



New South Wales

Water Industry Competition Act 2006

Grant of Retail Supplier's Licence Licence No. 09_004R

I, Phillip Costa MP, Minister for Water, under section 10 of the *Water Industry Competition Act 2006*, grant a retail supplier's licence to:

Aquacell Pty Ltd (ACN 072 487 015)

to supply water by means of water industry infrastructure.

Subject to:

- a) the conditions imposed by the *Water Industry Competition Act 2006*,
- b) the conditions imposed under clause 13 and set out in Parts 1 and 2 of Schedule 2 of the *Water Industry Competition (General) Regulation 2008*,
- c) the conditions imposed by the Minister in the attached Schedule A, and
- d) the standard conditions imposed by the Minister in the attached Schedule B being standard Ministerially-imposed licence conditions for retail suppliers in the water industry.


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Minister for Water

Dated this *2nd* day of *February* 20*10*

SCHEDULE A - SPECIAL MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR AQUACELL RETAIL SUPPLIERS LICENCE

This schedule sets out the conditions which the Minister has determined to impose pursuant to section 13(1)(b) of the *Water Industry Competition Act 2006*. In addition to these Ministerially-imposed conditions, licensees are subject to obligations imposed by the Act, the Regulation or the standard Ministerially-imposed licence conditions set out in Schedule B. Licensees are encouraged to obtain independent advice as to the conditions and obligations of their licence.

1 Activities authorised

This Licence authorises the Licence Holder and the persons specified in Table 1 to supply water by means of water industry infrastructure specified in Table 2 for the purposes as specified in Table 3 to the persons or classes of persons specified in Table 4 within the area specified in Table 5, subject to the conditions imposed by or under the Act, the Regulation and this Licence.

Table 1 Authorised persons

Not applicable

Table 2 Specified water industry infrastructure

Infrastructure used for the production, treatment, filtration, storage, or conveyance of non-potable water.

Table 3 Authorised purposes

Cooling tower make-up

Toilet flushing

Table 4 Specified persons or classes of persons

Owners and occupiers of the specified areas of operations set out in Table 5

Table 5 Specified area of operations

1 Bligh Street, Sydney NSW

INTERPRETATION AND DEFINITIONS

Interpretation

In these Licence conditions, unless the context requires otherwise:

- (a) the singular includes the plural and vice versa;
- (b) headings are used for convenience only and do not affect the interpretation of these Licence conditions;
- (c) a reference to a document includes the document as modified from time to time and any document replacing it;
- (d) the word "person" includes a natural person and any body or entity whether incorporated or not;
- (e) references to clauses are references to clauses in these Licence conditions.

Definitions

Expressions used in these Licence conditions that are defined in the Act or the *Regulation* have the meanings set out in the Act or the Regulation.

In these Licence conditions:

Act	means the <i>Water Industry Competition Act 2006</i>
Licence Holder	means the person who is the holder of this Licence
Minister	means the Minister responsible for the <i>Act</i>
Regulation	means the <i>Water Industry Competition (General) Regulation 2008</i>

SCHEDULE B - STANDARD MINISTERIALLY-IMPOSED LICENCE CONDITIONS FOR AQUACELL PTY LTD RETAIL SUPPLIERS LICENCE

This schedule provides a comprehensive list of standard conditions which the Minister has determined to impose pursuant to section 13(1)(b) of the Water Industry Competition Act 2006 (the Act). In addition to these standard Ministerially-imposed conditions, Licence Holders are subject to obligations imposed by the Act, the Regulation or the Ministerially-imposed licence conditions set out in Schedule A. License Holders are encouraged to obtain independent advice as to the conditions and obligations of their licence. The Minister may vary the conditions in this schedule or impose new conditions, provided there is no inconsistency with the Act or the Regulation.

B1 Ongoing capacity to operate

The Licence Holder must have the technical, financial and organisational capacity to carry out the activities authorised by this Licence. If the Licence Holder ceases to have this capacity, it must report this to IPART immediately.

B2 Obtaining appropriate insurance

B2.1 Before commencing to supply water through the water industry infrastructure under this Licence, the Licence Holder must:

- (a) obtain appropriate insurance sufficient for the size and nature of the activities authorised under this Licence,
- (b) demonstrate that the insurance obtained is appropriate by providing a report to IPART from an Insurance Expert certifying that in the Insurance Expert's opinion the type and level of insurance obtained by the Licence Holder is appropriate for the size and nature of the activities authorised under this Licence, and
- (c) provide a copy of each certificate of currency of insurance obtained to IPART.

B2.2 The report from the Insurance Expert must:

- (a) identify the key risks of undertaking the activities authorised under this Licence,
- (b) set out the types and levels of insurance obtained by the Licence Holder in the relation to the activities being undertaken,
- (c) provide reasons as to why the types and levels of insurance are appropriate for the size and nature of the activities being undertaken, and
- (d) if any risks arising from undertaking the activities remain uninsured, provide reasons as to why.

B3 Maintaining appropriate insurance

B3.1 The Licence Holder must maintain appropriate insurance sufficient for the size and nature of the activities authorised under this Licence.

B3.2 From time to time when requested in writing by IPART, the Licence Holder must provide a report to IPART, in the manner, form and time specified by IPART, from an Insurance Expert certifying that in the Insurance Expert's opinion the type and level of insurance obtained by the Licence Holder is appropriate for the size and nature of the activities authorised under this Licence.

B3.3 Whenever there is a change in the type, level or period of insurance held by the Licence Holder in relation to the activities authorised under this Licence, the Licence Holder must provide a copy of the certificate of currency to IPART within 10 days of the change being made.

B4 Complying with NSW Health requirements

The Licence Holder must carry out the activities authorised by this Licence in compliance with any requirements of NSW Health that IPART has agreed to and are notified from time to time to the Licence Holder by IPART in writing.

B5 Reporting in accordance with the Reporting Manual

The Licence Holder must prepare and submit reports in accordance with the applicable Reporting Manual issued by IPART and available from IPART's website www.ipart.nsw.gov.au.

B6 Reporting information in relation to the Register of Licences

Whenever any of the following information changes, the Licence Holder must provide the updated information to IPART within 14 days of the change:

- (a) each licensed network operator or public water utility from whose water infrastructure the licensee supplies water to its customers,
- (b) each source from which the water handled by the infrastructure is derived,
- (c) whether or not any of the licensee's customers are small retail customers.
- (d) details of any order under section 54 of the Act by which the Licence Holder is declared to be a retailer of last resort.

B7 Provision of copy of Plans

B8.1 Whenever the Licence Holder makes any change to its Plans, the Licence Holder must provide a copy of the amended plan to IPART.

B8.2 Whenever the Licence Holder makes a significant change to its Plans, the Licence Holder is to provide a copy of the amended plan to IPART at the same time it provides a copy to the approved auditor engaged to provide a report to the adequacy of the changed Plans as required under the Regulation.

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- (c) a reference to a document includes the document as modified from time to time and any document replacing it;
- (d) the word "person" includes a natural person and any body or entity whether incorporated or not;
- (e) references to clauses are references to clauses in these Licence conditions.

Definitions

Expressions used in these Licence conditions that are defined in the Act or the *Regulation* have the meanings set out in the Act of the *Regulation*.

In these Licence conditions:

Act	means the <i>Water Industry Competition Act 2006</i>
Gazette	means the NSW Government Gazette
Insurance Expert	means an independent reputable insurer registered with the Australian Prudential Regulation Authority or an independent reputable insurance broker registered under the <i>Insurance (Agents and Brokers) Act 1984 (Cth)</i>
IPART	means the Independent Pricing and Regulatory Tribunal of New South Wales established under the <i>Independent Pricing and Regulatory Tribunal Act 1992</i>
Licence	means the network operator's licence / retail supplier's licence authorising the Licence Holder to construct, maintain and operate water industry infrastructure / supply water or provide sewerage services by means of water industry infrastructure in accordance with section 10 of the Act
Licence Holder	means a person who is the holder of a Licence
Minister	means the Minister responsible for the Act
NSW Health	means the NSW Department of Health
Plans	means any retail supply management plan required to be prepared by a Licence Holder under the <i>Water Industry Competition (General) Regulation 2008</i>
Regulation	means the <i>Water Industry Competition (General) Regulation 2008</i>
Reporting Manual	means the applicable Network Operator Reporting Manual or Retail Suppliers Reporting Manual as produced by IPART and available on IPART's website www.ipart.nsw.gov.au