



New South Wales

Water Industry Competition Act 2006 (NSW)

Section 10

**Notice of Decision -
Application for a Variation of Retail Supplier's
Licence No. 09_004R**

I, The Hon. Donald Harwin MLC, Minister for Energy and Utilities, have decided to grant Aquacell Pty Ltd (**Applicant**)'s (ACN 072 487 015) application (**Application**) to vary retail supplier's licence number 09_004R (**Licence**) under section 10(1) of the *Water Industry Competition Act 2006* (NSW) (**Act**). The reasons for my decision are set out below.

I have considered and accepted 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**).

Based on my consideration and acceptance of IPART's report:

- (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, if varied in accordance with the Application, would authorise, 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 variation and what conditions should be imposed on the Licence.

I attach the Licence, as varied (**Attachment B**).

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

Dated this **31st** day of **January** 2018