



Independent Pricing and Regulatory Tribunal
New South Wales

Network Operators' Reporting Manual
under the *Water Industry Competition Act 2006 (NSW)*

Reporting Manual
Water

March 2019

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Version control

Issue number	Date issued	Notes
1	1 July 2009	First release
2	9 June 2010	Additional template for nil returns
3	24 June 2015	Additional insurance expert's requirement in 2.6.1 and report template in Appendix I. Additional notification requirements before/after changes in insurance coverage in 2.6.2. Additional template for immediate licence breach reporting in Appendix D. Updated standard licence clauses in the list of licence obligations and reporting frequency in Appendix E. Updated IPART's contact details. Information restructured to improve readability.
4	10 August 2015	Provided clarification on the definition of connection point in Appendix G following stakeholder feedback. Added notification requirement for changes in environmental mitigation measures for new licensees where applicable. Document issued as final.
5	1 June 2016	Amended notification requirements before/after changes in insurance coverage in 2.6.2. Updated signature requirements. Document issued as final, effective from 1 July 2016.
6	29 June 2018	Amended Performance Indicators Appendices. Reporting date updated to 1 September. Removed NIL returns template, formatting and minor editorial updates. Document issued as final, effective from 1 July 2018.
7	21 November 2018	Amended incident notification section Section 2 to cover non-compliance reporting and Section 3 <i>Notification and reporting requirements</i> created and reporting that doesn't relate to non-compliances moved to this section Previous Section 3 moved to Section 4
8	13 March 2019	Amended insurance section Section 3.2 to address ambiguities in when we will require insurance expert's reports.

Table 3.1 to address changes in requirements when a licensee amends its level/type of insurance cover.

Added Section 3.9 to add requirement for annual reporting of financial capacity for licensees that supply essential services to small retail customers.

Amendment to annual reporting checklist in Appendix D to reflect changes made in Section 3.9.

Added Appendix H – Financial capacity report template.

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1 Introduction

1.1 Legislative framework

Licensees must ensure compliance with all licence conditions and other applicable obligations under the *Water Industry Competition Act 2006* (NSW) (the WIC Act), the *Water Industry Competition (General) Regulation 2008* (NSW) (the WIC (General) Regulation) and any Codes of Conduct.¹ The WIC Act, the WIC (General) Regulation and the Licence impose licence conditions, and may refer to other legislation, statutory instruments or documents.² Compliance requirements imposed on a licensee can vary depending on the nature, scale and complexity of its authorised activities.

The Independent Pricing and Regulatory Tribunal (IPART) is responsible for administering the licences and provides advice to the Minister for Energy and Utilities. To assist licensees in reporting against licence conditions, we have produced reporting manuals for Network Operators and Retail Suppliers licensed under the WIC Act that:

- ▼ identify requirements to report non-compliances either immediately or annually, based on risk,
- ▼ outline performance indicator reporting requirements, and
- ▼ detail notification and information reporting requirements.

The reporting manuals do not reproduce in full the licence obligations for each licence type, and it is still necessary for the licensee to refer to the relevant source document for full details of the obligation.

All compliance reporting under the reporting manuals is exception-based. This means that only licence non-compliances are required to be reported.

IPART's reporting obligation

On or before **31 October** in each year, IPART must provide to the Minister a report on the extent to which licensees have complied, or failed to comply, with the conditions imposed on their licences during the 12 months ending on 30 June in that year.³ The Minister must lay the report before both Houses of Parliament as soon as practicable after receiving it.⁴

¹ For example, the *Water Industry Code of Conduct*, the *Marketing Code of Conduct* and the *Transfer Code of Conduct*.

² For example, licence conditions require compliance with the Codes of Conduct, infrastructure operating plans, water quality plans and sewage management plans, and with aspects of the *Environmental Planning and Assessment Act 1979* (NSW), *Protection of the Environment Operations Act 1997* (NSW), *Public Health Act 2010* (NSW), Plumbing Code of Australia, Australian Drinking Water Guidelines and Australian Guidelines for Water Recycling.

³ *Water Industry Competition Act 2006* (NSW), s 89(1).

⁴ *Water Industry Competition Act 2006* (NSW), s 89(2).

Licensee's reporting obligation

It is a standard licence condition that the licensee must prepare and submit compliance reports in accordance with the applicable reporting manual.⁵

In addition, a licence may be subject to other conditions that specifically require the licensee to notify, provide documentation or report to IPART in accordance with the applicable reporting manual.⁶ Licensees are also required to comply with the provisions of the *Protection of the Environment Operations Act 1997* and any regulations under that Act which includes mandatory reporting of pollution events.⁷

It is the licensee's responsibility to be aware of the conditions that apply to its licence.

If a licensee is uncertain as to whether a non-compliance should be reported immediately or annually, IPART considers that the licensee should report the non-compliance immediately.

⁵ The Licensee must prepare and submit reports in accordance with the Reporting Manual.

⁶ These could be special licence conditions in Schedule A of the licence or other standard licence conditions in Schedule B of the licence.

⁷ Clause 4 of Schedule 1, WIC (General) Regulation.

2 Compliance reporting requirements

It is the responsibility of the licensee to rectify any non-compliance as soon as possible, and report these non-compliances to IPART in accordance with this reporting manual.

We have classified non-compliances as either requiring:

- ▼ immediate reporting (section 2.1), or
- ▼ annual reporting (section 2.2).

This classification is based on the risk of a non-compliance with the licence conditions impacting public health, the environment and consumers. Appendix A sets out the reporting frequency for each licence condition, ie, it lists which licence conditions, if non-compliant, should be reported 'immediately', and which should be reported 'annually'. If a licensee is uncertain as to whether a non-compliance should be reported immediately or annually, IPART considers that the licensee should report the non-compliance immediately.

2.1 Immediate non-compliance reporting

As soon as the licensee becomes aware that a non-compliance requiring immediate reporting is likely to occur, or has occurred, the licensee should notify IPART, via:

- ▼ (02) 9290 8412 (Director, Regulation & Compliance)
- ▼ (02) 9113 7704 (Executive Director, Regulation & Compliance)

and email:

- ▼ compliance@ipart.nsw.gov.au.

The type of information about a licence non-compliance that should be reported is provided in Schedule A of Appendix B.

- ▼ The licensee should provide follow-up written confirmation to IPART's Chief Executive Officer within five business days, using the template provided in Appendix B.
- ▼ Depending on how long it may take to rectify the non-compliance, periodic reporting may also be required.
- ▼ Once the licence non-compliance has been rectified, the licensee should notify IPART's Director, Regulation & Compliance, in writing via compliance@ipart.nsw.gov.au, of the actual date that full compliance was reached.

2.2 Annual compliance reporting

Licensees are required to submit annual compliance reports to us detailing the licensee's compliance with its licence obligations, during the previous financial year ending 30 June. Reporting is exception-based. This means that only licence non-compliances are required to

be reported. This requirement commences as soon as a licensee is granted a licence. A checklist for annual compliance reporting is provided in Appendix D.

Licensees must submit annual compliance reports to IPART by no later than **1 September** each year:

- ▼ If construction or commercial operation, have commenced in the licensed schemes, licensees should use the annual compliance report template provided in Appendix E. The licensee should also include any immediate non-compliances already reported, any breaches identified by operational audits during the financial year and performance indicators (see section 2.5). When reporting immediate non-compliances already reported or breaches identified during operational audits, the information provided in Schedule A of Appendix E should include an update of any further actions the licensee has taken with respect to the breach, or
- ▼ If the licensees have not commenced construction or commercial operation during the 12 months ending on 30 June, the licensee should use the annual compliance report template in Appendix E and state where any information is not applicable, such as any indicators in Schedule B. The licensee should also include non-compliances of licence conditions identified in operational audits in their annual compliance reports.⁸

The annual compliance report must be prepared using all due care and skill, including to ensure that all information provided is accurate and reliable, and must be signed by a person authorised to sign on behalf of the licensee. Where the licensee is a company, it must be signed by either two Directors or a Director and the Company Secretary. Where this is not possible (for example, due to having a different corporate structure), the licensee should contact IPART for further advice on how the report must be signed.

Reporting performance indicators

Licensees are also required to report on IPART performance indicators as part of their annual compliance reports. Appendix F outlines these indicators.

Where an indicator is not relevant or applicable to a particular licensee's activities, the licensee should indicate in its annual compliance report 'not applicable' in relation to that particular indicator. If an indicator is relevant but the activity has not commenced, the licensee should report zero against that particular indicator.

The licensee may choose to include with the report an explanation of the licensee's performance, which details:

- ▼ major factors (both positive and negative) that have influenced the licensee's performance, both within and beyond the licensee's control, and
- ▼ reasons for any variation (both positive and negative) between the licensee's performance in the financial year and with performance in prior years.

⁸ For more information related to operational audits, see our relevant Audit Guidelines available on our website <http://www.ipart.nsw.gov.au>

2.3 How to lodge an annual compliance report

Licensees must lodge all annual compliance reports electronically to: compliance@ipart.nsw.gov.au, or to the last email address notified by IPART. If requested by IPART, the licensee must also submit a hard copy by mail. Licensees should provide the name and contact details (phone, email) of a primary contact and should provide an alternate contact for when the primary contact is unavailable.

Hard copy reports, if requested, must be sent to:

The Chief Executive Officer
Independent Pricing and Regulatory Tribunal of NSW
PO Box K35
Haymarket Post Shop NSW 1240

or to the last address notified by IPART.

Licensees are required to provide other information or notification to IPART as set out in conditions in Schedules A and B of their licence.

Unless otherwise stated, Licensees are required to provide the information or notification to IPART electronically and addressed to Director, Regulation & Compliance.

3 Notification and information reporting

Licensees have a number of obligations to notify IPART of certain events or to provide information.

3.1 Immediate incident reporting

Licensees under the *Water Industry Competition Act 2006* must immediately notify IPART of any incident in the conduct of their activities that threatens, or could threaten, water quality, public health or safety.⁹

Immediate notification must also be given to:

- ▼ The Minister for Health
- ▼ The Minister for Energy and Utilities
- ▼ any licensed Retail Supplier that supplies water or provides sewerage services by means of the licensee's infrastructure, and
- ▼ any other licensed Network Operator or public water utility whose infrastructure is connected to the licensee's infrastructure

⁹ Clause 1(2) of Schedule 1 to the WIC (General) Regulation.

Box 3.1 Incident notification protocol

Note: a licensee's water quality plan must specify how it will address and implement incident management including defining incidents and reporting incidents through an emergency response protocol.

Licensees of recycled water schemes must develop water quality plans that:

- ▼ *specify how the 12 elements of the framework for the management of recycled water quality and use, as detailed in the Australian Guidelines for Water Recycling (AGWR),¹⁰ have been addressed and will be implemented,¹¹ and*
- ▼ *are consistent with the requirements of the AGWR.¹²*

Licensees of drinking water schemes must develop water quality plans that:

- ▼ *specify how the 12 elements of the framework for the management of drinking water quality, as detailed in the Australian Drinking Water Guidelines (ADWG),¹³ have been addressed and will be implemented,¹⁴ and*
- ▼ *are consistent with the requirements of the ADWG.¹⁵*

Licensees must ensure that water quality plans are fully implemented and kept under regular review, and in particular, that all of its activities are carried out in accordance with that plan.¹⁶

One of the 12 elements to be specified in a licensee's water quality plan is 'Management of incidents and emergencies'. This element contains two components: communication, and incident and emergency response protocols. Therefore, a licensee's water quality plan must specify how it will address and implement incident and emergency response protocols. The AGWR and ADWG provide that incident and emergency response protocols should be regarded as a priority and lists the following action items:

- ▼ *potential incidents and emergencies should be defined,*
- ▼ *procedures and response plans should be documented with the involvement of relevant agencies,*
- ▼ *documentation and reporting of incidents or emergencies should be established,*
- ▼ *any incidents or emergencies should be investigated, and*
- ▼ *protocols should be revised as necessary.*

¹⁰ Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (2006).

¹¹ Clause 7(1)(b) of Schedule 1 to the WIC (General) Regulation.

¹² Clause 7(3) of Schedule 1 to the WIC (General) Regulation.

¹³ Australian Drinking Water Guidelines 6 (2011) Version 3.5 updated August 2018.

¹⁴ Clause 7(1)(a) of Schedule 1 to the WIC (General) Regulation.

¹⁵ Clause 7(2) of Schedule 1 to the WIC (General) Regulation.

¹⁶ Clause 7(4)(a) of Schedule 1 to the WIC (General) Regulation.

How to report

Licensees must immediately notify the relevant stakeholders **verbally** as soon as an incident occurs or is about to occur. Whilst the incident is continuing, a licensee may, if requested, provide further information or updates to IPART and other authorities.

Licensees must follow up with **written** notification within **24 hours** of verbal notification of the incident, using the template in **Form A** (available for download separately from the IPART website <https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WICA/Licence-Compliance-Reporting>).

Licensees must provide a full outline of the incident and follow up actions within five working days of the incident ending, using the template in **Form B** (available for download separately from the IPART website <https://www.ipart.nsw.gov.au/Home/Industries/Water/Alternate-water-utilities-WICA/Licence-Compliance-Reporting>).

Appendix C also contains a copy of Form A and Form B.

The licensee is to email all written notifications through with the word **“Incident” in the subject line**.

The licensee should send written notification for all incidents to the local Public Health Unit (PHU), with a copy to the Water Unit of NSW Health.

If a licensee fails to immediately report a notifiable incident, then as soon as reasonably practicable after becoming aware of the incident, the licensee must report the incident and the non-compliance (that is, the failure to immediately report the incident) in accordance with section 2.1 and section 2.2.

3.2 Insurance expert’s report

Standard conditions of the licence require licensees to provide a report from an insurance expert certifying that in the insurance expert’s opinion, the type, scope and limit of the insurance held by the licensee is appropriate for the size and nature of the activities under the licence. This report is required prior to commencing commercial operation (or in some cases within six months of the date the licence is granted), and from time to time when requested in writing by IPART.

Appendix G contains a template insurance expert’s report. The report may be formatted to suit the style of the author, as long as it contains all of the content in Appendix G.

3.2.1 Changes in insurance

Licences granted or varied from March 2015

Licences varied or granted after March 2015 include a standard licence condition requiring a licensee to:

- ▼ provide a copy of each certificate of currency of the insurance maintained by the licensee to IPART in accordance with the Reporting Manual, and

- ▼ report to IPART in accordance with the Reporting Manual if there is to be a prescribed change in insurance.

Table 3.1 Requirements to report insurance changes and provide certificate of currency

Change in insurance coverage includes	Information to provide to IPART	To be provided within
<ul style="list-style-type: none"> ▼ Insurer ▼ Underwriting panel 	<ul style="list-style-type: none"> ▼ Name and Australian financial services licence number of (as applicable): <ul style="list-style-type: none"> ▼ new insurer; or ▼ new underwriting panel ▼ Reasons for change 	30 days after the change
	<ul style="list-style-type: none"> ▼ Revised certificate of currency 	10 days after receiving it from the insurer
<ul style="list-style-type: none"> ▼ Type ▼ Scope ▼ Sum insured/ Limit on the amount/ Limit on indemnity/ Exclusions 	Increase in coverage <ul style="list-style-type: none"> ▼ Description of change ▼ Reasons for change 	30 days after the change
	<ul style="list-style-type: none"> ▼ Revised certificate of currency 	10 days after receiving it from the insurer
	Reduction in coverage <ul style="list-style-type: none"> ▼ Description of change ▼ New policy schedules and policy wording ▼ Reasons for change 	14 days prior to change initiated by the insurer
	<ul style="list-style-type: none"> ▼ New policy schedules and policy wording ▼ Reasons for change 	21 days prior to change initiated by the licensee
	<ul style="list-style-type: none"> ▼ Revised certificate of currency 	10 days after receiving it from the insurer

Table 3.1 sets out the changes in insurance that licensees must report to IPART, the information to be included in the report (including when a certificate of currency must be provided to IPART), and the deadline within which it must be provided. Licensees are not required to report changes in workers compensation or motor vehicle insurance (Table 3.1 does not apply to these types of insurance).

Please note that the requirements above are in addition to any specific licence conditions requiring a licensee to provide a certificate of currency at other times – for example, before commencing to commercially operate the water industry infrastructure.

Also note that where the new policy schedule and policy wording cannot be provided, IPART may require the licensee to provide an insurance expert’s report as set out in standard licence clause B3.4. Licensees should contact IPART as soon as practicable, but before the relevant time period for notification elapses, to discuss whether they will need to provide an insurance expert’s report.

3.3 Environmental controls and mitigation measures

This requirement is only applicable to licensees issued with the relevant special licence conditions in Schedule A of their licences.

In certain circumstances, licensees are required to implement environmental mitigation measures to ensure the activities that the licence authorises are carried out in a manner that does not present a significant risk of harm to the environment. Often, the mitigation measures have been identified in the environmental assessments or risk assessments submitted as part of the licence application, and referred to within Schedule A of their licences.

Environmental Management Plans are specific plans prepared to ensure that relevant environmental mitigation measures are implemented during a scheme's construction or operation.

Changes to environmental assessments, environmental controls and mitigation measures

Some licensees require IPART's written approval prior to varying the environmental mitigation measures identified in the environmental assessments or risk assessments submitted as part of the licence application.

In these circumstances, licensees must provide IPART with written notification of the proposed variation three months prior to the commencement of those variation(s).

Licensees must ensure that their written notification includes the following details:

- ▼ relevant licence number and licence condition(s)
- ▼ a description of the environmental controls and mitigation measures before and after the proposed variation, reasons for the variation and a description of the consequences of implementing the variation(s)
- ▼ the title and date of the environment assessment report(s) where the environmental mitigation measures were originally identified
- ▼ attach any additional environmental assessments undertaken to support and justify the need for the proposed variation
- ▼ the expected date of the proposed variation, and
- ▼ proposed revisions to the Construction Environmental Management Plan (CEMP) and/or Operational Environmental Management Plan (OEMP) as a consequence of the proposed variation to the licensees' environmental mitigation measures.

3.4 Monitoring results

Any water quality or sewage monitoring that a licensee may be required to report in their annual compliance report, or undertake for the purposes of their licence or licence plans, must be conducted in accordance with the requirements set out below.

The following records must be kept (and provided if requested) of any samples collected:

- ▼ date on which the sample was taken
- ▼ time at which the sample was collected
- ▼ point or location at which the sample was taken, and
- ▼ chain of custody of the sample (if applicable).

A laboratory accredited for the specified tests by an independent body acceptable to NSW Health, such as the National Association of Testing Authorities (NATA) or equivalent, shall carry out all analyses of samples.

3.5 Information in relation to the register of licences

Under a standard licence condition, licensees must provide written notice within 14 days of changes to any of the following listed in IPART's Register of licences¹⁷:

- ▼ any source from which the water handled by the Specified Water Industry Infrastructure is derived
- ▼ the Authorised Purposes of the water handled by the Specified Water Industry Infrastructure
- ▼ the identity of each licensed Retail Supplier or public water utility that has access to the infrastructure services provided by the Specified Water Industry Infrastructure for the purpose of providing water services to its customers
- ▼ any other water supply infrastructure to which the Specified Water Industry Infrastructure is connected
- ▼ the identity of each licensed Retail Supplier or public water utility that has access to infrastructure services provided by the Specified Water Industry Infrastructure for the purpose of providing sewerage services to its customers
- ▼ any other sewerage infrastructure to which the Specified Water Industry Infrastructure is connected, or
- ▼ the arrangements for the disposal of waste from the Specified Water Industry Infrastructure.

We will review this information and update our Register of licences. Please note that in some cases, a licence variation would be required prior to proceeding with the change.

3.6 Change to end-use(s)

Licensees must provide written notice at least three months before a proposed change in end-use(s) if the licensee proposes to operate the Specified Water Industry Infrastructure to supply water for an end-use which is not set out in the most recent Water Quality Plan provided to IPART.

The end-use(s) specified in the Water Quality Plan may be more narrowly defined than those specified in the licence. If the proposed end-uses are consistent with the authorised purposes specified in the licence, the Water Quality Plan would need to be updated. If the changes in authorised purposes are not consistent, a licence variation will be required.

¹⁷ *Water Industry Competition (General) Regulation 2008* (NSW), cls 18(1) – 18(5).

3.7 Changes to Authorised Person(s)

Licensees must provide written notice to IPART as soon as practicable but no later than 28 days before an Authorised Person ceases providing any services in relation to the activities authorised by the relevant licence.

The written notice must also include details of how the services previously undertaken by the Authorised Person will continue to be undertaken.

3.8 Commencement of commercial operation

Licensees must provide to IPART written notice within 10 business days after commencing commercial operation of Specified Water Industry Infrastructure authorised by a Network Operator's licence.

Licensees must ensure that their written notification includes the following details:

- ▼ the relevant licence number
- ▼ the Specified Water Industry Infrastructure that has been brought into commercial operation, including a reference to the relevant table in the Network Operator's licence (if relevant), and
- ▼ the date commercial operation started.

3.9 Financial capacity statement

Licensees that provide **small retail customers** (ie, households and small businesses) with essential services (ie, potable water and/or sewerage services) must include a financial capacity statement, relating to the licensee's financial capacity, with their annual compliance report.

Financial capacity refers to the financial capacity of the licensee to undertake the activities that the licensee's licence (or licences) authorise. Financial capacity may be 'stand-alone' or rely upon a financial sponsor:

- ▼ Stand-alone financial capacity means the licensee has financial capacity (ie, can operate as a going concern) without the need for financial support from a sponsor such as a parent company, related company or a bank (via a deed of bank guarantee).
- ▼ Licensees that do not have stand-alone financial capacity and rely upon a sponsor must have an agreement between the sponsor and the licensee in the form of a parent company guarantee, bank guarantee or letter of comfort.

The statement of financial capacity must include one of two declarations:

1. For licensees that have stand-alone financial capacity, a statement confirming that, at the time of the annual compliance report, the licensee has stand-alone financial capacity to carry out activities that are authorised by a licence (or licences), or

-
2. For licensees that rely upon a sponsor, a statement confirming financial support for the licensee (eg, parent company guarantee, bank guarantee or letter of comfort) remains in place, and that, at the time of the annual compliance report, the licensee has financial capacity to carry out activities that are authorised under the licence.

Licensees must use the financial capacity statement template included at Appendix H.

4 Process for revision

Appropriate reporting and auditing requirements for each condition may vary over time to reflect licensees' previous compliance performance and evolving regulatory and government policy frameworks.

Changes to this reporting manual, including amendments to the classification of licence obligations, may be necessary to:

- ▼ include new licence obligations
- ▼ delete redundant licence obligations
- ▼ reflect new government initiatives, and
- ▼ rectify problems identified through compliance monitoring and reporting.

We will consult the affected licensees and other interested stakeholders before making any significant revisions to the reporting requirements, indicators or licence data. We will then notify the stakeholders of the revisions to the reporting manual and the commencement date of any new reporting arrangements. In determining the commencement date for new reporting arrangements, we will allow a reasonable period for licensees to implement the new arrangements.



Appendices

A Licence obligations – reporting frequency

This Appendix sets out the reporting frequency allocated to each licence obligation. Each licence obligation has been classified with a reporting frequency of either ‘immediate’ or ‘annual’ reporting. The reporting frequency refers to when a licensee is required to report a non-compliance with a licence obligation.

When to make a report

All reporting is exception-based, which means that licensees are only required to report non-compliances with their licence conditions.

- ▼ **Immediate reporting** is limited to those licence obligations where a non-compliance is high risk. For example, where the non-compliance could threaten continuity of supply, public health or safety, or have a critical impact on the Government’s policy objective(s), or have significant impacts on other licensees or consumers. Refer to section 2.1 for immediate non-compliance reporting.

There are also immediate reporting requirements for certain incidents that threaten, or could threaten, water quality, public health or safety (see section 2.2). If a licensee fails to immediately report an incident, the licensee must report the incident and the non-compliance (that is, the failure to immediately report the incident) in accordance with sections 2.1 and 2.2 of this reporting manual.

- ▼ **Annual reporting** is required for all other licence obligations. Licensees should also include any ‘immediate’ licence non-compliances in the Annual Compliance Reports to IPART. Refer to section 2.3 for annual non-compliance reporting.

Licensees should read and understand the obligations applicable to them under their specific licences. Each licensee has obligations under the WIC Act, WIC (General) Regulation, and Ministerially-imposed licence conditions set out in the licence. Please refer to 'Types of licence conditions' below for more information.

How to make a report

The licensee must identify which obligation it is non-compliant with, and note whether the reporting requirement is ‘immediate’ or ‘annual’ in accordance with this appendix. If ‘immediate’ reporting is required, refer to section 2.1. If ‘annual’ reporting is required, refer to section 2.3. If a licensee is uncertain as to whether a non-compliance should be reported immediately or annually, IPART considers that the licensee should report the non-compliance immediately.

Examples:

- ▼ A licensee has commenced operating water infrastructure commercially. The licensee has not prepared and forwarded to IPART an infrastructure operating plan before commencing these operations. As soon as the licensee becomes aware of the non-compliance, it should rectify the situation and identify that it has not complied with the obligation set out in clause 6(1) of Schedule 1 of the WIC (General) Regulation. The reporting frequency for this obligation is classified as 'immediate' (see #13 in Table A.3 below). The licensee should follow the immediate reporting requirements in section 2.1. The licensee should also report the non-compliance in its annual compliance report, following the annual reporting requirements in section 2.3.
- ▼ A licensee has not read a water meter that it has installed to supply a premises for over 4 months. As soon as it becomes aware of the non-compliance, it should rectify the situation, and identify that it has breached the licence condition set out in clause 8(2)(b) of Schedule 1 of the WIC (General) Regulation. The reporting frequency for this obligation is classified as 'annual' (see #23 in Table A.3 below). The licensee should follow the annual reporting requirements in section 2.3.

Types of licence conditions

Each licensee has obligations under the WIC Act and WIC (General) Regulation, as well as Ministerially-imposed licence conditions which are set out in the licence itself.

- ▼ **Licence conditions under the WIC Act and WIC (General) Regulation** are summarised in Tables A.2 to A.7 below. Licensees should refer to the legislation for further context regarding these obligations. The reporting frequency for each licence condition under the WIC Act and WIC (General) Regulation is set out in the tables below.
- ▼ **Ministerially-imposed licence conditions** are set out in Schedules A and B of each licensee's licence.

The reporting requirements for these licence conditions are **not** summarised in this Appendix A as they may change over time and vary between individual licences.

Instead, Table A.1 below provides guidance for Network Operators as to which types of Ministerially-imposed licence conditions require immediate reporting and which require annual reporting.¹⁸ The table is not intended to be a comprehensive guide, as licence conditions may change over time.

If a licensee is uncertain as to whether a non-compliance should be reported immediately or annually, IPART considers that the licensee should report the non-compliance immediately.

¹⁸ This table is based on the current standard licence condition template dated March 2015.

Table A.1 Guidance for reporting based on type of Ministerially-imposed licence condition

Reporting frequency: Immediate	Reporting frequency: Annual
<ul style="list-style-type: none"> ▼ Ongoing capacity to operate (clause B1) ▼ Obtaining appropriate insurance (clause B2) ▼ Maintaining appropriate insurance (clause B3, except for clause B3.5) ▼ Complying with NSW Health requirements (clause B4) ▼ Reporting information in relation to the Register of Licences (clause B7) ▼ Provision of copy of Plan (clause B9) ▼ Notification of changes to end-use (clause B11) ▼ Notification of changes to Authorised Person (clause B12) ▼ Notification of commercial operation (clause B13) 	<ul style="list-style-type: none"> ▼ Maintaining appropriate insurance - maintaining professional indemnity insurance (clause B3.5 only) ▼ Complying with Audit Guidelines from IPART (clause B5) ▼ Reporting in accordance with the Reporting Manual (clause B6) ▼ Monitoring (clause B8) ▼ Delineating responsibility - interconnections (clause B10)

Table A.2 Network Operators – general reporting requirements

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
Reporting frequency: Immediate			
1.	WIC Act s 18(2)	WIC Act s 18(1)	A Network Operator must comply with any direction of the Minister to take specified action to reduce or eliminate a risk to public health or public safety arising from certain activities.
2.	WIC (General) Reg cl 9	WIC (General) Reg Schedule 1, cl 1(2)(a)-(e)	<p>A Network Operator must immediately notify:</p> <ul style="list-style-type: none"> a) IPART; b) the Minister administering the <i>Public Health Act 2010</i> (NSW) and the <i>Public Health Regulation 2012</i> (NSW); c) the Minister administering Part 2 of the <i>Water Industry Competition Act 2006</i> (NSW); d) any licensed Retail Supplier that supplies water or provides sewerage services by means of the licensee's infrastructure; and e) any other licensed Network Operator or public water utility whose infrastructure is connected to the licensed Network Operator's infrastructure, <p>of any incident in the conduct of its activities that threatens, or could threaten, water quality, public health or safety. ^a</p>
3.	WIC (General) Reg cl 9	WIC (General) Reg Schedule 1, cl 2(1)	A Network Operator must not bring any new water or sewerage infrastructure into commercial operation without the written approval of the Minister.
4.	WIC (General) Reg cl 9	WIC (General) Reg Schedule 1, cl 2(2)(a)-(b)	<p>The Network Operator must provide to the Minister a report, prepared by an approved auditor that indicates that the infrastructure:</p> <ul style="list-style-type: none"> a) complies with the requirements of the WIC (General) Regulation and any licence conditions; b) is capable of operating safely and in accordance with its infrastructure operating plan and its water quality or sewage management plan, as the case requires.
Reporting frequency: Annual			
5.	WIC Act s 14(3)	WIC Act s 14(3)	A Network Operator must pay the annual licence fee determined by the Minister.
6.	WIC Act s 50(2)	WIC Act s 50(2)(a)	A Network Operator must be a member of an approved ombudsman scheme.
7.	WIC Act s 50(2)	WIC Act s 50(2)(b)	A Network Operator must comply with any decision of the ombudsman under the scheme relating to a dispute or complaint involving the operator and an entitled person.
8.	WIC (General) Reg cl 9	WIC (General) Reg Schedule 1, cl 1(1)	A Network Operator must provide the Minister or IPART with such information as the Minister or IPART may require from time to time in relation to the Licensee's activities under licence, and must provide it within such time as specified in that direction.

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
9.	WIC (General) Reg cl 9	WIC (General) Reg Schedule 1, cl 1(3)(a)-(c)	A Network Operator must: <ul style="list-style-type: none"> a) permit publication on IPART’s website of matters as are required to be recorded on the Register of licences; b) permit the disclosure between relevant government agencies of information the Network Operator has provided to any one of them; c) permit disclosure to the general public of information about incidents reported to the Minister or relevant government authority.
10.	WIC (General) Reg cl 9	WIC (General) Reg Schedule 1, cl 3(a)-(c)	The Network Operator must ensure that the water or sewerage infrastructure is properly designed and constructed, operated in a safe and reliable manner and maintained in a proper condition, having regard to: <ul style="list-style-type: none"> a) the purposes for which it is licensed; b) the licence conditions; c) any publicly available standards or codes relating to its design, construction, operation and maintenance.
11.	WIC (General) Reg cl 9	WIC (General) Reg Schedule 1, cl 4(1)(a)-(b)	In its activities under the licence, a Network Operator must comply with the requirements of the: <ul style="list-style-type: none"> a) <i>Environmental Planning and Assessment Act 1979</i> (NSW) and any environmental planning instruments under that Act; b) <i>Protection of the Environment Operations Act 1997</i> (NSW) and any regulations under that Act, in relation to the protection of the environment.
12.	WIC (General) Reg cl 9	WIC (General) Reg Schedule 1, cl 5	A Network Operator must comply with any water industry code of conduct, marketing code of conduct and transfer code of conduct.

^a Licensees must immediately report an incident that threatens, or could threaten, water quality, public health or safety. The report must be made in accordance with the document “Incident Notification by Network Operators and Retail Suppliers” available from IPART’s website at www.ipart.nsw.gov.au. If there is a non-compliance with this licence obligation (ie if a licensee fails to immediately report an incident), then as soon as reasonably practicable after becoming aware of the incident, the licensee must report both the incident and the non-compliance (ie the failure to immediately report the incident) in accordance with sections 2.1 and 2.2 of this reporting manual.

Table A.3 Network Operators – water infrastructure – general reporting requirements

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
Reporting frequency: Immediate			
13.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 6(1)(a)-(e)	<p>Before commencing to operate water infrastructure commercially/Within 6 months of being granted a Network Operator's licence for water infrastructure, a Network Operator must prepare and forward to IPART an infrastructure operating plan that indicates the arrangements the Network Operator has made, or proposes to make, in relation to:</p> <ul style="list-style-type: none"> a) the design, construction, operation and maintenance of the infrastructure, including particulars as to the life-span of the infrastructure, the system redundancy built into the infrastructure and the arrangements for the renewal of the infrastructure; b) the continued safe and reliable performance of the infrastructure; c) the continuity of water supply; d) alternative water supplies when the infrastructure is inoperable; e) the maintenance, monitoring and reporting of standards of service.
Reporting frequency: Annual			
14.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 6(2)(a)	The Network Operator must ensure that the infrastructure operating plan is fully implemented and kept under regular review and all of the Network Operator's activities are carried out in accordance with that plan.
15.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 6(2)(b)	The licensee must, if the Minister so directs, amend its infrastructure operating plan in accordance with the Minister's direction.
16.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 6(3)(a)	If any significant change is made to its infrastructure operating plan (or the Minister or IPART demands it), the Network Operator must provide a copy of the amended plan to IPART and an approved auditor, and provide the Minister or IPART with a report, prepared by the approved auditor, regarding the adequacy of the plan and the condition of its infrastructure having regard to the purposes for which it was licensed.
17.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 6(3)(b)	Alternatively, the Network Operator must pay the Minister's or IPART's cost of investigation into the adequacy of the plan or condition of the infrastructure.
18.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 7(4)(a)	The Network Operator must ensure that its water quality plan is fully implemented and kept under regular review and the Network Operator's activities are carried out in accordance with that plan.
19.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 7(4)(b)	If the Minister so directs, amendments to the Network Operator's water quality plan are made in accordance with the Minister's direction.

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
20.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 7(5)(a)	If any significant change is made to its water quality plan (or the Minister or IPART demands it), the Network Operator must provide IPART with an amended copy of the plan and provide the Minister or IPART with a report, prepared by an approved auditor, regarding the adequacy of the plan.
21.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 7(5)(b)	Alternatively, the Network Operator must pay the Minister's or IPART's costs of conducting an investigation into the adequacy of the plan.
22.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 8(1)	Any water meter that is connected to a Network Operator's water main must comply with the requirements of the <i>Plumbing Code of Australia</i> .
23.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 8(2)(a)-(c)	While water is being supplied to premises in respect of which a water meter has been installed, a Network Operator must ensure that: <ul style="list-style-type: none"> a) the water meter is properly maintained and periodically tested; b) the water meter is read at intervals of no more than 4 months; c) written notice of each meter reading is sent to the relevant licensed Retail Supplier.
24.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 11	Customer's installations are not to be connected to the Network Operator's water main or sewer main unless the installation complies with the <i>Plumbing and Drainage Act 2011 (NSW)</i> .
25.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 12(a), (d)-(e)	The Network Operator must have an internet website on which: <ul style="list-style-type: none"> a) a plan showing the nature and general location of the infrastructure is available for inspection by members of the public; b) the most recent auditor's report under clause 6 that applies to the Network Operator is available for inspection by members of the public; c) the most recent auditor's report under clause 7 that applies to the Network Operator is available for inspection by members of the public.

Table A.4 Network Operators – water infrastructure for drinking water only – reporting requirements

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
Reporting frequency: Immediate			
26.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 9(a)-(c)	A Network Operator of water infrastructure to supply drinking water must ensure the water supplied: <ul style="list-style-type: none"> a) is fit for human consumption; b) complies with any requirements of the licence conditions; c) complies with any requirements under the <i>Public Health Act 2010</i> (NSW) and the <i>Public Health Regulation 2012</i> (NSW) in relation to the supply of safe drinking water.
Reporting frequency: Annual			
27.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 7(1)(a)	Before commencing to operate water infrastructure commercially/Within 6 months of being granted a Network Operator's licence for water infrastructure, the licensed Network Operator must prepare, and forward to IPART, a water quality plan in relation to the water supplied from the infrastructure that specifies how the 12 elements for the framework for the management of drinking water quality, as detailed in the <i>Australian Drinking Water Guidelines</i> , have been addressed and will be implemented.
28.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 7(2)	A Network Operator's water quality plan in relation to water infrastructure for drinking water must be consistent with the <i>Australian Drinking Water Guidelines</i> .

Table A.5 Network Operators – water infrastructure for non-potable water only – reporting requirements

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
Reporting frequency: Immediate			
29.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 10(b)	The Network Operator under a licence for water infrastructure to supply non-potable water for a particular purpose must ensure that the water supplied complies with any requirements of the licence conditions.
Reporting frequency: Annual			
30.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 7(1)(b)	Before commencing to operate water infrastructure commercially/Within 6 months of being granted a Network Operator's licence for water infrastructure, the licensed Network Operator must prepare, and forward to IPART, a water quality plan in relation to the non-potable water supplied from the infrastructure that specifies how the 12 elements for the framework for the management of recycled water quality, as detailed in the <i>Australian Guidelines for Water Recycling</i> , have been addressed and will be implemented, and, having regard to those guidelines, the purposes for which the water may be used /not used.

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
31.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 7(3)	A Network Operator's water quality plan in relation to water infrastructure for non-potable water must be consistent with the <i>Australian Guidelines for Water Recycling</i> .
32.	WIC (General) Reg cl 9(a)	WIC (General) Reg Schedule 1, cl 10(a)	The Network Operator under a licence for water infrastructure to supply non-potable water for a particular purpose must ensure that the water supplied is fit for that purpose.

Table A.6 Network Operators - sewerage infrastructure – general reporting requirements

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
Reporting frequency: Immediate			
33.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 13(1)(a)-(e)	Before commencing to operate sewerage infrastructure commercially/Within 6 months after being granted a Network Operator's licence for sewerage infrastructure, a Network Operator must prepare and forward to IPART an infrastructure operating plan that indicates the arrangements the Network Operator has made, or proposes to make, in relation to: <ul style="list-style-type: none"> a) the design, construction, operation and maintenance of the infrastructure, including particulars as to the life-span of the infrastructure, the system redundancy built into the infrastructure and the arrangements for the renewal of the infrastructure' b) the continued safe and reliable performance of the infrastructure; c) the continuity of sewerage services; d) alternative sewerage services when the infrastructure is inoperable; e) the maintenance, monitoring and reporting of standards of service.
34.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 14(1)(a)-(b)	Before commencing to operate sewerage infrastructure commercially/Within 6 months after being granted a Network Operator's licence for sewerage infrastructure, a Network Operator must prepare and forward to IPART a sewage management plan that indicates: <ul style="list-style-type: none"> a) the manner in which health and ecological assessments will be undertaken and any concerns arising from any such assessment addressed; b) the arrangements for the disposal of waste from the infrastructure.
Reporting frequency: Annual			
35.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 13(2)(a)	The infrastructure operating plan is fully implemented and kept under regular review and all of the Network Operator's activities are carried out in accordance with that plan.

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
36.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 13(2)(b)	If the Minister has directed, amendments to the Network Operator's infrastructure operating plan, such amendments were completed in accordance with the Minister's direction.
37.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 13(3)(a)	If any significant change is made to its infrastructure operating plan (or the Minister or IPART demands it), the Network Operator must provide a copy of the amended plan to IPART and an approved auditor and provide the Minister or IPART with a report, prepared by the approved auditor, regarding the adequacy of the plan and the condition of its infrastructure having regard to the purposes for which it was licensed.
38.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 13(3)(b)	Alternatively, the Network Operator must pay the Minister's or IPART's cost of investigation into the adequacy of the plan or condition of the infrastructure.
39.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 14(3)(a)	A Network Operator must ensure its sewage management plan is fully implemented and kept under regular review and all its activities are carried out in accordance with the plan.
40.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 14(3)(b)	A Network Operator must, if the Minister so directs, amend its sewage management plan in accordance with the Minister's direction.
41.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 14(4)(a)	On demand by the Minister or IPART, or if any significant change is made to its sewage management plan, a Network Operator must provide the Minister or IPART with a report, prepared by an approved auditor, as to the adequacy of its plan.
42.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 14(4)(b)	Alternatively, the Network Operator must pay the Minister's or IPART's costs in conducting an investigation into the adequacy of its plan.
43.	WIC (General) Reg cl 9(b)	WIC (General) Reg Schedule 1, cl 16(a)-(e)	A Network Operator must have an internet website on which: <ul style="list-style-type: none"> a) a plan showing the nature and general location of the infrastructure is available for inspection by members of the public; b) the <i>Infrastructure Operating Plan</i> is available for inspection by members of the public; c) the <i>Sewage Management Plan</i> is available for inspection by members of the public; d) the most recent auditor's report under clause 13 that applies to the Network Operator is available for inspection by members of the public; e) the most recent auditor's report under clause 14 that applies to the Network Operator is available for inspection by members of the public.

Table A.7 Network Operators – monopoly suppliers – reporting requirements

#	Licence Condition	Obligations under condition	Brief description of obligation which, if not complied with, must be reported
Reporting frequency: Annual			
44.	WIC Act s 52(3)	WIC Act s 52(3)	A monopoly supplier must comply with any IPART determination in relation to the pricing for any service in respect of which a declaration is in force under section 51 and in relation to a periodic review of pricing policies in respect of any such service.
45.	WIC Act s 53(1)	WIC Act s53(1)	A monopoly supplier must, in accordance with the declaration for that service, supply that service to any eligible premises to which the owner of the premises requests the supplier to provide that service.

B Immediate non-compliance breach report template

Immediate licence breach report

Time of licence breach *[Insert date and time]*

Submitted by [Licensee]

ACN: [ACN]

[Licensee] reports as follows:

1. The company currently holds the following New South Wales WIC Act Licence(s) (strike out any that do not apply):
 - Retail Supplier
 - Network Operator
2. On *[Insert date]* and at *[insert time]*, there was/were (a) non-compliance(s) with the following licence clause(s):

[Insert licence clauses(s) that were not compliant]
3. This report has been prepared by [Licensee] with all due care and skill, using all reasonable efforts to verify that all information provided in the report is true and correct, in full knowledge of conditions to which the Licensee is subject and in compliance with IPART's current Network Operator's Reporting Manual under the *Water Industry Competition Act 2006* (NSW).
4. Schedule A provides information on the licence non-compliance(s) incurred by [Licensee].
5. Once the licence non-compliance(s) have been rectified, [Licensee] will notify IPART of the actual date of full compliance.

IPART should liaise with [Name of primary contact] when communicating with [Licensee] with regard to the non-compliance. [Name of primary contact] may be contacted at [telephone number], [email address].

If [Name of primary contact] is unavailable at any time, IPART should liaise with [Name of alternate contact]. [Name of alternate contact] may be contacted at [telephone number], [email address].

Signed for and on behalf of

[Insert Licensee's Name]

ACN *[Insert ACN of Licensee]*



[signature of Director/Company Secretary] *[signature of Director]*

Name of Director/Company Secretary Name of Director
[Print name] *[Print name]*

(Strike out any that do not apply)

Schedule A Details of licence non-compliance(s)

Details of licence non-compliance	
Date and time that IPART <i>Director, Regulation & Compliance</i> was verbally notified of the non-compliance	
The obligation with which the licensee is non-compliant	
Extent and nature of breach/ non-compliance (brief description)	
How many customers are affected?	
How many other licensees are affected?	
Reason(s) for the licence non-compliance	
Corrective action(s) taken to rectify the non-compliance and preventive actions taken to minimise reoccurrence of the non-compliance	
Contact details for person managing response to event	Name: Telephone number: Email address: Address:
Anticipated date of full compliance	

C Incident notification forms

Form A

Incident written notification within 24 hours of immediate verbal notification

Licensees must report an incident via email within 24 hours of immediate verbal notification.

Email must contain the word “incident” in the subject line.

CONTACT DETAILS

From	Licensee business name		
	Licence number		
	Contact Person in charge of dealing with the incident	Name:	
		Position	
		Phone:	
Email:			
To	Local Public Health Unit in NSW Health	<i>(in accordance with the licensee's incident and emergency response protocol).</i>	
	Department of Planning and Environment	colette.grigg@planning.nsw.gov.au	
	IPART	compliance@ipart.nsw.gov.au	
Copy	Water Unit in NSW Health	waterqual@doh.health.nsw.gov.au	

RECORD OF IMMEDIATE VERBAL NOTIFICATION

Stakeholder	Time/ Date	Person contacted (indicate if message was left with the contact)
Local Public Health Unit Phone number outlined in Incident and Emergency Response Protocol		
Department of Planning and Environment (02) 8275 1914		
IPART (02) 9113 7722		
Other agencies or persons notified (provide name and contract details)		
EPA		
Local Council		
Emergency Services (please indicate which one)		

Other licensees and/or public water utilities		
Others		

INCIDENT DESCRIPTION

	Description
Date of incident	
Time of incident	
Location and affected area <i>(include map if necessary)</i>	
Description of event	
Description of potential/actual impact and duration (eg, number of customers or licensees, water quality, etc)	
Reason or possible causes of incident	
Corrective actions taken to rectify the incident	
If incident not ended, the anticipated date of ending	
Follow up actions (including repair work, review of plans, possible changes to protocol, etc)	

This form is available for download separately from the IPART website.

Form B

Incident written notification within 5 days of incident ending

Licensee under the *Water Industry Competition Act 2006* must report an incident via email within 5 days of the incident ending

Email must contain the word “incident” in the subject line

CONTACT DETAILS

From	Licensee business name		
	Licence number		
	Contact Person in charge of dealing with the incident	Name:	
		Position	
		Phone:	
Email:			
To	Local Public Health Unit in NSW Health	<i>(in accordance with the licensee’s incident and emergency response protocol).</i>	
	Department of Planning and Environment	colette.grigg@planning.nsw.gov.au	
	IPART	compliance@ipart.nsw.gov.au	
Copy	Water Unit in NSW Health	waterqual@doh.health.nsw.gov.au	

RECORD OF IMMEDIATE VERBAL NOTIFICATION

Stakeholder	Time/ Date	Person contacted (indicate if message was left with the contact)
Local Public Health Unit Phone number outlined in Incident and Emergency Response Protocol		
Department of Planning and Environment (02) 8275 1914		
IPART (02) 9113 7722		
Other agencies or persons notified (provide name and contact details)		
EPA		
Local Council		
Emergency Services (please indicate which one)		
Other licensees and/or public water utilities		
Others		

INCIDENT DESCRIPTION

	Description
Date of incident (start and end date)	
Time of incident (start and end time, if known)	
Location and affected area <i>(include map if necessary)</i>	
Description of event	
Description of actual impact and duration (eg, number of customers or licensees, water quality, etc)	
Causes of incident	
Corrective actions taken to rectify the incident	
Follow up actions (including repair work, review of plans, possible changes to protocol, etc)	

This form is available for download separately from the IPART website.

D Checklist for annual reporting

By no later than **1 September** each year, all licensees must lodge an electronic copy, and if requested a hard copy, of their Annual Compliance Report comprising of the following:

- Annual Compliance Report Certification (Appendix E).
- Licence non-compliance schedule (schedule A in Appendix E).
- Performance Indicators (schedule B in Appendix E).
- Name and contact details (phone, email) of the main person we can liaise with when assessing the licensee's compliance. Please also nominate an alternate person for those times when the main contact is unavailable.
- Applicable only to licensees that service small retail customers¹⁹ - a financial capacity statement, relating to the licensee's financial capacity (Appendix H).

¹⁹ As defined in section 3.9 of this reporting manual.

E Annual compliance report template

Annual Compliance Report *[Insert Year]*

For 20__/__/__

Submitted by [Licensee]

ACN: [ACN]

To: The Chief Executive Officer
Independent Pricing and Regulatory Tribunal of NSW
PO Box K35
Haymarket Post Shop NSW 1240

[Licensee] reports as follows:

1. This report:
 - a) documents all non-compliances with the licence conditions to which [Licensee] is subject by virtue of its Network Operator's licence during [most recent financial year ending 30 June]; and
 - b) includes all Performance Indicators about [Licensee's] operations required to be reported in accordance with Schedule B of this Reporting Manual.
2. This report has been prepared by [Licensee] with all due care and skill, including to ensure that all information provided in the report is true and correct, in full knowledge of conditions to which [Licensee] is subject and in compliance with IPART's current Network Operator's Reporting Manual under the *Water Industry Competition Act 2006* (NSW).
3. Schedule A provides information on all obligations with which [Licensee] did not fully comply during [financial year].
4. Other than the information provided in Schedule A, [Licensee] has complied with all conditions to which it is subject.

IPART should liaise with [Name of primary contact] in regard to [Licensee] Annual Compliance Report. [Name of primary contact] may be contacted at [telephone number], [email address].

If [Name of primary contact] is unavailable at any time, IPART should liaise with [Name of alternate contact]. [Name of alternate contact] may be contacted at [telephone number], [email address].

Signed for and on behalf of
[Insert Licensee's Name]

ACN [*Insert ACN of Licensee*]

[signature of Director/Company Secretary]

[signature of Director]

Name of Director/Company Secretary

[Print name]

Name of Director

[Print name]

(Strike out any that do not apply)

Schedule A Non Compliances²⁰

# ^a List obligations breached, including a brief description of each obligation ^b	Describe: i Date or period of licence breach ii Nature and extent of licence breach (including whether and how many customers and/or other licensees have been affected) iii Results of any monitoring (where applicable) iv Reasons for licence non-compliance v Remedial action taken vi Actual/anticipated date of full compliance
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[Insert rows as required]

^a See Appendix A. Licensees should indicate the relevant requirement number in column 1, for example, Network Operator #29.

^b See Appendix A. Licensees should include, for example: WIC (General) Reg cl 9, WIC (General) Reg Schedule 1, cl 1(1) - A Network Operator must provide the Minister or IPART with such information as required in relation to licensee's activities under licence.

²⁰ Licensees should report only non-compliances that were identified during the reporting period.

Schedule B

Table 1 - Performance indicators²¹

Indicator set	Performance indicator # ^a	Report in relation to indicator
Assets		

^a See Appendix F.

Note: This template is available in Excel format at IPART's website.

²¹ The Licensee must report against all applicable indicators, as determined by IPART in consultation with the Licensee.

F IPART performance indicators

The table in this Appendix F sets out the performance indicators developed by IPART that WIC Act Network Operators must report on.

Table F.1 IPART performance indicators

Performance area	Indicator number	Indicator	Definition
Assets	A1	Number of properties that experience an unplanned water interruption that lasts for more than five continuous hours	Number of properties that experience an unplanned water interruption that lasts for more than five continuous hours in the financial year.
	A2	Number of properties that experience three or more unplanned water interruptions that each lasts for more than one hour	Number of properties that experience three or more water interruptions that each lasts for more than one hour in the financial year.
	A3 ^a	Total number of unplanned water interruptions – water supply	The total number of unplanned interruptions where customers are without potable water supply, during the reporting year (interruptions).
	A4 ^b	Average duration of unplanned water interruptions – water supply	The average duration for which a customer is without potable water, due to an unplanned supply interruption during the reporting year minutes (minutes).
	A10	Number of properties that experience a water pressure failure	Number of properties that experience a water pressure failure in the financial year.
	A11	Number of properties (other than public properties) that experience an uncontrolled wastewater overflow in dry weather	Number of properties (other than public properties) that experience an uncontrolled wastewater overflow in dry weather in the financial year.
	A12	Number of properties (other than public properties) that experience three or more uncontrolled wastewater overflows in dry weather	Number of properties (other than public properties) that experience three or more uncontrolled wastewater overflows in dry weather in the financial year.

^a NWI indicator IC17

^b NWI indicator C15

Definitions

Property

Means any single real property which is connected to the water utility's drinking water supply system, to the water utility's sewerage system or to the water utility's non-potable (or recycled) water system and a charge for the services provided by one or more of those systems is levied on the owner of the real property.

Uncontrolled wastewater overflow

Refer to the WIC Act utility's current Infrastructure Operating Plan for a definition of when a property is taken to have experienced an Uncontrolled Wastewater Overflow.

Water Pressure Failure

Refer to the WIC Act utility's current Infrastructure Operating Plan for a definition of when a property is taken to have experienced Water Pressure Failure if it breaches the System Performance Standard for water pressure.

For the purpose of this indicator:

A Property is taken to have experienced a Water Pressure Failure:

- a) when a person notifies the water utility that the Property has experienced a Water Pressure Failure and the water utility confirms that the Property has experienced a Water Pressure Failure; or
- b) when the water utility identifies that the Property has experienced a Water Pressure Failure (including through its data collection systems and hydraulic analysis).

Despite above, a Property will not be taken to have experienced a Water Pressure Failure if that Water Pressure Failure occurred only because of:

- c) water usage in the case of a fire or other abnormal demand; or
- d) a short term or temporary operational problem (such as a main break) which is remedied within Four days of its commencement.

Unplanned Water Interruption

Means an event which:²²

- a) commences when the supply of Drinking Water at the first cold water tap of a Property is interrupted without the Customer or Consumer having received prior notice of that interruption from the water utility; and
- b) ceases when a normal supply of Drinking Water is restored to the Property referred to in paragraph (a).

²² Sydney Water Operating Licence 2015-2020 12.1 Definitions and Hunter Water Operating Licence 2017-2022 7.1 Definitions

G Insurance expert's report template

It is a standard Licence condition for all licensed Network Operators under the WIC Act to obtain appropriate insurance prior to commencing commercial operation of the infrastructure (see Schedule B, clause B2 of the licence for full details).

Licensees must demonstrate that the insurance they have obtained is appropriate. This is established 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 is appropriate for the size and nature of the activities authorised under the licence, and attaching all certificates of currency of insurances obtained. The insurance expert must be an insurance broker, holding an Australian financial services licence (AFSL) under Part 7.6 of the *Corporations Act 2001* (Cth) that authorises it to provide financial product advice for, and deal in, insurance contracts.

The report must be in the form prescribed by the reporting manual. This form is set out below. The report should also set out the insurance expert's AFSL number and ABN (or attach a copy of an AFS licence register search from ASIC providing these details). The expert must be able to state in the report that they have no conflicts of interest preventing them from providing the report.

Licensees must submit this report to IPART, prior to commencing commercial operation. This report may take four to six weeks (or potentially longer) to obtain, as it will require the insurance expert to undertake or review a risk assessment of the licensed activities in order to provide the information required in the report. Licensees should allow for sufficient time to obtain the report before commencing commercial operation (or, for Brownfield schemes that have already commenced commercial operation, within six months of the date on which the licence is granted or by a later date specified by IPART (if any)).

Insurance expert's report template

The insurance expert's report required under licence condition B2 is to contain a certification statement with supporting attachments. The below certification statement is to be provided on the insurance broker's letterhead and signed by a Partner, Director or Senior Manager of the brokerage.

[Licensee's name and ACN] (Licensee) has engaged [Insurance broker's name, ACN and Australian financial services licence number] to provide this report to the Independent Pricing and Regulatory Tribunal (IPART).

This report concerns the licensee's insurance arrangements in relation to the activities authorised under the Network Operator's licence [insert No.] and/or Retail Supplier's licence [insert No.] (Licence) granted to the licensee under the *Water Industry Competition Act 2006* (NSW) (Act). Those activities are [enter a brief description of the authorised activities eg, the construction, operation and maintenance of and/or supply of recycled water from, the recycled water scheme at Rooty Hill]. The provision of this report is required by licence condition B2.

Licensee's Insurance Arrangements

The attached Schedule A sets out:

- ▼ the type and level of insurance obtained by the licensee in relation to the activities authorised under the licence (Licensee's Insurance Arrangements), and
- ▼ the reasons as to why the Licensee's Insurance Arrangements are appropriate for the size and nature of the activities authorised under the licence.

Certification

[Insurance broker's name] certifies to IPART that in its opinion, the Licensee's Insurance Arrangements are appropriate for the size and nature of the activities authorised under the Licence. In reaching this opinion, [Insurance broker's name] has:

- ▼ identified and analysed the key risks of the licensee undertaking the activities authorised by the licence as set out in the attached Schedule C, using the approach or methodology set out in the attached Schedule B
- ▼ reviewed the Licensee's Insurance Arrangements, and
- ▼ based on the information set out below:
 - considered whether the Licensee's Insurance Arrangements are appropriate for the size and nature of the activities authorised under the licence using the risk analysis set out in the attached Schedule C, and
 - considered any risks that remain wholly or partially uninsured and explained in the attached Schedule D what those risks are, why they are wholly or partially uninsured, and why this does not affect the certification given in this report.

In preparing this report, [Insurance broker's name] has:

- ▼ been briefed by the licensee on the activities authorised by the licence and on the Licensee's Insurance Arrangements

- ▼ reviewed the risk assessment in the following operational plans provided by the licensee:
 - Network Operator's Water Quality Plan [*delete if not applicable*]
 - Network Operator's Sewage Management Plan [*delete if not applicable*]
 - Network Operator's Infrastructure Operating Plan [*delete if not applicable*]
 - Retail Supplier's Retail Supply Management Plan [*delete if not applicable*]
- ▼ reviewed the risk register developed by the licensee
- ▼ reviewed evidence of the licensee's current insurance policies, or of the insurance policies that the licensee will obtain before commencing commercial operation or supply of services, in the form of certificates of currency (where currently available) and the relevant policy schedules and policy wording. Where an insurance policy is written in a foreign language, [*Insurance broker's name*] has reviewed an English translation or English summary of the policy, and
- ▼ [*insert details of other information/ documents reviewed or any other inquiries made*].

Acknowledgments

[*Insurance broker's name*] has prepared this report for the licensee.

[*Insurance broker's name*] acknowledges that IPART may disclose this report:

- ▼ to the Minister administering the Act (Minister) or the Department of Planning and Environment (which currently administers the Act on the Minister's behalf), and
- ▼ under the *Government Information (Public Access) Act 2009* (NSW) or the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW), or where otherwise required by law.

[*Insurance broker's name*] also acknowledges that this report is for the benefit of the Minister and IPART, and that the Minister and IPART will rely on the report in performing their respective functions under the Act.

[*Include the following section if attaching certificates of currency to this report on behalf of the licensee*]

Certificates of Currency

All certificates of currency for the insurances are attached in Schedule E.

[*Insert page break*]

SCHEDULE A: Summary of current insurance arrangements

Include a brief statement of the insurance arrangements the licensee has or intends to have in place prior to commencing commercial operation and/or supply of services.

For each insurance policy, the following information is to be summarised:

Policy type/class	<i>(eg, Public & Products Liability, Professional Indemnity, Industrial Special Risks, Environmental Impairment Liability, Workers Compensation, etc)</i>
Parties Insured	<i>[full name of entity to be insured – ensure covers the licensee, particularly where the licensee is a subsidiary company]</i>
Policy number	
Policy period	
Insurer	
Risks/Interests insured	<i>[Summary of what the insurance covers]</i>
Limit of Liability, including notable sub-limits	<i>[eg, \$ amount/s or ‘as provided under Legislation’]</i>
Key Exclusions	
Policy Extensions	<i>[if applicable]</i>
Geographical Limits	
Evidence of Policy	<i>[ie, Policy Wording & Schedules (or Policy summary/translation where policy issued in another language); Certificate of Currency dated x (where available)]</i>
Appropriateness of Policy	<i>[insert commentary]</i>

[Insert page break]

SCHEDULE B: Risk profiling and analysis approach

Insert details of the approach used to identify and analyse risks. All business risks must be considered, whether insurable or not. The approach used should be consistent with the International Standard ISO 31000-2009, Risk Management – Principles and guidelines, as published by the International Organization for Standardization.

Explain how the risk is evaluated (or rated) and set out your risk evaluation criteria or descriptors in tables below.

[Insert page break]

SCHEDULE C: Insurable risk analysis – key risks

Set out in table form the following:

- ▼ each key risk identified, including a general risk type (eg, Product liability – water; Financial risks; etc) and a more detailed description of the risk or the risk scenario identified (eg, product causing property damage or personal injury; failure of critical equipment; inadequate funds available resulting in licensee’s bankruptcy; etc)
- ▼ your assessment or evaluation of the consequences of each key risk, including your risk rating (eg, this will be numbers and/ or descriptors, as described in Schedule B)
- ▼ an indication of whether or not the key risk is insurable or not (eg, yes/no/partially)
- ▼ an indication of what the applicable insurance or insurances for that key risk would be (ie, the policy type)
- ▼ an indication of whether the key risk is in fact insured (eg, yes/no/partially)
- ▼ any further insurance comments on the insurance cover for the risk (eg, extent of the cover) and the appropriateness of that cover (eg, This exposure will be picked up under the property policies of the asset owner; Generally the combined liability policy will provide cover for these risks, except in relation to...; etc)

[Insert page break]

SCHEDULE D: Wholly or partially uninsured risks

For each key risk that is currently wholly or partially uninsured, the following information should be set out in table form:

- ▼ a description of each wholly or partially uninsured risk (eg, Legislative non-compliances of WHS, environmental, etc; Asset damage; Inadequate funds available resulting in licensee's bankruptcy; etc)
- ▼ whether there is an available insurance solution (eg, Yes, No, Partial or an explanatory comment such as: 'A statutory liability policy is available to provide cover for innocent breaches of legislation', etc) and
- ▼ comment as to why the risk is wholly or partially uninsured, and why this does not affect the certification given in this report (eg, A commercial decision has been made to self insure these exposures, and it is not considered a material risk exposure with respect to the licensee's project; Responsibility for insurance of the asset rests with the owner of the asset, not the licensee; Such cover is not typically purchased due to the high cost of obtaining such cover and therefore the licensee's insurance arrangements are considered standard industry practice; etc).

[Insert page break]

SCHEDULE E: Certificates of currency

The insurance broker may attach certificates of currency to the report where the insurances are already in place. If the certificates of currency are not attached to the report, the licensee must separately provide them to IPART before commencing commercial operation or supply of services.

H Financial capacity statement

[Only include a financial capacity statement if the Licensee provided small retail customers with potable water or sewerage services during the period covered by the annual compliance report]

Financial capacity statement [annual compliance report year]

Submitted by [Licensee name]

To: The Chief Executive Officer
Independent Pricing and
Regulatory Tribunal of NSW
PO Box K35
Haymarket Post Shop NSW 1240

[Licensee name] declares as follows:

[Delete any that do not apply]

5. [Licensee name] had, at all times during the period covered by the annual compliance report to which this statement is attached, stand-alone financial capacity to carry out activities that are authorised by licence no. [Applicable licence number/s] (except as described in Schedule A to this declaration).
6. [Licensee name] had, at all times during the period covered by the annual compliance report to which this statement is attached, financial support from [Name of financial sponsor] and therefore [Licensee name] has financial capacity to carry out activities that are authorised by licence no. [Applicable licence number/s] (except as described in Schedule A to this declaration).
7. The [deed of undertaking/bank guarantee/other agreement] referred to in condition [condition no. requiring the deed of undertaking/bank guarantee/other agreement] of licence no. [Applicable licence number] remains valid and has not been amended, terminated or revoked during the period covered by the annual compliance report to which this statement is attached (except as described in Schedule A to this declaration).
8. This declaration has been prepared by [Licensee name] with all due care and skill, including to ensure that all information provided in the statement is true and correct, in full knowledge of conditions to which [Licensee name] is subject.

For any questions relating to this declaration, please contact [Name of primary contact] at [telephone number], [email address].

Signed for and on behalf of
[Licensee Name]
[Licensee ACN or Registration No., if applicable]

[signature of Director/Company Secretary] *[signature of Director]*

Name of Director/Company Secretary Name of Director
[Print name][insert date] *[Print name] [insert date]*

(Strike out any that do not apply)

SCHEDULE A: Description of relevant exceptions

[Delete Schedule A if it does not apply]

[Set out any of the following that applies]

- ▼ A description of any exception to the declaration at paragraph 1 in relation to stand-alone financial capacity
- ▼ A description of any exception to the declaration at paragraph 2 in relation to the financial support received from a sponsor
- ▼ A description of any amendment, termination or revocation of a deed of undertaking/bank guarantee/other agreement.