Insert scheme name here

Contingency Plan [template]

Click here to enter a date.

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| Version number: Insert version number |  |

Contents

[1 Overview of the scheme 1](#_Toc182514730)

[1.1 Plan preparation details 1](#_Toc182514731)

[1.2 Relevant parties to the plan 1](#_Toc182514732)

[1.3 Scheme overview 1](#_Toc182514733)

[1.4 Process flow diagram. 2](#_Toc182514734)

[2 Actions and responsibilities under this plan 4](#_Toc182514735)

[2.1 Actions and responsibilities of the essential service provider 4](#_Toc182514736)

[2.2 Actions and responsibilities of the LRP 5](#_Toc182514737)

[2.3 Actions and responsibilities of an insolvency official 5](#_Toc182514738)

[2.4 Actions and responsibilities of the nominated provider 6](#_Toc182514739)

[3 Directory of Information and Systems 7](#_Toc182514740)

[3.1 Operational systems 7](#_Toc182514741)

[3.2 Software and systems licences 8](#_Toc182514742)

[3.3 Critical accounts, agreements and insurance 9](#_Toc182514743)

[3.4 Staff Arrangements and Organisational Chart 9](#_Toc182514744)

[3.5 Customer information 10](#_Toc182514745)

[4 Process for notifying IPART and others 13](#_Toc182514746)

[4.1 Informing customers 13](#_Toc182514747)

[4.2 Informing IPART and the Ombudsman 13](#_Toc182514748)

[5 Alternative options for providing essential services 15](#_Toc182514749)

# Overview of the scheme

This plan is required under section 37 of the *Water Industry Competition (General) Regulation 2024* (WIC Regulation).

## Plan preparation details

|  |  |
| --- | --- |
| This plan has been prepared by the nominated provider: | [insert name] |
| On: | [insert date] |
| The plan has been [prepared / tested] with the assistance of the technical expert: | [insert name] |
|  | [insert date] |

## Relevant parties to the plan

|  |  |
| --- | --- |
| The designated Last Resort Provider is: | [insert name] |
| The essential service provider/s [is/are]: | [insert name of registered operator for the scheme] |
|  | [insert name/s of registered retailer for the scheme] |

## Scheme overview

[Insert the scheme overview here]

The following is an overview of the scheme:

| Item | Description |
| --- | --- |
| Name of scheme covered by the Contingency Plan |  |
| Name of scheme registered operator |  |
| * Appointed primary contact and contact details of registered operator |  |
| * Appointed secondary contact and contact details of registered operator |  |
| Name of scheme registered retailer |  |
| * Appointed primary contact and contact details of registered retailer |  |
| * Appointed secondary contact and contact details of registered retailer |  |
| Name of the owner of the essential infrastructure |  |
| * Appointed primary contact and contact details of the owner of the essential infrastructure |  |
| * Appointed secondary contact and contact details of the owner of the essential infrastructure |  |
| Name of designated Last Resort Provider for the scheme |  |
| * Appointed primary contact and contact details of designated Last Resort Provider for the scheme |  |
| * Appointed secondary contact and contact details of designated Last Resort Provider for the scheme |  |
| Scheme Approval and Operational Approval numbers that relate to the scheme |  |
| Webpage address to relevant Scheme Approval and Operational Approvals |  |
| A description of the essential services being provided (e.g. drinking water, recycled water, non-potable water, sewerage services) |  |
| A description of the essential infrastructure required to maintain the essential services, and any other infrastructure operated by third parties to which the services are connected required to maintain services to customers, if there is a declared failure. |  |
| The scale of the infrastructure - [insert the design capacity of the infrastructure from the Scheme Approval for the scheme] |  |
| A description of the customers receiving the essential services, for example:   * identification and description of the various customer categories/types (e.g. residential, commercial, industrial, bulk) * whether customers with critical health needs have been identified * number of connections/scale of customer base * geographic location of customers. |  |
| Other relevant information |  |

The scheme’s annual average supply and/or service volumes are available in IPART’s annual report on the private water industry available on [IPART’s website](https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WIC-Act/Audit-Guidelines-Technical-Services-Audit-Panel).

## Process flow diagram.

The following is a process flow diagram illustrating the scheme’s operations and connections with other water infrastructure:

[Insert flow diagram here or attach as an appendix]

# Actions and responsibilities under this plan

The following actions must be taken under this plan.

## Actions and responsibilities of the failed licensee

During a declared failure, the failed licensee has obligations under the WIC Act and must—

(a) facilitate the provision of the essential service by the last resort provider, and

(b) take action as required by the approved contingency plan or the regulations, and

(c) comply with reasonable directions given by the last resort provider in providing the essential service.

The failed licensee/s is the essential services provider/s specified in the Minister’s order declaring the failure and named in this plan.

| This contingency plan requires the failed licensee to: |
| --- |
| * make officers of the corporation nominated as the primary or secondary contacts for the purposes of this plan available to assist the LRP. |
| * ensure the primary and secondary contacts are suitably authorised to undertake the actions in this plan. |
| * provide all necessary access and assistance to the LRP to access information and systems necessary for the provision of the essential service by the last resort provider, including but not limited to databases, software systems, critical contracts, accounts and insurances, procedures and plans as detailed in sections 3.1, 3.2, 3.3 and 3.4 of this plan. |
| * facilitate all necessary assistance from personnel for the purposes of providing the essential service. |
| * implement arrangements with its personnel as detailed in section 3.4 of this plan. |
| * enable the LRP to access customer information, including personal information under the [*Privacy and Personal Information Protection Act 1998*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-133) and health information under the [*Health Records and Information Privacy Act 2002*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071), in connection with the provision of the essential service |

| At all times prior to a declared failure, this contingency plan requires an essential service provider to: |
| --- |
| * have nominated and authorised current primary and secondary contacts by identifying them in this contingency plan. |
| * have made arrangements with its personnel as detailed in section 3.4 of this plan. |
| * have established and maintain any privacy policies and practices necessary to lawfully enable customer information, including personal information under the [*Privacy and Personal Information Protection Act 1998*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-133) and health information under the [*Health Records and Information Privacy Act 2002*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071) in connection with the provision of the essential services of the scheme, to be provided to the LRP in a last resort event. |

## Actions and responsibilities of the LRP

Under the WIC Act, the last resort provider must, for the duration of a declared failure, provide the essential service and, for that purpose, may have access to infrastructure and customer data systems and other property as reasonably required.

During a declared failure, the failed licensee has obligations under the WIC Act and must take action as required by the approved contingency plan or the regulations.

| This contingency plan requires the LRP to: |
| --- |
| * Operate the scheme’s infrastructure to provide the essential services, unless: |
| * + circumstances would prevent this from being possible in the immediate or longer term and an alternative option is in the interests of the scheme’s customers. |
| * + IPART has been consulted before implementing an alternative option of providing the essential services as detailed in section 5 of this contingency plan. |
| * + the alternative option is provided in accordance with any requirements notified by IPART in writing. |
| * Make arrangements for the ongoing payment of staff of the essential service provider/s if those staff are critical to providing assistance to the LRP for the purposes of providing the essential services and no other arrangements to retain the critical staff have been made. |
| * Comply with procedures identified in this contingency plan for notifying the ombudsman appointed under an approved ombudsman scheme and IPART when the information, including customer information, has been transferred to the last resort provider |
| * Comply with requirements identified in this contingency plan for giving written updates to IPART on the implementation of the contingency plan, including the content and timing of the updates. |
| * Provide the information identified in this contingency plan to be given to a customer with the bill first required to be sent to the customer after the declared failure. |

## Actions and responsibilities of an insolvency official

Under the WIC Act, an insolvency official who has been appointed for an essential service provider or owner of the essential infrastructure, or the whole or part of the property of the essential service provider or owner, must:

* Take all reasonable steps to facilitate compliance with the conditions of the operational approval and continuity of the provision of the essential services by the LRP
* facilitate the provision of the essential services by the LRP,
* take action as required under this plan, or the regulations,
* comply with reasonable directions given by the LRP, and
* comply with any direction given by the Minister designed to ensure compliance with the insolvency officials’ obligations outlined above.

| This contingency plan requires the insolvency official to: |
| --- |
| * facilitate the provision or provide all necessary access and assistance to the LRP to access information and systems necessary for the provision of the essential service by the last resort provider, including but not limited to databases, software systems, critical contracts, accounts and insurances, procedures and plans as detailed in sections 3.1, 3.2, 3.3 and 3.4 of this plan. |
| * facilitate the provision or provide the LRP with access to customer information, including personal information under the [*Privacy and Personal Information Protection Act 1998*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-133) and health information under the [*Health Records and Information Privacy Act 2002*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071), in connection with the provision of the essential service. |
| * assist in the making of arrangements for the ongoing payment of critical staff of the essential service provider and retain staff critical to providing all necessary assistance to the LRP for the purposes of providing the essential service, if possible. |

## Actions and responsibilities of the nominated provider

| In addition to the above, the nominated provider of this plan (i.e. the essential service provider or the LRP, whichever is nominated) must: |
| --- |
| * Internally review the plan annually to ensure it is kept up to date. |
| * Resubmit the plan to IPART for approval. if the plan is modified in a material manner. |

# Directory of Information and Systems

|  | For a retailer only contingency plan |
| --- | --- |
|  | The operational and maintenance manual will generally not be included if preparing a retailer only contingency plan. Once plan is prepared delete this box. |

This section is a detailed directory of the information, systems, contracts, procedures, and plans necessary for the Last Resort Provider (LRP) to maintain the essential services.

|  | Required action |
| --- | --- |
|  | Once the Minister declares a failure of the essential service provider/s, the essential service provider/s or the insolvency official (if one is appointed) must provide all necessary access and assistance to the LRP to access and use the information, systems, contracts, procedures and plans as detailed in, but not limited to sections 3.1, 3.2, 3.3 and 3.4 of this contingency plan for the purposes of providing the essential service if the Minister declares a failure of the essential service provider. |

## Operational systems

The following table includes lists of documents, systems and data that will be made accessible to continue scheme operations and provides guidance on how these resources can be accessed.

| Section | Document Number | Description | Access arrangements  Digital location | Access arrangements Hardcopy location |
| --- | --- | --- | --- | --- |
| Operations and Maintenance Manual |  |  |  |  |
| Standard Operating Procedures (SOPs) |  |  |  |  |
| Unit Process Control Procedures (UPCs) |  |  |  |  |
| Sampling plan |  |  |  |  |
| Data management / Database connected to the sampling plan |  |  |  |  |
| Operator Data Sheets or Daily Round Sheets. |  |  |  |  |
| Water Quality Management System and/or the Sewage Management Plan or System, as applicable |  |  |  |  |
| Infrastructure Operating Plan or Asset management Plan or System |  |  |  |  |
| Computerized Maintenance Management System (CMMS) |  |  |  |  |
| Condition assessment and asset registry that includes the latest condition assessments and asset risk assessments |  |  |  |  |
| Asset Renewal/Replacement Plan |  |  |  |  |
| Repair and Replacement Plan (R&R Plan) |  |  |  |  |
| Spare parts inventory |  |  |  |  |
| Safety and Security Plan or equivalent) |  |  |  |  |
| PIRMP - pollution incident response (management plan) or equivalent. |  |  |  |  |
| Process Control Strategy |  |  |  |  |
| Piping and Instrumentation Diagrams |  |  |  |  |
| Delineation of scheme responsibilities |  |  |  |  |
| Emergency Response Plans |  |  |  |  |
| ISO 9001 compliance documents |  |  |  |  |
| Enterprise risk management (ERM) frameworks, risk assessments, business impact assessments (BIA), or contingency plans for specific critical assets |  |  |  |  |
| Diagrams |  |  |  |  |
| Other relevant information |  |  |  |  |

## Software and systems licences

This section includes how to find and access information systems, SCADA systems, contact software providers, and in the case of proprietary systems, how to access the information in these systems.

| System | Access arrangements  Digital location | Access arrangements  Hardcopy documentation |
| --- | --- | --- |
| SCADA |  |  |
| GIS |  |  |
| Water Quality Management System and/or the Sewage Management Plan or System, as applicable |  |  |
| Infrastructure Operating Plan or Asset Management Plan or System |  |  |
| Sampling Plan |  |  |
| Computerized Maintenance Management System |  |  |
| Other software/data systems |  |  |

## Critical accounts, agreements and insurance

This section directs the LRP to accounts, agreements, and insurance critical to maintaining the operation of the essential assets and provision of the essential services.

* Supplier accounts, that is accounts that are critical to the continuation of services. Examples include electricity, water, waste, maintenance, and other critical service providers.
* Contracts or agreements with third parties that are operationally critical, for example asset liens, bulk supply agreements or any other agreements that may impact the continuation of essential services.
* Easements or other arrangements concerning access to the land on which the infrastructure is located.
* Insurance details.

1. Table 1 Information

| Item | Description and where/how to locate and access |
| --- | --- |
| Electricity |  |
| Waste |  |
| Maintenance |  |
| Other critical supplier accounts |  |
| Other critical contracts or agreements |  |
| Insurances |  |

## Staff Arrangements and Organisational Chart

This section includes arrangements under which the staff of the essential service provider may assist the LRP in providing services and how to contact staff.[[1]](#footnote-2)

| Item | Description and where/how to locate and access |
| --- | --- |
| Arrangements in place under which the staff of the essential service provider may assist the LRP |  |
| Internal organisation chart of the essential service provider |  |
| Staff contact details |  |
| Staff skills and qualifications |  |
| Contractor/subcontractor details. |  |
| Other relevant information |  |

## Customer information

|  | For an operator only contingency plan |
| --- | --- |
|  | Customer related information will generally not be included if preparing an operator only contingency plan.[[2]](#footnote-3) Delete this box if not needed. |

This section includes information on how to access the information needed, and actions the LRP must take, to ensure minimal interruption to services and inform customers of their rights and obligations.

|  | Required action |
| --- | --- |
|  | The essential service provider/s or insolvency official (if one is appointed) must ensure that the LRP can access customer information in the event of the Minister declaring a failure. This requires the essential service provider/s to establish and maintain privacy policies and practices necessary to lawfully enable customer information, including personal information under the [*Privacy and Personal Information Protection Act 1998*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-133) and health information under the [*Health Records and Information Privacy Act 2002*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071) in connection with the provision of the essential services of the scheme, to be transferred to the LRP in a last resort.[[3]](#footnote-4) |

| Item | Description and Where/how to locate and access |
| --- | --- |
| Customer database systems and records. Data must include:   * Billing addresses and customer contact details * Information about customers, or persons living at the customer’s property with critical health needs * Information about customers with payment difficulties or special payment arrangements and other special needs such as family violence or security related privacy requirements. |  |
| Other relevant information which may include the following billing details for each customer:   * address of serviced properties * service property types * meter size, type, number, and location * services provided * payment/automatic payment details * tariffs and special charges * rebates, allowances and pension concession details * account balance and usage. * if the customer operates critical infrastructure, for example; a hospital requiring a minimum daily volume of water, or a community hall used for emergency retreat; and how these customers will be prioritised in the event of a failure. |  |

### Customer Information Transfer

|  | Required action |
| --- | --- |
|  | Once the Minister declares a failure, the essential service provider/s or insolvency official (if one is appointed) must provide all necessary access and assistance to transfer the customers of the scheme to the LRP by the transfer date specified by the Minister in the declaration, such that customers can continue to receive and be billed for the essential services. |

The failed licensee/s or insolvency official (if one is appointed) are required to facilitate the transfer of customer information to the LRP to ensure minimal interruption to services.[[4]](#footnote-5) The contingency plan must identify whether customers are to be transferred to the LRP’s customer billing system or the LRP can operate the customer billing system of the essential service provider/s during the last resort event.

| Item | Description and where/how to locate and access |
| --- | --- |
| Detailed steps on how the LRP will gain access and/or receive customer data |  |
| Other relevant information |  |

# Process for notifying IPART and others

## Informing customers

|  | Required action |
| --- | --- |
|  | The LRP must give information to customers with the bill first required to be sent to the customer after the declared failure. |

This section describes and directs the LRP to the information required to be sent to customers. The information to customers includes:

| Item | Description |
| --- | --- |
| Details of the declared failure, |  |
| The role of the last resort provider | “A Last Resort Provider (LRP) has been appointed for your scheme. The role of the LRP is to continue operation of the scheme and continue to provide your services, until a long-term provider is found or the Minister is satisfied the failure is or is about to be resolved. Any concerns regarding this notice can be directed to [the LRP].” |
| Contact details of the last resort provider |  |
| Contact details of the approved ombudsman scheme (i.e. EWON) | The [Energy & Water Ombudsman NSW (EWON)](https://www.ewon.com.au/) is the government approved dispute resolution scheme for New South Wales electricity and gas customers, and some water customers.  <https://www.ewon.com.au/>  Ph: 1800 246 545 |
| The last resort contract conditions | If the existing contract of the essential service provider is to apply – provide details of whether the deemed customer contract or a modified contract applies, or if the deemed contract is excluded, the contract conditions that apply.  If the standard contract of the LRP (who is a public water utility) is to apply instead - identify the standard contract conditions which are to apply here. |
| How customers can obtain a copy of the last resort contract conditions. | Include a website link |
| The last resort contract charges (i.e. standard contract charges of the essential service provider and any transfer fee determined by the Minister) |  |
| Other relevant information |  |

## Informing IPART and the Ombudsman

|  | Required action |
| --- | --- |
|  | The LRP must provide updates to the Ombudsman (i.e EWON) and IPART. |

This section includes procedures for providing updates to the Ombudsman and IPART.

|  |  |
| --- | --- |
| Contact | Contact details |
| IPART | Email: <compliance@ipart.nsw.gov.au>,  or  Christine Allen, Director Regulation and Compliance  ph: 92908412 |
| EWON | Contact details: <https://www.ewon.com.au/> |

1. Table 2 Information

|  |  |
| --- | --- |
| Item | Procedure |
| Procedures for notifying IPART and EWON when the information, including customer information, has been transferred to LRP | Inform IPART and EWON within 24 hours of when the transfer is complete. |
| Procedures for notifying IPART on the implementation of the contingency plan, including the content and timing of the updates. | Provide a written monthly update to IPART. The update must include details of any problems on an exception basis, including problems:   * accessing information and systems * operating infrastructure or maintaining the essential services, and * obtaining access to skilled personnel to operate the infrastructure or maintain the essential services. |
| Processes incident reporting to IPART | Detail any processes for the LRP to notify IPART compliance related incidents to IPART and/or NSW Health during the last resort event, |
| Processes for notifying other regulatory agencies, if relevant | Detail any other processes for the LRP to notify other regulatory agencies during the last resort event, such as the EPA, NSW Health or local council/s, including when, how and what information is to be notified. |
| Other relevant information |  |

# Alternative options for providing essential services

Below are viable alternative options for providing the essential services other than operating the essential infrastructure where operation of the essential infrastructure is not possible in the immediate or longer-term.

**IPART must be consulted before implementing any alternative options**, that is, actions other than operating the scheme’s essential infrastructure to provide the essential services.

[Access may be provided through the primary or secondary contact or backup hardcopies or other means that adequately protects intellectual property and security of the scheme. The plan needs to set out the access arrangements at a sufficient level of detail that a technical expert can test the plan and an LRP can locate and use the detailed information in a last resort event.]

1. Table 3 Information

|  |  |  |
| --- | --- | --- |
| Name of alternative action | Description of alternative action | Where to access documentation |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

1. WIC Reg, section 39(2)(c). [↑](#footnote-ref-2)
2. Where the registered operator and retailer are not the same entity, section 8H(1)(h)(ii) of the WIC Act requires the operator and retailer to have an agreement specifying respective responsibilities, including who will notify customers. Depending on the responsibilities that lie with the operator, the contingency plan for the operator may still need a customer information section. [↑](#footnote-ref-3)
3. [WIC Act, section 56B(3)(a)](https://legislation.nsw.gov.au/view/html/inforce/current/act-2006-104#sec.56B). [↑](#footnote-ref-4)
4. WIC Reg, section 39(2)(b). [↑](#footnote-ref-5)