



New South Wales

Water Industry Competition Act (NSW) 2006

Section 10

Notice of Decision - Application for a network operator's licence by Flow Systems Operations Pty Ltd

I, The Hon. Donald Harwin MLC, Minister for Energy and Utilities, have decided to grant Flow Systems Operations Pty Ltd (**Applicant**'s (ACN 603 106 305) application (**Application**) for a network operator's licence under section 10(1) of the *Water Industry Competition Act 2006* (NSW) (**Act**) subject to the conditions set out in the licence (licence number 17_042), the Act and the *Water Industry Competition (General) Regulation 2008* (NSW). The reasons for my decision are set out below.

I have considered the Independent Pricing and Regulatory Tribunal (**IPART**)'s advice and recommendations in its report to me on the Application. I attach IPART's report (**Attachment A**). I have also considered further advice provide by my Department.

Based on my consideration of IPART's report and my Department's advice:

- a) I am satisfied that the Applicant is not a disqualified corporation for the purposes of section 10(3)(a) of the Act;
- b) I am satisfied that the Applicant is not a corporation that is a related entity (within the meaning of the *Corporations Act 2001* (Cth)) of a disqualified corporation that would have a direct or indirect interest in, or influence on, the carrying out of the activities that the licence would authorise if granted, for the purposes of section 10(3)(b) of the Act; and
- c) I am satisfied as to each of the criteria set out in section 10(4) of the Act.

I have also had regard to the licensing principles set out in section 7 of the Act in considering whether or not to grant the licence and what conditions should be imposed on any such licence granted.

I attach the licence (**Attachment B**).

A handwritten signature in black ink, appearing to read 'D Harwin'.

The Hon. Donald Harwin, MLC
Minister for Energy and Utilities

Dated this *13th* day of *October* 20*17*