

## **Submission to IPART**

# **Energy and Water Licence Compliance Policy**

**Stefanie Schulte**  
Economic Policy Analyst

## Introduction

NSW Irrigators' Council (NSWIC) represents more than 12,000 water access licence holders in NSW. These water access licence holders have access to regulated, unregulated and groundwater systems. Our Members include valley water user association, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton, dairy and horticulture industries.

NSWIC engages in advocacy, policy development, public and media relations. As an apolitical entity, we are available for the provision of advice to all stakeholders and decision makers.

This document represents the views of Members of NSWIC with respect to IPART's *Draft Energy and Water Compliance Policy*. However, each Member reserves the right to independent policy on issues that directly relate to their areas of operation, or expertise or any other issues that they may deem relevant.

## General Comments

NSWIC welcomes the opportunity to make a submission to IPART's *Draft Energy and Water License Compliance Policy*. As this policy is applicable to the *State Water Corporation Act 2004*, it is of direct concern to our Members.

NSWIC considers itself an expert in water resource management, and will therefore only comment on those aspects of the draft policy that directly relates to water.

We have continuously stressed the need for transparency in regard to licensing and compliance monitoring. For this reason, we submit that any information about a licensee's actual or alleged contravention of a licence condition must be publically available and stakeholder consultation must be sought for the compliance and enforcement actions. In particular, if a non-compliance issue was raised by a stakeholder and/or stakeholders are negatively impacted by the contravention, then any information relating to this matter must be made publically available.

## Specific Comments

### Stakeholder Consultation

As outlined above, NSWIC considers it vital to allow stakeholders to comment on any proposed compliance and enforcement actions. In particular, section 2.4 of the draft policy mentions that IPART;

*..will determine an appropriate response based on all of the circumstances of the contravention under consideration.*

NSWIC submits that stakeholder input will positively assist IPART in forming an appropriate response to any contravention of the licence requirements.

## **Contravention**

NSWIC submits that any contravention to the licence requirements should result in enforcement actions, regardless if the action was knowingly or unknowingly. Any contravention of the licence requirements can have negative impacts on third parties. As such, these negative impact must be addressed and reversed and/or mitigated.

## **Enforcement action**

NSWIC does not concur with the proposed maximum monetary penalties and the additional requirement that;

*If IPART requires some other action by the licensee, the cost of that action cannot exceed the value of the monetary penalty that IPART could otherwise impose.*

As a contravention of a licence requirement could potentially have large scale impacts on third parties, a maximum penalty of \$10,000 is inappropriate. NSWIC submits that any penalty should be proportionate to the severity of the contravention.

## **Timeframe**

NSWIC submits that section 2.4 be extended by the following;

*When IPART requires information to be sent to a customer, the licensee may satisfy that requirement by sending the information to the customer with the next account or other information scheduled to be sent to customer or within 30 days, whatever is earliest.*

This will ensure that customers have access to timely information and are able to assess the impact of the contravention.

Furthermore, NSWIC submits that section 2.4.2 be extended by;

*The timeframe in which the contravention has to be reversed or mitigated.*

This will ensure that the offender addresses the contravention in a timely fashion.

**ENDS.**