*Water Industry Competition Act 2006*

Operator and Retailer licence application

About this document

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

Please read the [**Licence 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](https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WIC-Act/Forms-guidelines), 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 documents 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 misrepresent any matter may result in a licence not being issued or a licence later being revoked.Substantial fines can apply for corporations and individuals providing false or misleading information to IPART or the Minister. |

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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. This form will become a public document. Confidential or commercially sensitive information should be provided as attachments and clearly labelled as ‘Confidential’ in the file name. You should refer to our **Licence Application Guide** for details on how we treat confidential information.
4. Review the completed application form and supporting documents 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 this form. |
|  | Important information to assist you with completing this form. |

Which questions to answer

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



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 |  |  |

|  |  |
| --- | --- |
|  | Provide contact details for an authorised representative to clarify financial information provided in the application. |

|  |  |
| --- | --- |
| Contact | Authorised representative |
| Full name |  |
| Job title/ Relationship with applicant |  |
| Firm name (if applicable) |  |
| Contact number |  |
| Email address |  |
| If required, may we contact this authorised representative to clarify any information provided? | [ ]  Yes  | [ ]  No |

1. Are you a corporation or a council?

|  |  |
| --- | --- |
|  | Tick the box that applies to the applicant. |

|  |  |
| --- | --- |
| Applicant is a corporation Answer and go to Question 3 | [ ]  Corporation |
| Applicant is a council | [ ]  Council |
| Provide the name of the council Answer and go to Question 12 |  |

Questions for applicant corporations

1. Which corporation is applying for a licence?

|  |  |
| --- | --- |
|  | 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 |  |

1. How is your corporation organised?

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

|  |  |
| --- | --- |
| Organisation chart outlining corporate structure and roles | Insert complete file name of attachment(s). |

1. What experience and expertise do you have?

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

|  |  |
| --- | --- |
| Details of Directors and executive personnel | Insert complete file name of attachment(s). |
| Resumes/Curricula Vitae/experience and role descriptions | Insert complete file name of attachment(s). |
| Details of third parties and description of the arrangements made, or to be made, with the third parties | Insert complete file name of attachment(s). |

1. What is the ownership structure of your corporation?

|  |  |
| --- | --- |
|  | Provide information about the applicant corporation’s ownership structure: |

|  |  |
| --- | --- |
| Describe the ownership structure of the applicant corporation |  |

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

|  |  |
| --- | --- |
| Corporate Group chart | Insert complete file name of attachment(s). |

1. Who are the Directors and managers of your corporation?

|  |  |
| --- | --- |
|  | Provide the following information specified in the table.  |

|  |  |  |  |
| --- | --- | --- | --- |
| Company name | ABN/ ACN | Name and position title (*e.g. Director, General Manager, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer)* | Director Identification Number (director ID) (if applicable) |
| Applicant corporation name |  |  |  |
| Applicant corporation name |  |  |  |
| Related corporation name |  |  |  |
| Related corporation name |  |  |  |

1. Does the following apply to your corporation?

|  |  |
| --- | --- |
|  | Complete the following table by ticking the box for any of the following that apply to the applicant corporation. |

|  |  |  |
| --- | --- | --- |
| Is the applicant a disqualified corporation? | [ ]  Yes | [ ]  No |
| Has an insolvency official been appointed for the corporation or the whole or part of the property of the corporation, an order made to wind up the corporation or a resolution passed to wind up the corporation? | [ ]  Yes | [ ]  No |
| Has the corporation, or a director of the corporation committed an offence (under law at any level of government) relating to the water industry, public health, environment protection, development control or consumer protection? | [ ]  Yes | [ ]  No |
| Has the corporation, or a director of the corporation, held a statutory authorisation that has been cancelled or suspended? | [ ]  Yes | [ ]  No |
| Has the corporation, or a director of the corporation, been disqualified from holding a statutory authorisation? | [ ]  Yes | [ ]  No |
| Are any directors of the corporation **not** of good repute and character, having particular regard to honesty and integrity? | [ ]  Yes | [ ]  No |
| Has any director of the corporation become, within the previous 3 years, an insolvent under administration within the meaning of the *Corporations Act 2001* (Cth) of the Commonwealth? | [ ]  Yes | [ ]  No |
| Has any director of the corporation been, within the previous 3 years, the director of a body corporate when an insolvency official has been appointed for the corporation or the whole or part of the property of the corporation, an order has been made for the winding-up of the corporation or a resolution has been passed for the winding-up of the corporation? | [ ]  Yes | [ ]  No |
| If you answered ‘Yes’ to any of the above, please provide details (provide filename if you are attaching documents): |  |

1. Does the following apply to a related corporation of your corporation?

|  |  |
| --- | --- |
|  | Provide details of the ***related corporations*** of the applicant that you are referring to in this question (add rows as required). You must include all ***related corporations*** that are Australian parent companies and/or Australian subsidiaries of the applicant. |

|  |  |  |
| --- | --- | --- |
| Corporation name | ABN *(not required if providing ACN)* | ABN *(not required if providing ACN)* |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

|  |  |
| --- | --- |
|  | Complete the following table by ticking the box for any of the following that apply to any ***related corporation***of the applicant corporation. |

|  |  |  |
| --- | --- | --- |
| Are any related corporations of the applicant a disqualified corporation? | [ ]  Yes | [ ]  No |
| Has an insolvency official been appointed for a related corporation or the whole or part of the property of a related corporation, an order made to wind up a related corporation or a resolution passed to wind up a related corporation? | [ ]  Yes | [ ]  No |
| Has a related corporation, or a director of a related corporation committed an offence (under law at any level of government) relating to the water industry, public health, environment protection, development control or consumer protection? | [ ]  Yes | [ ]  No |
| Has a related corporation, or a director of a related corporation, held a statutory authorisation that has been cancelled or suspended? | [ ]  Yes | [ ]  No |
| Has a related corporation, or a director of a related corporation, been disqualified from holding a statutory authorisation? | [ ]  Yes | [ ]  No |
| Are any directors of a related corporation **not** of good repute and character, having particular regard to honesty and integrity? | [ ]  Yes | [ ]  No |
| Has any director of a related corporation become, within the previous 3 years, an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth? | [ ]  Yes | [ ]  No |
| Has any director of a related corporation been, within the previous 3 years, the director of a body corporate when an insolvency official has been appointed for the corporation or the whole or part of the property of the corporation, an order has been made for the winding-up of the corporation or a resolution has been passed for the winding-up of the corporation? | [ ]  Yes | [ ]  No |
| If you answered ‘Yes’ to any of the above, please provide details (provide filename if you are attaching documents): |  |

1. Does the following apply to persons concerned in the management of your corporation?

|  |  |
| --- | --- |
|  | Complete the following table by ticking the box for any of the following that apply to ***persons concerned in the management of*** the applicant corporation. These are the same ***persons concerned in the management of*** the applicant corporation you listed in **Question 7** of this form. |

|  |  |  |
| --- | --- | --- |
| Has a person concerned in the management of the applicant corporation committed an offence (under law at any level of government) relating to the water industry, public health, environment protection, development control or consumer protection? | [ ]  Yes | [ ]  No |
| Has a person concerned in the management of the applicant corporation held a statutory authorisation that has been cancelled or suspended? | [ ]  Yes | [ ]  No |
| Has a person concerned in the management of the applicant corporation been disqualified from holding a statutory authorisation? | [ ]  Yes | [ ]  No |
| Is any person concerned in the management of the applicant corporation **not** of good repute and character, having particular regard to honesty and integrity? | [ ]  Yes | [ ]  No |
| Has a person concerned in the management of the applicant corporation become, within the previous 3 years, an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth? | [ ]  Yes | [ ]  No |
| Has any a person concerned in the management of the applicant corporation been, within the previous 3 years, the director of a body corporate when an insolvency official has been appointed for the corporation or the whole or part of the property of the corporation, an order has been made for the winding-up of the corporation or a resolution has been passed for the winding-up of the corporation? | [ ]  Yes | [ ]  No |
| If you answered ‘Yes’ to any of the above, please provide details (provide filename if you are attaching documents): |  |

1. Does your corporation have financial capacity?

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

|  |  |
| --- | --- |
| Follow the [**Licence Application Guide**](https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WICA/Forms-guidelines/WIC-Act-Licence-Application-Guidance-August%202021) and attach a response that supports the applicant’s claim of continuing financial capacity. | Insert complete file name of attachment(s). |

1. What type of licence are you applying for?

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

|  |  |
| --- | --- |
| [ ]  | Retailer licence (Councils do not require a retailer licence) |
| [ ]  | Operator licence |
| [ ]  | Separate operator licence and retailer licence using this single form |
| [ ]  | Combined retailer and operator licence |
| [ ]  | Variation of an existing licence |
| If applying for a variation, what licence number of each licence you are seeking to vary? |  |
| Describe the nature and purpose of the proposed variation to the existing licences. |  |

#### The following questions are for applicants for a retailer licence

|  |  |
| --- | --- |
|  | Provide answers to **Question 13 to 15** if you are applying for a **retailer licence**. Skip to **Question 16** and continue if you are applying for an **operator licence only**.  |
|  | We need to determine that the applicant has the organisational and technical capacity to undertake the activities that will be authorised under the licence. The applicant may hold the relevant organisational and technical expertise or engage suitable expertise to meet this requirement. |

Questions for retailer licence applicants

1. What retail activities do you propose to undertake?

|  |  |
| --- | --- |
|  | Provide the following information:  |

|  |  |
| --- | --- |
| Describe the intention and purpose of the proposed licence and accurately describe retail activities the applicant intends to undertake as a retailer licensee. |  |

1. What scale of retailer licence are you applying for?

|  |  |
| --- | --- |
|  | What is the maximum scale of the schemes that the retail licence will authorise? Check the boxes that are applicable or describe the maximum scale of the schemes in the box provided. |

|  |  |
| --- | --- |
| Scale (Maximum number of customer premises per scheme) | Maximum scale requested |
| 30 to 249 | [ ]  R1 |
| 250 to 10,000 | [ ]  R2 |
| >10,000 | [ ]  R3 |
| OR: Describe the maximum scale requested |
|  |

1. Do you have the technical capacity to be a retailer?

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

|  |  |
| --- | --- |
| Follow the [**Licence Application Guide**](https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WICA/Forms-guidelines/WIC-Act-Licence-Application-Guidance-August%202021) and attach a response that supports the applicant’s claim of technical capacity. | Insert complete file name of attachment(s). |

#### The following questions apply to applicants for an operator licence

|  |  |
| --- | --- |
|  | Provide answers to **Questions 16 to 18** if you are applying for an **operator licence**.  |

Questions for operator licence applicants

1. What operating activities are you proposing to undertake?

|  |  |
| --- | --- |
|  | Provide the following information: |

|  |  |
| --- | --- |
| Describe the intention and purpose of the proposed licence and accurately describe the activities the applicant intends to undertake as an operator licensee. |  |

1. What classes and scale of water industry infrastructure are you applying for?

|  |  |
| --- | --- |
|  | What is the class, maximum number and scale of the schemes that the operator licence will authorise? Check the boxes that are applicable or describe the maximum scale of the schemes in the box provided in the last row.For the ‘Maximum scale requested’ column, only add in the maximum scale for the water industry infrastructure class that is being applied for. |

|  |  |  |  |
| --- | --- | --- | --- |
| Class of water industry infrastructure | Parameter | Maximum scale requested | Maximum number of schemes requested |
| Drinking Water - supply only (on-selling) | Number of customer premises | A1 [ ]  |  |
|  |  | A2 [ ]  |  |
|  |  | A3 [ ]  |  |
| Drinking Water - production | Design capacity (kL/day) | B1 [ ]  |  |
|  |  | B2 [ ]  |  |
|  |  | B3 [ ]  |  |
| Recycled water production, supply and use from stormwater | Design capacity (kL/day) | C1 [ ]  |  |
|  |  | C2 [ ]  |  |
|  |  | C3 [ ]  |  |
| Recycled water production, supply and use from sewage | Design capacity (kL/day) | D1 [ ]  |  |
|  |  | D2 [ ]  |  |
|  |  | D3 [ ]  |  |
| Recycled water supply and use from further treatment of recycled water | Design capacity (kL/day) | E1 [ ]  |  |
|  |  | E2 [ ]  |  |
|  |  | E3 [ ]  |  |
| Sewage collection and treatment for disposal and the disposal of the treated sewage | Design capacity (kL/day) | F1 [ ]  |  |
|  |  | F2 [ ]  |  |
|  |  | F3 [ ]  |  |

|  |
| --- |
| OR: Describe the classes, maximum number and scale of schemes requested |
|  |

1. Do you have the technical capacity to be an operator?

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

|  |  |
| --- | --- |
| Follow the [**Licence Application Guide**](https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WICA/Forms-guidelines/WIC-Act-Licence-Application-Guidance-August%202021) and attach a response that supports the applicant’s claim of technical capacity. | Insert complete file name of attachment(s). |

Questions for all applicants

1. What is your organisation’s capacity to respond to climate change?

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

|  |  |
| --- | --- |
| Describe what business objectives or strategies you have in place to mitigate greenhouse gas emissions or adapt to climate change relevant to the activities you are proposing to undertake under the licence, if granted.  |  |

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

|  |  |
| --- | --- |
| If available, provide evidence of existing relevant strategies, policies, statements, reports, and practices or processes. | Insert complete file name of attachment(s). |

1. Provide any other supporting information

|  |  |
| --- | --- |
|  | Provide the following information: |

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

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

|  |  |
| --- | --- |
| Details of attached 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 corporations and councils. You must sign the appropriate declaration relevant to your application and may disregard the other signature block. |

|  |
| --- |
| 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 corporation:
	+ a Company Secretary and a Director, or
	+ two directors
* In the case of a sole Director proprietary company, 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.
 |
| If the applicant is a corporation, for the purposes of **Question 2** of this application form, the declaration should also state that the applicant corporation is neither:* A disqualified corporation for the purpose of section 8D(4) of the *Water Industry Competition Act 2006* (NSW) (WIC Act), nor
* A related entity 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 (the subject of the application in relation to which this declaration is made), if granted, would authorise, for the purpose of section 8D(6)(c) of the WIC Act, to the extent declared in this application form.
 |

**I hereby declare that:**

1. I am a Choose an item. of the applicant (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 licence being applied for.
4. Where the applicant is a corporation:
	1. The applicant is not, for the purpose of section 8D(4) of the WIC Act, a disqualified corporation (as defined in the Dictionary of the WIC Act).
	2. The applicant is not, for the purpose of section 8D(6)(c) of the WIC Act, a related corporation of a disqualified corporation (as defined in the Dictionary of the WIC Act) that would have a direct or indirect interest in, or influence on, the carrying out of the activities that the licence (the subject of the application in relation to which this declaration is made), if granted, would authorise, to the extent declared in this application form.
5. 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.
6. I have the authority to make this application on behalf of the applicant (named in this application form).
7. I am aware that the effect of section 73D of the WIC Act is that 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, including, to the extent necessary, any confidential information contained in that application form, to the Minister administering the *Water Industry Competition Act 2006* (NSW) (WIC Act) (except Part 3), in accordance with Part 2, Division 4, section 8B(2) of the *Water Industry Competition Act 2006* (NSW).

In the interest of streamlining the processing of your application, indicate below whether or not you agree to a copy of your completed application form (including any confidential information contained in that application form) being provided on a confidential basis directly to relevant departmental staff who have the responsibility to advise the Minister named above on issues relating to the provision of water and sewerage services. We may not be able to properly assess your application if you do not allow us to provide confidential information to the relevant departmental staff.

|  |
| --- |
|[ ]  **I agree** that a copy of my completed application form (including any confidential information contained in that application form) may be provided to relevant department staff as outlined above. |
|[ ]  **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 relevant department staff as outlined above. |

|  |
| --- |
| If the applicant is a corporation: |

|  |  |
| --- | --- |
|  | Sign the application form in accordance with the requirements on page 14. 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 |  |  |

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

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