

# **State Water Corporation Draft Operating Licence 2013-2018**

Water Licensing – Draft Operating Licence  
February 2013



# Contents

<b>1</b>	<b>Licence and Licence authorisation</b>	<b>1</b>
1.1	Purpose of this Licence	1
1.2	Duration of this Licence	2
1.3	Non-exclusive Licence	2
1.4	Availability of Licence	2
1.5	Conferred functions	2
<b>2</b>	<b>Water quality</b>	<b>4</b>
2.1	Bulk Water supplied to Local Water Utilities for Drinking Water purposes	4
<b>3</b>	<b>Water quantity</b>	<b>5</b>
3.1	Delivery of water to Customers	5
3.2	Water accounting reports	5
<b>4</b>	<b>Assets</b>	<b>6</b>
4.1	Asset Management System	6
4.2	Water metering	6
<b>5</b>	<b>Customers</b>	<b>8</b>
5.1	Valley-based customer service committees (excluding Fish River Water Scheme Customers)	8
5.2	Customer Service Charter (excluding Fish River Water Scheme Customers)	9
5.3	Fish River Customer Council	9
5.4	Fish River Customer Contracts	10
5.5	Procedure for payment difficulties	10
5.6	Internal Complaints Handling Procedure	11
5.7	External dispute resolution scheme	11
<b>6</b>	<b>Environmental management</b>	<b>12</b>
6.1	Environmental management	12
<b>7</b>	<b>Performance monitoring</b>	<b>13</b>
7.1	Operational Audits	13
7.2	Reporting	14
7.3	Provision of information	14
7.4	Performance indicators	14

<b>8</b>	<b>End of term review</b>	<b>15</b>
8.1	End of Term Review	15
<b>9</b>	<b>Notices</b>	<b>16</b>
<b>10</b>	<b>Definitions and interpretation</b>	<b>17</b>
10.1	Definitions	17
10.2	Interpretation	20
	<b>Schedules</b>	<b>23</b>
A	Conferral of functions	25

# 1 Licence and Licence authorisation

## 1.1 Purpose of this Licence

1.1.1 This Licence is granted to enable and require State Water to carry out its functions within its Area of Operations on the terms and conditions set out in this Licence. This Licence sets out the terms and conditions under which State Water is to:

- a) meet the objectives and other requirements imposed on it in the Act and other applicable law;
- b) provide, construct, operate, manage and maintain efficient, co-ordinated and commercially viable systems and services to capture, store and release water;
- c) comply with the performance standards specified in this Licence;
- d) comply with the reporting obligations set out in the Reporting Manual;
- e) be subject to Operational Audits; and
- f) where conferred on State Water by this Licence, undertake specified functions of:
  - i) the Minister administering the *Water Management Act 2000* and the *Water Act 1912*; and
  - ii) the Ministerial Corporation under any Act or law.

1.1.2 This licence authorises State Water to exercise its functions:

- a) outside the State; and
- b) within the area of operations of:
  - i) Sydney Water Corporation;
  - ii) Sydney Catchment Authority;
  - iii) Hunter Water Corporation; or
  - iv) a Water Supply Authority.

subject to State Water obtaining the written agreement of the relevant body.

## **1.2 Duration of this Licence**

1.2.1 The term of this Licence is 5 years from the Commencement Date.

*[Note: This Licence starts on 1 July 2013, which means that it will end on 30 June 2018.]*

## **1.3 Non-exclusive Licence**

1.3.1 This Licence does not prohibit another person from providing any services in the Area of Operations that are the same as, or similar to, the services provided by State Water, if the person is lawfully entitled to do so.

## **1.4 Availability of Licence**

1.4.1 State Water must make this Licence available free of charge:

- a) on its website for downloading by any person; and
- b) to the public on request.

## **1.5 Conferred functions**

1.5.1 This Licence confers on State Water the functions specified in Schedule A to this Licence.

1.5.2 State Water must exercise any functions conferred on it under this Licence consistently with the *Water Management Act 2000*, the *Water Act 1912*, the *New South Wales – Queensland Border Rivers Act 1947*, any other relevant law and any relevant Water Management Plan.

- 1.5.3 State Water must publicly disclose the extent to which it intends to exercise the functions conferred on it under clause 1.5.1 and Schedule A and how these functions are divided between State Water, the NSW Office of Water, the Ministerial Corporation and any other government departments or agencies.

*[Note: this obligation could be fulfilled by publishing those parts of any agreements (including memoranda of understanding) entered into by State Water which document the division of functions between State Water and other government departments with which it shares the functions.]*

## 2 | Water quality

### 2.1 Bulk Water supplied to Local Water Utilities for Drinking Water purposes

- 2.2.1 State Water must maintain a register that lists the names and contact details of all Local Water Utilities to which State Water delivers water that will be used for the purposes of Drinking Water (**Local Water Utility Customers**).
- 2.2.2 By 1 September 2014, State Water must develop and implement procedures to notify each Local Water Utility Customer of any incident, of which State Water becomes aware, that could adversely affect the quality of Drinking Water supplied by that Local Water Utility Customer.
- 2.2.3 By 1 September 2014, State Water must develop and implement an information request procedure for providing information to a Local Water Utility Customer, to inform that customer's drinking water quality assurance program.
- 2.2.4 State Water's Local Water Utility information request procedure under clause 2.2.3 above must:
- a) describe how a Local Water Utility Customer should request information from State Water, to inform the Local Water Utility Customer's drinking water quality assurance program;
  - b) describe how State Water will respond to the request for information in a timely manner; and
  - c) define any fees or charges that will be charged by State Water for responding to an information request from a Local Water Utility Customer, how these will be calculated, and how they are to be paid.

*[Note: The purpose of clause 2.1 is to ensure that there are mechanisms in place for State Water to share information which it currently collects with Local Water Utility Customers, where that information could usefully inform a Local Water Utility Customer's drinking water quality assurance program and that State Water can recover the costs of supplying that information from the information recipient.]*

## 3 Water quantity

### 3.1 Delivery of water to Customers

- 3.1.1 State Water must take all reasonable steps to process all Water Orders promptly and efficiently.
- 3.1.2 State Water must take all reasonable steps to manage Water Orders so as to ensure the timely delivery of water to its Customers, subject to any physical supply constraints.
- 3.1.3 State Water must maintain a Water Allocation Account for each access licence (issued under the *Water Management Act 2000*) and each licence (issued under the *Water Act 1912*) held by a Customer.
- 3.1.4 State Water must take all reasonable steps to conserve water and minimise water losses that result from undertaking its functions under this Licence.

*[Note: the obligations imposed on State Water by this clause 3.1 are subject to the requirements of any water sharing plans or water works approvals.]*

### 3.2 Water accounting reports

- 3.2.1 Subject to clause 3.2.2 below, State Water must prepare an annual water accounting report for each of the Valleys in which it operates, in accordance with the Reporting Manual.
- 3.2.2 Clause 3.2.1 above does not apply to a Valley for which the NSW Office of Water prepares or has prepared an annual water accounting report.
- 3.2.3 State Water must make the annual water accounting report available free of charge:
  - a) on its website for downloading by any person; and
  - b) to the public on request.

## 4 Assets

### 4.1 Asset Management System

- 4.1.1 By 30 June 2018, State Water must develop a Management System that is consistent with:
- a) the International Standard ISO 55001: 2013 Asset Management - Management systems - Requirements; or
  - b) another asset management standard agreed to by IPART,
- (Asset Management System).**
- 4.1.2 State Water must ensure that:
- a) by 30 June 2018, the Asset Management System is certified by an appropriately qualified third party (approved by IPART) to be consistent with the International standard *ISO 55001:2013: Asset Management – Management systems - Requirements*; and
  - b) once the Asset Management System is certified under clause 4.1.2(a) above, the certification is maintained during the remaining term of this Licence.
- 4.1.3 State Water must ensure that, by 30 June 2018, the Asset Management System is fully implemented and that all relevant activities are carried out in accordance with the system.
- 4.1.4 Until the Asset Management System has been developed and certified in accordance with clauses 4.1.1 and 4.1.2, State Water must:
- a) maintain programs to manage risks to its assets and to maintain the appropriate levels of service of those assets; and
  - b) ensure that all its activities are carried out in accordance with those programs.
- 4.1.5 Once the Asset Management System is certified in accordance with clause 4.1.2, State Water must notify IPART of any significant changes that it proposes to make to the Asset Management System in accordance with the Reporting Manual.

### 4.2 Water metering

- 4.2.1 State Water must read each of its Customer's meters.
- 4.2.2 State Water may operate, replace, repair, maintain, remove, connect, disconnect or modify the metering equipment that State Water does

not own.

*[Note: this function is conferred on State Water for the purposes of section 22A(1) of the Act.]*

## 5 Customers

### 5.1 Valley-based customer service committees (excluding Fish River Water Scheme Customers)

- 5.1.1 State Water must regularly consult with Valley-based customer service committees (CSCs) to enable Customer involvement in issues relevant to the performance of State Water's obligations to Customers under this Licence or the customer service charter referred to in clause 5.2 of this Licence.
- 5.1.2 For each CSC, State Water must invite at least 1 representative from the groups or bodies identified in paragraphs (a) to (e) below to be a member of that CSC:
- a) Customers which are Unregulated River water users;
  - b) Customers which are groundwater users;
  - c) the NSW environmental water entitlement holder;
  - d) the Commonwealth Environmental Water Holder; and
  - e) the relevant Catchment Management Authority;

For the purposes of this clause 5.1.2, Customer does not include a Fish River Water Scheme Customer.

- 5.1.3 State Water must provide the CSCs with information within its possession or under its control to enable the CSC to discharge the tasks assigned to it, other than information or documents over which State Water or another person claims confidentiality or legal professional privilege and subject to any limitations on disclosure of the information at law.

## 5.2 Customer Service Charter (excluding Fish River Water Scheme Customers)

- 5.2.1 State Water must, in consultation with the CSCs, establish and maintain a customer service charter (**Customer Service Charter**).
- 5.2.2 The Customer Service Charter must set out the mutual responsibilities and obligations of State Water and its Customers (excluding Fish River Water Scheme Customers) consistently with this Licence, the Act, the *Water Management Act 2000*, the *Water Act 1912* and any other applicable law.
- 5.2.3 State Water must comply with its responsibilities and obligations set out in the Customer Service Charter.
- 5.2.4 State Water must make the Customer Service Charter available free of charge:
- a) on its website for downloading by any person; and
  - b) to the public on request.

## 5.3 Fish River Customer Council

- 5.3.1 State Water must regularly consult with a Fish River Customer Council to enable Fish River Water Scheme Customer involvement in issues relevant to the performance of State Water in its obligations to Fish River Water Scheme Customers under this Licence and any Fish River Customer Contract.
- 5.3.2 State Water must invite at least 1 representative from the entities identified in paragraphs (a) to (d) below to be a member of the Fish River Customer Council:
- a) Lithgow City Council;
  - b) Oberon Council;
  - c) Delta Electricity, a statutory State owned corporation constituted under the *Energy Services Corporations Act 1995*; and
  - d) Sydney Catchment Authority, a statutory corporation constituted under the *Sydney Water Catchment Management Act 1998*,
- (Fish River Customer Council).**
- 5.3.3 State Water must provide the Fish River Customer Council with information within its possession or under its control so as to enable the Fish River Customer Council to discharge the tasks assigned to it, other than information or documents over which State Water or another person

claims confidentiality or privilege and subject to any limitations on disclosure of the information at law.

#### 5.4 Fish River Customer Contracts

- 5.4.1 State Water must enter into and maintain an agreement with each of its Fish River Water Scheme Customers during the term of this Licence, for the water supply arrangements for the Fish River Water Supply Scheme.
- 5.4.2 The terms of the agreements must, as a minimum, include provisions on:
- a) the standard of the quality of water to be supplied by State Water;
  - b) the continuity of water to be supplied by State Water (that is, provisions relating to interruption, disconnection and reconnection to supply);
  - c) the metering arrangements;
  - d) the costs to be paid by Fish River Water Scheme Customers for the supply of water and other services to them; and
  - e) any other terms agreed between State Water and its Fish River Water Scheme Customers.

#### 5.5 Procedure for payment difficulties

- 5.5.1 State Water must develop, maintain and fully implement policies and procedures relating to payment difficulties (**Procedure for Payment Difficulties**), which must include:
- a) procedures relating to a payment plan for Customers who are responsible for paying their Bills and who are experiencing payment difficulties; and
  - b) conditions for the suspension of water access licences.
- 5.5.2 State Water must set out the Procedure for Payment Difficulties in the Customer Service Charter.
- 5.5.3 State Water must provide information on the Procedure for Payment Difficulties free of charge:
- a) to Customers, at least once annually with their Bills;
  - b) on its website for downloading by any person; and
  - c) to the public on request.

## 5.6 Internal Complaints Handling Procedure

- 5.6.1 State Water must maintain a procedure for receiving, responding to and resolving Complaints, which is consistent with the *Australian Standard AS ISO 10002-2006: Customer satisfaction - Guidelines for complaints handling in organizations* (ISO 10002:2004, MOD) (**Internal Complaints Handling Procedure**).
- 5.6.2 State Water must ensure that the Internal Complaints Handling Procedure is fully implemented and that all relevant activities are carried out in accordance with the procedure.
- 5.6.3 State Water must provide information on the Internal Complaints Handling Procedure which explains how to make a Complaint and how the Internal Complaints Handling Procedure works free of charge:
- a) to Customers, at least once annually with their Bills;
  - b) on its website for downloading by any person; and
  - c) to the public on request.

## 5.7 External dispute resolution scheme

- 5.7.1 State Water must be a member of the Energy and Water Ombudsman NSW for the resolution of disputes between State Water and its Customers.
- 5.7.2 State Water must provide free of charge information that explains the operation of the dispute resolution service provided by the Energy and Water Ombudsman NSW (including any rights to have a Complaint or dispute referred to the Energy and Water Ombudsman NSW and how the dispute resolution service can be accessed):
- a) to Customers, at least once annually with their Bills;
  - b) on its website for downloading by any person; and
  - c) to the public on request.

## 6 Environmental management

### 6.1 Environmental management

- 6.1.1 By 30 June 2018, State Water must develop a Management System which is consistent with the *Australian Standard AS/NZS ISO 14001:2004: Environmental Management Systems - Requirements with guidance for use (Environmental Management System)*.
- 6.1.2 State Water must ensure that:
- a) by 30 June 2018, the Environmental Management System is certified by an appropriately qualified third party (approved by IPART) to be consistent with the Australian Standard AS/NZS ISO 14001:2004: Environmental Management Systems - Requirements with guidance for use; and
  - b) once the Environmental Management System is certified under clause 6.1.2(a), the certification is maintained during the remaining term of this Licence.
- 6.1.3 State Water must ensure that by 30 June 2018, the Environmental Management System is fully implemented and that all relevant activities are carried out in accordance with the system.
- 6.1.4 Until the Environmental Management System has been developed and certified in accordance with clauses 6.1.1 and 6.1.2, State Water must:
- a) maintain programs to manage risks to the environment from carrying out its activities; and
  - b) ensure that all its activities are carried out in accordance with those programs.
- 6.1.5 Once the Environmental Management System is certified in accordance with clause 6.1.2, State Water must notify IPART of any significant changes that it proposes to make to the Environmental Management System in accordance with the Reporting Manual.

## 7 Performance monitoring

### 7.1 Operational Audits

- 7.1.1 IPART may undertake, or may appoint an Auditor to undertake, an audit on State Water's compliance with:
- a) this Licence;
  - b) the Reporting Manual; and
  - c) any matters required by the Minister,  
**(Operational Audit).**
- 7.1.2 State Water must provide IPART or any Auditor with all information in its possession, or under its custody or control which is necessary to conduct the Operational Audit, including whatever information is reasonably requested by IPART or an Auditor.
- 7.1.3 State Water must provide the information requested under clause 7.1.2 within a reasonable time of it being requested.
- 7.1.4 For the purposes of any Operational Audit or verifying a report on an Operational Audit, State Water must, within a reasonable time of being required by IPART or an Auditor, permit IPART or the Auditor to:
- a) have access to any works, premises or offices occupied by State Water;
  - b) carry out inspections, measurements and tests on, or in relation to, any such works, premises or offices;
  - c) take on to any such premises, works or offices any person or equipment necessary for the purposes of performing the Operational Audit or verifying any report on the Operational Audit;
  - d) inspect and make copies of, and take extracts from, any books and records of State Water that are maintained in relation to the performance of State Water's obligations under this Licence; and
  - e) discuss matters relevant to the Operational Audit or any report on the Operational Audit with State Water, including any of State Water's officers and employees.

## 7.2 Reporting

- 7.2.1 State Water must comply with its reporting obligations set out in the Reporting Manual, which include:
- a) reporting to IPART in accordance with the Reporting Manual and clause 7.4 of this Licence, and
  - b) making reports and other information publicly available,

in the manner set out in the Reporting Manual.

- 7.2.2 State Water must maintain sufficient record systems that enable it to report accurately in accordance with clause 7.2.1.

## 7.3 Provision of information

- 7.3.1 If IPART requests that State Water provide information relating to the performance of its obligations under clause 7.2, State Water must provide the information requested within a reasonable time of IPART's request, including providing IPART with physical and electronic access to the records required to be kept under clause 7.2.2.

- 7.3.2 State Water must provide IPART with such information as is reasonably required to enable IPART to conduct any review or investigation of State Water's obligations under this Licence.

- 7.3.3 If State Water contracts out any of its activities to third parties (including a subsidiary) it must take all reasonable steps to ensure that, if required by IPART or an Auditor, any such third parties provide information and do the things specified in this clause 7 as if that third party were State Water.

- 7.3.4 If IPART or an Auditor requests information under this clause 7 which is confidential, the information must be provided to IPART or the Auditor, subject to IPART or the Auditor entering into reasonable arrangements to ensure that the confidential information remains confidential.

## 7.4 Performance indicators

- 7.4.1
- a) State Water must maintain sufficient record systems to enable it to measure accurately its performance against the performance indicators specified in the Reporting Manual.
  - b) In the case of any ambiguity in the interpretation or application of any performance indicators specified in the Reporting Manual, IPART's interpretation or assessment of the indicators will prevail.

## 8 End of term review

### 8.1 End of Term Review

- 8.1.1 In or around the first quarter of 2017, a review of this Licence will commence to investigate:
- a) whether this Licence is fulfilling its objectives; and
  - b) any issues which have arisen during the term of this Licence, which may affect the effectiveness of this Licence,
- (End of Term Review).**
- 8.1.2 State Water must provide to the person undertaking the End of Term Review such information as is reasonably required to enable the person to undertake the End of Term Review.

## 9 Notices

Any notice or other communication given under this Licence must be made in writing addressed to the intended recipient at the address shown below or the last address notified by the recipient.

<b>State Water</b>	<b>IPART</b>
The Chief Executive Officer State Water Corporation PO Box 1018 Dubbo NSW 2830	The Chief Executive Officer Independent Pricing and Regulatory Tribunal PO Box Q290 QVB Post Office NSW 1230

## 10 Definitions and interpretation

### 10.1 Definitions

In this Licence:

**Act** means the *State Water Corporation Act 2004* (NSW).

**Area of Operations** has the meaning given in the Act.

**Asset Management System** has the meaning given in clause 4.1.1.

**Auditor** means a person appointed by IPART to undertake an Operational Audit.

**Australian Drinking Water Guidelines** means the document titled “Australian Drinking Water Guidelines 6 2011” published by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council, as updated from time to time.

**Bill** means a bill sent by State Water to a Customer for the provision of services supplied by State Water.

**Border Rivers** means “Carrier Rivers” as defined in *New South Wales - Queensland Border Rivers Act 1947*.

**Border Rivers Commission** means the commission constituted under the *New South Wales - Queensland Border Rivers Act 1947*.

**Bulk Water** means water delivered to meet the needs of the environment and State Water’s Customers.

**Catchment Management Authority** means those authorities listed in Schedule 1 of the *Catchment Management Authorities Act 2003*.

**Commencement Date** is the date by law on which this Licence commences.

*[Note: The date on which a Licence commences is ordinarily specified in the NSW Government Gazette when the Governor grants or renews this Licence under the Act.]*

**Complaint** means an expression of dissatisfaction made by a Customer to State Water in relation to its services or its complaints-handling process, where a response or resolution is explicitly or implicitly expected.

**CSC** has the meaning given in clause 5.1.1.

**Customer** means any person:

- a) authorised under the *Water Management Act 2000* or the *Water Act 1912* to take and use water and to whom State Water makes available water by the operation of any of its Water Management Works; or
- b) to whom State Water provides a service and includes Fish River Water Scheme Customers and environmental water entitlement holders.

**Customer Service Charter** has the meaning given in clause 5.2.1.

**Drinking Water** means water intended, or likely to be used, primarily for human consumption but which has other personal, domestic or household uses such as bathing and showering.

**Drinking Water Management System** has the meaning given in clause 2.1.1.

**Energy and Water Ombudsman NSW** means the NSW industry complaints scheme for the water industry of that name and any successor to that scheme.

**Environmental Management System** has the meaning given in clause 6.1.1.

**Fish River Water Scheme Customer** means any person to whom State Water makes available water by the operation of the Fish River Water Supply Scheme.

**Fish River Customer Contract** means any agreement entered into between State Water and a Fish River Water Scheme Customer in accordance with clause 5.4.

**Fish River Customer Council** has the meaning given in clause 5.3.

**Fish River Water Supply Scheme** means the Fish River water supply scheme as defined in the Act.

**Hunter Water Corporation** has the meaning given to it under the *Hunter Water Act 1991*.

**Internal Complaints Handling Procedure** has the meaning given in clause 5.6.1.

**IPART** means the Independent Pricing and Regulatory Tribunal of New South Wales constituted by the IPART Act.

**IPART Act** means the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW).

**Licence** means this operating Licence granted under section 11 of the Act to State Water or any renewal of it, as in force for the time being.

**Local Water Utility** has the meaning given to that term in the *Water Management Act 2000* (NSW).

**Local Water Utility Customer** has the meaning given in clause 2.2.1.

**Lowbidgee Area** means the floodplain of the Murrumbidgee River located between the towns of Maude and Balranald.

**Management System** means a set of procedures to be followed by State Water to develop and implement its policies and objectives and to manage any of its activities, products, functions or services, and includes organisational structure, planning activities, responsibilities, practices, processes and resources.

**Minister** means, unless the contrary intention appears, the Minister administering the Act.

[Note: As at the Commencement Date, the Minister is the Minister for Primary Industries and the Minister for Regional Infrastructure and Services.]

**NSW Health** means the Water Unit of the Ministry of Health.

**Operational Audit** has the meaning given in clause 7.1.1.

**Procedure for Payment Difficulties** has the meaning given in clause 5.5.1.

**Reporting Manual** means the document titled “State Water Corporation Reporting Manual” dated July 2013, which is prepared by IPART and is available on IPART’s website at [www.ipart.nsw.gov.au](http://www.ipart.nsw.gov.au), as updated from time to time.

**State Water** means the State Water Corporation constituted as a statutory State owned corporation by the Act.

**Sydney Catchment Authority** has the meaning given to it under the *Sydney Water Catchment Management Act 1998*.

**Sydney Water Corporation** has the meaning given to it under the *Sydney Water Act 1994*.

**Unregulated River** has the meaning given to that term under the *Water Management Act 2000*.

**Valley** means a river valley.

**Water Allocation Account** has the meaning given to it under the *Water Management Act 2000* or means an account for a water access licence set up under the administrative procedures implemented under the *Water Act 1912*.

**Water Management Work** has the meaning given to it under the *Water Management Act 2000*.

**Water Order** means a request by a Customer, made in accordance with the relevant conditions imposed on the relevant:

- a) water access licence, to take water under the *Water Management Act 2000*;  
or
- b) entitlement, to take water under section 20AF of the *Water Act 1912*.

**Water Supply Authority** means a body listed under Schedule 3 of the *Water Management Act 2000*.

## 10.2 Interpretation

- a) In this Licence, unless the contrary intention appears:
  - i) “person” includes an individual, a body corporate, an unincorporated body or other entity and one or more of each of them;
  - ii) headings are for convenience only and do not affect the interpretation of this Licence;
  - iii) notes do not form part of this Licence but may be used to assist with interpretation if there is an ambiguity;
  - iv) words importing the singular include the plural and vice versa;
  - v) a reference to a law or legislation (including the Act) includes regulations made under the law or legislation;
  - vi) a reference to regulations includes ordinances, codes, licences, orders, permits and directions;
  - vii) a reference to a law or regulation includes consolidations, amendments, variations, re-enactments, or replacements of any of them;
  - viii) a reference to a person includes a reference to the person’s executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation) and assigns;
  - ix) a reference to a year means a calendar year that ends on 31 December;
  - x) a reference to a financial year means a period of 12 months commencing on 1 July and ending on the following 30 June;
  - xi) a reference to a clause or schedule is to a clause of or schedule to this Licence; and
  - xii) a reference to a quarter is a period of three months beginning on 1 July, 1 October, 1 January or 1 April in a year.
- b) Terms defined in the Act, *Water Act 1912*, *Water Management Act 2000* and *New South Wales – Queensland Border Rivers Act 1947* have the same meaning in this Licence, unless a contrary definition is specified in this Licence.

- c) If any part of this Licence is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Licence but without affecting the continued operation of the remainder of this Licence.
- d) A reference in this Licence to any organisation, association, society, group, authority or body will, in the event of it ceasing to exist or being reconstituted, renamed or replaced or if its powers or functions are transferred to any other entity, body or group, refer respectively to any such entity, body, authority or group, established or constituted in lieu thereof or succeeding to similar powers and functions.
- e) A reference in this Licence to a document (original document) is a reference to the original document as amended or revised or, where the original document is replaced, to the replacing document, or the document that most closely approximates the original document.
- f) Information provided to IPART under this Licence may be used by IPART for the purpose of an investigation or report under the IPART Act in relation to State Water, or in the discharge of any function lawfully conferred on IPART.





## Schedules



## A Conferral of functions

The following functions under the specified sections of the *Water Management Act 2000* are conferred on State Water by the Licence:

- a) debiting water from water accounts and/or imposing civil penalties under section 60G, subject to the condition that State Water provide 14 days written notification of any proposed action to the Executive Director, Water Legal and Compliance of the NSW Office of Water (NOW) or the Deputy Director General, Water Management of NOW prior to taking that action;
- b) approving the form of an application for an assignment dealing with an access licence under section 71L, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- c) granting consents to temporary water transfers under sections 71T and 71V;
- d) debiting and crediting of water accounts under sections 76, 85 and 85A, subject to the condition that State Water provide water account information to NOW;
- e) suspending access licences under section 78 and suspending approvals under section 109 in relation to a failure to pay any fees, charges or civil penalties imposed by State Water;
- f) authorising the taking of water by means of a metered work while its metering equipment is not operating properly under section 91I(3) subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- g) imposing and recovering fees and charges under section 114 consistent with any relevant determination in relation to the price of Bulk Water made by IPART or any other pricing authority vested with the power to determine water prices for State Water;
- h) directing temporary water restrictions under section 324 where water restrictions are required as a result of an emergency works failure. In such cases, State Water must notify in writing to the Executive Director, Water Legal and Compliance of NOW or the Deputy Director General, Water Management of NOW as soon as practicable after making any direction;

- i) issuing directions under section 325 concerning taking and using water in accordance with any mandatory guidelines established under section 336B and/or waste of water subject to any requirement approved by the Minister administering the *Water Management Act 2000* and provided directions concerning the waste of water are not contrary to any applicable mandatory guidelines under section 336B;
- j) issuing directions to install metering equipment under section 326, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- k) issuing directions to stop work where unlawful activity is occurring under section 327, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- l) issuing directions concerning unusable Water Management Works under section 329, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- m) issuing directions for temporary stop work orders under section 330, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- n) issuing directions to holders of basic landholder rights under section 331, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- o) ordering landholders to take specified measures to prevent damage to Water Management Works by straying stock under section 332, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- p) issuing directions to protect water sources under section 333, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- q) issuing directions to prepare reports under section 334, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- r) applying to the Land and Environment Court for an injunction under section 335, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- s) taking remedial measures when a person fails to comply with directions, under section 336A, subject to any requirement approved by the Minister administering the *Water Management Act 2000*;
- t) issuing directions concerning the production of information and records under section 338A(1) to require production of information and records related to metering;
- u) issuing certificates under section 362B, subject to any requirement approved by the Minister administering the *Water Management Act 2000*; and

- v) recovering fees, charges and civil penalties under sections 362A and 362C, subject to any requirement approved by the Minister administering the *Water Management Act 2000*.

The following functions under the specified sections of the *Water Act 1912* are conferred on State Water by the Licence in relation to State Water's operations on the Belubula, Brogo and Peel Rivers, the Border Rivers, the Lowbidgee Area, and Iron Pot Creek:

- a) receiving Water Orders under section 20AF;
- b) approving or refusing temporary transfers under Division 4C of Part 2, including taking action under section 20XA;
- c) imposing and recovering charges in respect of any entitlement under sections 22C, 117B or 194;
- d) suspending any licence or entitlement under sections 22C(9) or 117B(8);
- e) waiving or remitting State Water's charges under sections 22C(10) or 117B;
- f) suspending or revoking licences under sections 17A(1), (2) and (3);
- g) suspending or revoking an authority granted to enable the taking of water from a river or lake for the purposes of a joint water supply scheme under sections 20H(1), (2) and (3);
- h) suspending, modifying or revoking a group licence granted to a board of management elected under the now repealed *Private Irrigation Districts Act 1973* under sections 20S(1), (2) and (3);
- i) giving a direction to remove the whole or part of a water work under section 21 B(1)(b);
- j) entering any land to take levels, make surveys and marks, fix pegs and stakes and inspect any water works under section 22(1);
- k) entering land and removing any dam, weir or other work that unlawfully obstructs a water flow or preventing or stopping any unlawful diversion of water from a river or lake under sections 22(3)(a) and (b);
- l) issuing a written enforcement order directing a water management authority to do, or cease doing, such things as specified in the order under section 192; and
- m) fixing water management charges under section 194 by reference to costs recoverable under subsection 194(2)(c).

The following Functions specified under the specified sections of the *New South Wales – Queensland Border Rivers Act 1947* are conferred on State Water by the Licence, subject to any requirement imposed by the Minister administering the *New South Wales – Queensland Border Rivers Act 1947* or the Border Rivers Commission:

- a) constructing, maintaining, operating and controlling relevant works in New South Wales under section 14; and
- b) exercising the powers and obligations of a “Controlling Authority” under section 20.