dispute |  |  |
| **Part 15 Dictionary** |  |  |
| Additional clause |  |  |
| Additional clause |  |  |
| Additional clause |  |  |
| Additional clause |  |  |
| Additional clause |  |  |
| Additional clause |  |  |
| Additional clause |  |  |

|  |  |
| --- | --- |
|  | Attach the following information: |

|  |  |
| --- | --- |
| If the deemed customer contract is to be modified, a copy of the proposed modified customer contract with any modifications in highlighted text. | Insert complete file name of attachment(s). |

#### The following question applies to an exclusion from the deemed customer contract

|  |  |
| --- | --- |
|  | Provide a response to both **Question 5 and 6** if you are applying for both a **modification to and exclusion from** the deemed customer contract.  If you are applying for a **modification only** to the deemed customer contract, go back to **Question 5**, then skip to **Question 8**.  If you are applying for an **exclusion only** to the deemed customer contract, then answer **Question 6**, then skip to **Question 8**.  If you are applying to add a new scheme to an **existing modification to and/or exclusion arrangement**, then skip to **Question 7**. |

1. About the proposed exclusion

|  |  |
| --- | --- |
|  | If you are applying for an exclusion from the deemed customer contract, provide details in the table below. |

|  |  |  |
| --- | --- | --- |
| What are the start and end dates of the proposed exclusion period? | Insert exclusion period start date/s | Insert exclusion period start date/s |
| What are the reasons for the proposed exclusion? |  | |
| How will the proposed exclusion address:   * the objects of the WIC Act, and * protect the interests of your customers? |  | |

|  |  |
| --- | --- |
|  | Attach the following information: |

|  |  |
| --- | --- |
| If applying for an exclusion to the deemed customer contract, attach a copy of the customer contract that will apply during the proposed period of exclusion. | Insert complete file name of attachment(s). |

1. Add a scheme to an existing modification or exclusion

|  |  |
| --- | --- |
|  | If you are applying to add a new scheme to an **existing modification to and/or exclusion arrangement**, provide details in the table below. |

|  |  |
| --- | --- |
| What are the names and scheme approval numbers of the scheme or schemes to which the existing modification to and/or exclusion from the deemed customer contract apply? |  |
| What are the reasons for adding the scheme to the existing modification and/or exclusion? |  |
| For the scheme to which this application is for, how will the proposed modification and/or exclusion address:   * the objects of the WIC Act, and * protect the interests of your customers? |  |

1. What other information supports your application?

|  |  |
| --- | --- |
|  | Provide information as specified in the table |

|  |  |
| --- | --- |
| Outline any further information in support of this application. |  |

|  |  |
| --- | --- |
|  | Attach the following information: |

|  |  |
| --- | --- |
| Attach the additional supporting information. | Insert complete file name of attachment(s). |

Declaration and Acknowledgement

1. Sign the Declaration and Acknowledgement for this application

|  |  |
| --- | --- |
|  | All applicants must complete, sign and submit the following declaration and acknowledgement with their application. |
|  | This application form contains a separate signature block for the registered operator and registered retailer making this joint application. |

|  |
| --- |
| The declaration must be signed in accordance with section 127 of the *Corporations Act 2001* (Cth). |
| Provide a declaration and acknowledgement from either, for each of the applicant corporations:   * + a Company Secretary and a Director, or   + two directors, or   + only if the corporation has a sole Director and no separate Company Secretary, the sole Director. |

**I hereby declare that:**

1. For the Registered Operator, I am a Choose an item. (first Signatory, named in this application form).
2. For the Registered Operator, I am a Choose an item. (second Signatory, named in this application form).
3. For the Registered Retailer, I am a Choose an item. (first Signatory, named in this application form).
4. For the Registered Retailer, I am a Choose an item. (second Signatory, named in this application form).
5. The information provided in this application is true and correct to the best of my knowledge.
6. I am aware of the requirements under the *Water Industry Competition Act 2006* (NSW) (WIC Act) for the approval being applied for.
7. In accordance with section 12(3) of the WIC Act, Copyright material provided in connection to this application is authorised for use by the State of NSW, by the giving of a licence or warranty or otherwise, free of charge for the purposes of this Act, including the publication of a notice.
8. I have the authority to make this application on behalf of the applicant corporation (named in this application form).
9. I understand that it is a criminal offence under section 73D of the WIC Act to give to IPART or the Minister, whether orally or in writing, information or a document that the person knows to be false or misleading in a material particular, unless the person informs the person or body of that fact.

|  |
| --- |
| First Signatory – Registered Operator: |

|  |  |
| --- | --- |
|  | Sign the application form in accordance with the requirements on pages 1 and 2. Ensure that all questions have been completed before signing the form. Signing here is your last requirement. |
|  | You may sign this form electronically (either in Microsoft Word or in Adobe PDF) or on a paper copy. If signing a paper copy, please scan the signed form to Adobe PDF before submitting. |

|  |  |  |  |
| --- | --- | --- | --- |
| Details | Signatory | Signatory | |
| Full name |  |  | |
| Position/title |  |  | |
| Date of signing |  | |  |
| Place of signing |  | |  |

|  |  |  |
| --- | --- | --- |
|  | Signed on behalf of the applicant | Signed on behalf of the applicant |
| Sign here |  |  |

|  |
| --- |
| Second Signatory – Registered Retailer: |

|  |  |
| --- | --- |
|  | Sign the application form in accordance with the requirements on pages 1 and 2. Ensure that all questions have been completed before signing the form. Signing here is your last requirement. |
|  | You may sign this form electronically (either in Microsoft Word or in Adobe PDF) or on a paper copy. If signing a paper copy, please scan the signed form to Adobe PDF before submitting. |

|  |  |  |  |
| --- | --- | --- | --- |
| Details | Signatory | Signatory | |
| Full name |  |  | |
| Position/title |  |  | |
| Date of signing |  | |  |
| Place of signing |  | |  |

|  |  |  |
| --- | --- | --- |
|  | Signed on behalf of the applicant | Signed on behalf of the applicant |
| Sign here |  |  |