

**WATER SUPPLY SERVICES
LICENCE
(URBAN)**

Issued to

POWER AND WATER CORPORATION

**Date of Issue
6 February 2002**

**As varied on
28 January 2009**

Utilities Commission

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Water Supply Services Licence (Urban)

Licensee: Power and Water Corporation

1 Definitions and Interpretation

1.1 In this licence a word or phrase in italics:

- (a) has the meaning given to it in part 1 of schedule 1; or
- (b) if the word or phrase is not defined in part 1 of schedule 1, then it has the meaning given to it in the *Water Supply and Sewerage Services Act 2000*.

1.2 This licence must be interpreted in accordance with the rules set out in part 2 of schedule 1.

2 Grant of licence

2.1 Under Part 2 of the *Water Supply and Sewerage Services Act*, the *Utilities Commission* grants the *licensee* a licence to:

- (a) retail water supply services to *customers*, but only in respect of an *authorised connection* or *water supply point* which is located within a *water supply licence area*;
- (b) operate and maintain *water supply infrastructure*, reliably, safely, securely and efficiently; and
- (c) provide water supply services to *customers* who own or occupy land with an *authorised connection* to the *water supply infrastructure* of the *licensee*.

in accordance with the terms and conditions of this licence.

3 Term

This licence commences on the date it is issued and continues until the earlier of:

- (a) when it is surrendered by the *licensee* under section 23 of the *Water Supply and Sewerage Services Act*;
- (b) when it is cancelled by the *Utilities Commission* under section 24 of the *Water Supply and Sewerage Services Act*; or
- (c) the end of 31 December 2027.

4 Annual return

The *licensee* must lodge an annual return containing such information as is required from time to time by the *Utilities Commission* by written notice on such matters determined by the *Utilities Commission*.

5 Suspension of licence

This licence may be suspended under section 24 of the *Water Supply and Sewerage Services Act*.

6 Variation of licence

This licence may only be varied in accordance with section 20 of the *Water Supply and Sewerage Services Act*.

7 Transfer of licence

This licence may only be transferred in accordance with section 21 of the *Water Supply and Sewerage Services Act*.

8 Licence fee

The *licensee* must pay an annual licence fee or instalment of the annual licence fee, as the case may be, to the *Utilities Commission* as considered reasonable by the *Minister* under section 19 of the *Water Supply and Sewerage Services Act*.

9 Compliance with laws

9.1 The *licensee* must:

- (a) comply with all applicable provisions of the *Ring-Fencing Code* after such a *code* is made by the *Utilities Commission*;
- (b) comply with all applicable provisions of any other *code* or *rule* made under the *Utilities Commission Act* from time to time;
- (c) comply with any applicable protocol, standard and *code* applying to the *licensee* under the *Regulations*; and.
- (d) comply with all *applicable laws* including, the *Regulations*, the *Pricing Order* and any technical or safety requirements or standards contained in *Regulations* made under the *Water Supply and Sewerage Services Act*.
- (e) develop and comply with its obligations under the *codes* specified in the *Water Supply and Sewerage Services Act* for the two areas of metering and connections.

9.2 The *licensee* must notify the *Utilities Commission* within 3 *business days* if it is aware of a material breach by the *licensee* of this licence or any of the regulatory instruments described in clause 9.1 of this licence.

10 Capacity to operate

10.1 The *licensee* must, from time to time, provide the *Utilities Commission* with details of the *licensee's* financial, technical and other capacity to continue *operations* under this licence, if requested to do so by the *Utilities Commission*.

- 10.2 The *licensee* must provide the information requested by the *Utilities Commission* under clause 10.1 of this licence:
- (a) in a manner and form determined by the *Utilities Commission*; and
 - (b) within 20 *business days* of the request.

11 Audit of operations and compliance

- 11.1 The *licensee* must commission an independent auditor to undertake an audit of:
- (a) all or part of the operations authorised by this licence in respect of each *financial year*; and
 - (b) its compliance with the obligations under this licence and the regulatory instruments described in clause 9.1 of this licence in respect of each *financial year*.
- 11.2 The *licensee* must report the results of the audit under clause 11.1 in respect of a *financial year* to the *Utilities Commission* by a date to be determined by the *Utilities Commission*.

12 Asset management plan

- 12.1 The *licensee* must develop an *asset management plan* within 12 months after commencement of this licence in order to ensure optimal arrangements for creating, repairing and replacing the *licensee's water supply infrastructure* for the benefit of *customers*.
- 12.2 The *licensee* must maintain and implement the *asset management plan* throughout the period of the licence and each year submit an updated copy of the *asset management plan* to the *Utilities Commission*.

13 Service plans

- 13.1 The *licensee* must produce and maintain service plans for the *water supply licence area* detailing the location of water mains and the position of the water mains.
- 13.2 The service plan referred to in 13.1 is to be made available to the public for inspection.
- 13.3 The *licensee* must have the service plans available for copying by any person who has paid the prescribed fee under the *Pricing Order*.

14 Changes in offices or major shareholders

The *licensee* must notify the *Utilities Commission* of any change to any *officer* and, if applicable, any *major shareholder* of the *licensee*, within 20 *business days* after the change.

15 Community service obligations

The *licensee* must comply with the requirements of any scheme approved and funded by the *Minister* for the performance of community service obligations by *water supply entities*.

16 Obligation to provide water to customers

- 16.1 On the request of a *customer*, the *licensee* must provide water to that *customer* in respect of an *authorised connection* on premises which are located within its *water supply licence area* on fair and reasonable terms and conditions consistent with any *Pricing Order* issued by the *Minister* under the *Water Supply and Sewerage Services Act*.
- 16.2 The *licensee* does not have an obligation to offer to provide water to *customers* in the circumstances set out in section 44 of the *Water Supply and Sewerage Services Act*.

17 Adequate supply arrangements

The *licensee* must ensure that it has in place at all times arrangements to supply water to its *customers* except in circumstances set out in section 44 of the *Water Supply and Sewerage Services Act*.

18 Minimum standards of service to customers

In accordance with sections 49 and 50 of the *Water Supply and Sewerage Services Act* the *licensee* must monitor and report to the *Utilities Commission* on its compliance with the minimum standards in providing water supply services to *customers* which may include water quality, standards of supply and reliability of service.

19 Complying with directions

The *licensee* must comply with directions regarding emergency precautions given by the *Chief Health Officer* pursuant to section 46 of the *Water Supply and Sewerage Services Act*.

20 Customer Contract

- 20.1 The *licensee* must develop (within 6 months from the issue of this licence), publish, and comply with, a customer contract setting out the rights and responsibilities of *customers* (including minimum standards and procedures) having an *authorised connection* to the *licensee's water supply infrastructure*, regarding the provision of water supply services including arrangements for dealing with complaints and resolving disputes.
- 20.2 The *licensee* must prepare a summary of that Customer Contract, in a form approved by the *Utilities Commission* and distribute copies to each of its *customers*.

21 Disconnection

The *licensee* must not *disconnect* or discontinue supply of water, or take any action which may lead to the disconnection or discontinuance of supply of water to a *customer*, except in accordance with section 44 of the *Water Supply and Sewerage Services Act* and the disconnection procedures prescribed in the Customer Contract, where it applies.

22 Customer enquires

Within 3 months of issue of this licence, the *licensee* must establish and comply with procedures to deal with dispute resolution or other general enquires in respect of its *customers* on terms approved by the *Utilities Commission*.

23 Notice of charges

The *licensee* must notify its *customers* of any changes in rights, obligations and charges applicable to any water services supplied to that *customer* by including an explanatory notice with the next statement sent to that *customer*.

24 Participation in development of regulatory instruments

The *licensee* must participate, to the extent specified by the *Utilities Commission*, in the development, issue and review of any regulatory instruments.

25 Provision of information to the Utilities Commission and the Chief Health Officer

25.1 The *licensee* must, from time to time, provide the *Utilities Commission*, in a manner and form to be determined by the *Utilities Commission*, such information necessary to the performance of its functions under any *applicable laws* that the *Utilities Commission* may request.

25.2 The *licensee* must, from time to time, provide the *Chief Health Officer*, in a manner and form to be determined by the *Chief Health Officer*, such information necessary to the performance of its functions under any *applicable laws* that the *Chief Health Officer* may request.

25.3 The *Utilities Commission* may request the *licensee* to monitor certain activities in connection with its licensed operations.

25.4 The *licensee* must comply with a request of the *Utilities Commission* under clause 25.3 of this licence.

26 Appointment of operator

If an operator is appointed to the licensee's business under section 33 of the *Water Supply and Sewerage Services Act*, the operator must exercise its functions and powers in such a manner as may be specified by the *Utilities Commission* in the instrument of appointment.

27 Deleted

Date: 28 January 2009

THE COMMON SEAL of UTILITIES COMMISSION is duly affixed in the presence of)

Signature of authorised person

Office held

Name of authorised person (block letters)



Schedule 1

Part 1 - Definitions

In this licence:

"asset management plan" means a plan developed by the *licensee* setting out the *licensee's* optimal arrangements for creating, repairing and replacing the *licensee's* water supply infrastructure;

"applicable law" includes any act reasonably connected with the *Chief Health Officer*, and, in relation to relevant industry regulation acts, any *code*, guideline or *regulation* made under that act;

"authorised connection" means a water connection that the *licensee* is licensed to connect to a *customer* within a *water supply licence area*;

"business day" means a day on which banks are open for general banking business in Darwin, excluding Saturday, Sunday and Public Holidays;

"code" means any code made by the *Utilities Commission* under section 24 of the *Utilities Commission Act* or any *applicable law*;

"Connection Code" means the code made by the *licensee* under section 52 of the *Water Supply and Sewerage Services Act*;

"customer" means a person who receives, or wants to receive, water services for final consumption and includes-

- a) the owner or occupier for the time being, of a place to which water services are supplied;
- b) where the context requires – a person seeking water supply services; and
- c) a person of a class declared by the Regulations to be *customers*;

"financial year" means a period of 12 months ending at the end on 30 June;

"licensee" means the Power and Water Authority of the Northern Territory (ABN 15 947 352 360).

"major shareholder" means an entity, as defined in section 9 of the Corporations Law, which has a beneficial interest in more than 50% of the shares in the *licensee* or exercises control over the *licensee* within the meaning of section 50AA of the Corporations Law;

"Minister" means the Minister of the Crown who is responsible for the administration of the *Water Supply and Sewerage Services Act* or any part of the *Water Supply and Sewerage Services Act*;

"officer" means a director, secretary or key staff member carrying out licensed operations;

"Pricing Order" means the pricing order issued by the *Minister* and any pricing determination made by the *Utilities Commission* under the *Water Supply and Sewerage Services Act*;

“*Regulations*” means the regulations made under the *Water Supply and Sewerage Services Act*;

“*Restricted service*” means a non-reticulated supply arrangement or any other restrictions imposed by the *Minister* on services available in a particular *water supply licence area*, upon declaration of such an area as a water supply licence area;

“*Ring-Fencing Code*” means the *code* dealing with ring-fencing issues established by the *Utilities Commission* under the *Utilities Commission Act*;

“*rule*” means any rule made by the *Utilities Commission* under section 24 of the *Utilities Commission Act*;

“*Utilities Commission*” means the *Utilities Commission* under the *Utilities Commission Act*;

“*Utilities Commission Act*” means the *Utilities Commission Act 2000 (NT)*;

“*Water Supply and Sewerage Services Act*” means the *Water Supply and Sewerage Services Act 2000 (NT)*;

“*water connection*” means the point at which water is supplied (along the service pipe) from the *licensee's water supply infrastructure* to the *customer* and includes but is not limited to building premises;

“*water supplier*” means a holder of a *water supply licence* under Part 2 of the *Water Supply and Sewerage Services Act*;

“*water supply entity*” means a person licensed under Part 2 of the *Water Supply and Sewerage Services Act* to carry on *water supply services*;

“*water supply infrastructure*” has the meaning given to that term under the *Water Supply and Sewerage Services Act*;

“*water supply licence*” means a licence to retail water granted under Part 2 of the *Water Supply and Sewerage Services Act*; and

“*water supply licence area*” means the geographical area or areas specified in schedule 2 of this licence.

“*water supply point*” means a point of connection nominated by the *licensee* designed to allow the carriage of water to another destination via a vessel including a water tanker.

Part 2 - Interpretation

In this licence, unless the contrary intention appears:

- 1 headings are inserted for convenience and do not affect the interpretation of this licence;
- 2 the singular includes the plural and vice versa;
- 3 words importing a gender include any gender;
- 4 the word “person” includes a firm, a body corporate, a partnership, joint venture, an unincorporated body or association, trust or any governmental agency;
- 5 a reference to a condition, clause or schedule is to a condition, clause or schedule of this licence;
- 6 a reference to terms of an offer or agreement is to all terms, conditions and provisions of the offer or agreement;
- 7 a reference to this licence or another document includes any variation or replacement of any of them;
- 8 a reference to a statute, regulation, proclamation, order in council, ordinance, by-laws, code, law or similar instrument includes all statutes, regulations, proclamations, orders in council, ordinances, by-laws, codes, laws and similar instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- 9 a reference to a person includes that person’s executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- 10 the verb “include” (in all its parts, tenses and variants) is not used as, nor is it to be interpreted as, a word of limitation; and
- 11 if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.

Schedule 2 Retail Area

The *water supply licence area(s)* covered by the licence (for which there is an exclusive right to retail water to *customers*) are those geographical areas declared as *water supply licence areas* by the *Minister* pursuant to section 8 of the *Water Supply and Sewerage Services Act* (within the limits of the *water supply infrastructure* when the licence was granted or varied as the case may be).

Major Urban

- **Greater Darwin (includes Palmerston and rural areas)** – Zone 52 (E695635; N8660323): E739379; N8660323): (E739379; N8571852): (E695635; N8571852).
- **Katherine** – Zone 53 (E188270; N8411450): (E223669; N8411450): (E223669; N8382715): (E188270; N8382715).
- **Tennant Creek** – Zone 53 (E411029; N7830491): (E417807; N7830491): (E417807; N7824015): (E411029; N7824015).
- **Alice Springs** – Zone 53 (E367453; N7389099): (E392932; N7389099): (E392932; N7363663): (E367453; N7363663).
- **Yulara** – Zone 53 (E695528; N7211169): (E702598; N7211169): (E702598; N7204094): (E695528; N7204094).

Minor Urban

- **Batchelor** – Zone 52 (E718287; N8558035): (E721469; N8558035): (E721469; N8555386): (E718287; N8555386).
- **Adelaide River** – Zone 52 (E726948; N8537414): (E729947; N8537414): (E729947; N8534672): (E726948; N8534672).
- **Pine Creek** – Zone 52 (E804349; N8471763): (E808167; N8471763): (E808167; N8468259): (E804349; N8468259).
- **Borrooloola** – Zone 53 (E638924; N8224998): (E641402; N8224998): (E641402; N8220434): (E638924; N8220434).
- **Timber Creek** – Zone 52 (E655851; N8270910): (E659368; N8270910): (E659368; N8267118): (E655815; N8267118).
- **Daly Waters** – Zone 53 (E325196; N8202731): (E326354; N8202731): (E326354; N8201126): (E325196; N8201126).
- **Elliott** – Zone 53 (E343902; N8060040): (E347602; N8060040): (E347602; N8056470): (E343902; N8056470).
- **Newcastle Waters** – Zone 53 (E330258; N8079053): (E332024; N8079053): (E332024; N8077897): (E330258; N8077897).
- **Kings Canyon** – Zone 52 (E752662; N7317376): (E756272; N7317376): (E756272; N7313932): (E752662; N7313932).
- **Ti-Tree** – Zone 53 (E335853; N7552806): (E337491; N7552806): (E337491; N7551282): (E335853; N7551282).
- **Larrimah** – Zone 53 (E308047; N8278237): (E309352; N8278237): (E309352; N8276476): (E308047; N8276476).
- **Mataranka** – Zone 53 (E289714; N8350882): (E293324; N8350882): (E293324; N8347438): (E289714; N8347438).

Restricted Service Area

- **Cox Peninsula-Wagait Beach** – Zone 52 (E678317; N8625746): (E692218; N8625746): (E692218; N8623080): (E678317; N8623080).

For the Cox Peninsula-Wagait Beach water supply licence area, the Minister has imposed the following restriction on the services available:

- The supply of water will be through a single stand-pipe and will not be reticulated

Note: The coordinates for all water supply licence areas are to the Geocentric Datum of Australia 1994 and are in Zone 52 or 53. Coordinates commence in the NW corner of each area.

Schedule 3**Variations to the licence**

Date	Reason for variation
23 June 2004	Amendment to Schedule 2: Addition of Cox Peninsula-Wagait Beach as a restricted service area
22 September 2004	Amendment to Schedule 1, Part 1: addition of definition of 'restricted service area'
28 January 2009	Amendment to correct typographical errors in Schedule 2 and to remove clause 27