*Water Industry Competition Act 2006*

Operational Approval Application form

About this document

Use this form to apply for, or vary an existing, operational approval under the *Water Industry Competition Act 2006* (WIC Act). You must attach all supporting documentation as indicated in this form.

Please read the [**Operational Approval Application Guide**](https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WICA/Forms-guidelines/WIC-Act-Licence-Application-Guidance-August%202021) prior to filling in this application form. If you need further help in preparing your application, visit the IPART website, or email wica@ipart.nsw.gov.au or phone (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.The applicant (if a person), or 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 an approval not being granted or an approval later being revoked.Substantial fines can apply for corporations and individuals providing false or misleading information to IPART or the Minister. |

Instructions

1. Provide a response to all required questions.
2. Where an attachment is required, provide the complete file name for the attachment in the file name 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. Confidential or commercially sensitive information should be provided as attachments and clearly labelled as ‘Confidential’ in the file name. You should refer to our **Operational Approval 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.

Meaning of icons in this form

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

About the applicant and application

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 an operational approval or variation to an operational approval?

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

|  |  |
| --- | --- |
| If the applicant is a person, the applicant’s name. |  |

|  |  |
| --- | --- |
|  | If the applicant is a corporation, provide information about the applicant corporation. |

|  |  |
| --- | --- |
| Corporation name |  |
| Australian Business Number (ABN) *{not required if providing Australian Company Number (ACN)}* |  |
| ACN *(not required if providing ABN)* |  |
| Address of registered office |  |
| Address of principal place of business |  |

|  |  |
| --- | --- |
|  | If the applicant is a council, provide the council name. |

|  |  |
| --- | --- |
| Council name |  |

1. Is the applicant the registered operator of the scheme?

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

|  |  |  |
| --- | --- | --- |
| Is the applicant the registered operator of the scheme? | [ ]  Yes | [ ]  No |
| If the applicant is not the registered operator for the scheme, has the applicant entered into an agreement with the registered operator for the operation of the scheme infrastructure? | [ ]  Yes | [ ]  No |

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

|  |  |
| --- | --- |
| If the applicant is not the registered operator for the scheme and has entered into an agreement with the registered operator, attach the agreement. | Insert complete file name of attachment(s). |

1. Is the applicant the proposed registered retailer or a council?

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

|  |  |  |
| --- | --- | --- |
| Is the applicant a council? | [ ]  Yes | [ ]  No |
| Does the applicant hold a retailer licence under the WIC Act? | [ ]  Yes | [ ]  No |
| If the applicant is not a council, or does not hold a retailer licence, has the applicant entered into an agreement with a public water utility or an appropriately authorised licensed retailer for the sale of the water or sewerage services provided by the infrastructure? | [ ]  Yes | [ ]  No |
| If the applicant has entered into an agreement for the sale of the water or sewerage services provided by the infrastructure, attach the agreement. | Insert complete file name of attachment(s). |

1. Do any of the following apply to the proposed retailer?

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

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| --- | --- | --- |
| Is any disciplinary action against the proposed retailer pending, or as a result of disciplinary action against the proposed retailer, the proposed retailer is prohibited from being registered as the registered retailer under a further scheme approval? | [ ]  Yes | [ ]  No |
| Is the proposed retailer or a related corporation of the proposed retailer the alleged defaulter in a statutory default, within the meaning of Division 6 of the WIC Act, that has occurred within 2 years before the determination is made? | [ ]  Yes | [ ]  No |
| If you answered ‘Yes’ to any of the above, please provide details (provide filename if you are attaching documents): |  |

1. What type of application is this?

|  |  |
| --- | --- |
|  | Tick the box that applies to this application: |

|  |  |
| --- | --- |
| Application for a new operational approval | [ ]  |
| Variation of an existing operational approval | [ ]  |

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| --- | --- |
|  | If the application is for a variation to an existing operational approval, identify the operational approval and describe the nature of the proposed variation to the operational approval. |

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| Identify the operational approval that this application is seeking to vary.  |  |
| Describe the nature and purpose of the proposed variation to the existing operational approval. |  |

About the scheme

1. What is the name of the scheme and scheme approval number?

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

|  |  |
| --- | --- |
| Scheme name |  |
| Scheme Approval number  |  |

1. What industry infrastructure are you applying to operate?

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

|  |  |
| --- | --- |
| What industry infrastructure are you applying to operate? |  |
| Describe the purpose of the infrastructure you are applying to operate. |  |

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

|  |  |
| --- | --- |
| Attach a map, plan, or diagram of the infrastructure you are applying to operate.  | Insert complete file name of attachment(s). |

1. What stage/s does this application relate to?

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

|  |  |  |
| --- | --- | --- |
| Is the scheme being constructed in stages? | [ ]  Yes | [ ]  No |
| If the scheme is being constructed in stages, which stage or stages does this approval relate to? |  |
| Describe the purpose of this stage. |  |

1. Is the scheme or new infrastructure ready to commence operations?

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

|  |  |
| --- | --- |
| Attach relevant application audit report/s or otherwise demonstrate that the scheme or new infrastructure is ready to commence operations and can satisfy the requirements in section 7D(1)(a)-(d) of the WIC Act. | 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 applicants who are applying as a person, corporation or council. You must sign the appropriate declaration relevant to your application and may disregard the other signature blocks. |

|  |
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| The applicant must be aware that: * If the applicant is a corporation constituted under the *Corporations Act 2001 (Cth)*, the declaration is signed in accordance with section 127 of that Act
* If the applicant is a council, the signing of the declaration must be witnessed by an adult with capacity.
 |
| Provide a declaration and acknowledgement from:* In the case of a person, the applicant
* In the case of a corporation:
* a Company Secretary and a Director, or
* two directors
* In the case of a sole Director, the sole Director
* In the case of a council, the Public Officer, Chief Executive Officer or General Manager, or
* Such other person that IPART agrees may provide the declaration and acknowledgement.
 |

**I hereby declare that:**

1. I am a Choose an item. (named in this application form).
2. The information provided in this application is true and correct to the best of my knowledge.
3. I am aware of the requirements under the *Water Industry Competition Act 2006* (NSW) (WIC Act) for the approval being applied for.
4. 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.
5. If the applicant is a corporation or council, I have the authority to make this application on behalf of the applicant (named in this application form).
6. I am aware of the effect of Part 7, Division 1, section 73D of the WIC Act. I note that section 73D requires a person must not, for the purposes of this Act, 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.

**I hereby acknowledge that:**

1. IPART will give a copy of the applicant’s completed application form, excluding any confidential information contained in that application form, to the:
* Department responsible to the Minister administering the *Water Industry Competition Act 2006* (NSW) (except Part 3)
* Department responsible to the Minister administering the *Public Health Act 2010* (NSW)
* If the applicant for a variation is not the registered operator of the scheme, the registered operator.

in accordance with sections 7A(1) and 7K(4) of the *Water Industry Competition Act 2006* (NSW) (WIC Act).

In the interest of streamlining the processing of your application, indicate below whether or not you agree to confidential information in your application being provided, to the extent necessary to assess your application and on a confidential basis, to a government Department or Authority (as listed above). We may not be able to properly assess your application if you do not allow us to provide confidential information to the relevant agencies.

|  |
| --- |
|[ ]  **I agree** that a copy of my completed application form (including any confidential information contained in that application form) may be provided to a government Department or Authority listed in section 7A(1) of the WIC Act. |
|[ ]  **I do not agree** that a copy of my completed application form (including any confidential information contained in that application form) may be provided to a government Department or Authority listed in section 7A(1) of the WIC Act. |

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| If the applicant is a person: |

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| --- | --- |
|  | Provide details in the table below and sign the application form in the presence of a witness. 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 | Witness |
| Full name |  |  |
| Date of signing |  |
| Place of signing |  |

|  |  |  |
| --- | --- | --- |
|  | Signed by the applicant: | In the presence of a witness: |
| Sign here |  |  |

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| If the applicant is a corporation: |
|  | Sign the application form in accordance with the requirements on page 6. 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 |  |  |

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| If the applicant is a council: |
|  | Provide details in the table below and sign the application form in the presence of a witness. 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 | Witness |
| Full name |  |  |
| Position/title  |  |  |
| Date of signing |  |
| Place of signing |  |

|  |  |  |
| --- | --- | --- |
|  | Signed by the applicant: | In the presence of a witness: |
| Sign here |  |  |