

# Corrigenda - Water Compliance Reporting Manual

March 2009

Economic Regulation Authority

 WESTERN AUSTRALIA

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Economic Regulation Authority  
Perth, Western Australia  
Phone: (08) 9213 1900

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## Contents

<b>Scope and Purpose of the Corrigenda</b>	<b>4</b>
<b>Amendments to the Manual</b>	<b>5</b>
Section 1 – Introduction	5
Section 3 – New Licence Conditions for Potable Water Supply Licences	5
Section 4 – Approach to Performance Reporting	5
Section 5 – Performance Reporting Requirements	5
Section 6 – Compliance Reporting Obligations	5
Section 7 – Compliance Report Template	5
Section 8 – Format for reporting Non-Compliances	5
Section 9 – Type 1 Reporting Obligations for all Licence Types	6
Section 10 – Licence Compliance Requirements: Water Services Licensing Act 1995	6
Section 11 – Licence Compliance Requirements: Water Coordination Regulations 1996	6
Section 12 – Licence Compliance Requirements: Licence Conditions	6
Section 13 – Reporting Requirements – Large Potable Water Service Providers	7
Section 14 – Reporting Requirements – Large Sewerage Service Providers	7
Section 15 – Reporting Requirements – Large Rural Water Service Providers	8
Section 16 – Reporting Requirements – Small Potable Water Service Providers	8
Section 17 – Reporting Requirements – Small Non-Potable Water Service Providers	8
Section 18 – Reporting Requirements – Small Sewerage Service Providers	8
Section 19 – Reporting Requirements – Small Rural Water Delivery Agencies	8
Section 20.1 – Telephone Service	9
Section 20.2 – Complaints Handling	9
Appendix 1 – Licence Specific Reporting Requirements	9

## Scope and Purpose of the Corrigenda

The Economic Regulation Authority (**Authority**) published the Water Compliance Reporting Manual (**Manual**) on 26 August 2008.

The Authority published the Manual in order to provide:

- A consolidated list of the terms and conditions for water licences to assist licensees with identifying the compliance obligations relevant to the licence(s) they have been granted;
- Categorisation of licence conditions to assist with reporting obligations;
- A self-assessment framework for licensees to facilitate compliance with licence conditions and report non-compliance to the Authority on a self-reporting basis; and
- The reports that licensees must provide to the Authority and the timing of these reports.

Since publishing the Manual in August 2008, the Authority has received a number of formal and informal comments from licensees indicating that there is scope to further improve the utility of the Manual, particularly in respect of sections 13 to 20 that deal with performance reporting obligations.

The Authority has reviewed and updated sections 13 to 20 (performance reporting obligations) in response to the concerns raised by licensees. The Authority has also taken the opportunity to review and correct a number of anomalies that were identified in sections 9 to 12 that deal with licence compliance reporting obligations.

The amendments to the Manual described in this Corrigenda fall into 4 categories:

- Amendments to section 9 (Type 1 Reporting Obligations) to remove obligation 37 – compliance with the applicable standards of the {potable water} MoU.
- Amendments to sections 10 to 12 (Licence Compliance Requirements) to remove redundant obligations, correct errors and insert licence obligations that were overlooked in the first release of the Manual.
- Amendments to sections 13 to 20 (Performance reporting obligations) to remove redundant indicators, correct references to the appropriate licence clauses and clarify the licensee(s) to whom the obligation applies in situations where there is a variation between licences for the same water service<sup>1</sup>.
- Miscellaneous amendments to the Manual to remove redundant provisions and restructure the document to improve legibility.

The remainder of this Corrigenda provides details of the amendments that have been made to the updated Manual with reference to the Manual that was published in August 2008.

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<sup>1</sup> This mostly refers to the differences between the Water Corporation licence and other potable water and sewerage licences.

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## Amendments to the Manual

### Section 1 – Introduction

The text related to the Authority's review of water services licences, which was a precursor to the development of the Manual, has been removed now that the Authority has replaced water licences with the new standard form licences.

### Section 3 – New Licence Conditions for Potable Water Supply Licences

This section has been deleted now that the Authority has replaced potable water licences with the new standard form licences that include the conditions related to entering into a Memorandum of Understanding (MoU) with the Department of Health.

### Section 4 – Approach to Performance Reporting

This section has been deleted. The feedback provided by licensees indicate that there is an acceptable level of awareness of the performance reporting obligations that apply in respect of the new standard form water licences and the relationship between performance reporting obligations under the licence and, for larger licensees, the performance reporting obligations in relation to the National Water Initiative urban and rural reporting frameworks.

### Section 5 – Performance Reporting Requirements

Amended to remove the text related to quarterly reporting. The performance reporting framework has been adjusted to remove quarterly reporting and replace it with annual reporting. The licences affected by this change will be amended by the Authority to replace the quarterly performance reporting obligations with annual performance reporting obligations.

### Section 6 – Compliance Reporting Obligations

Section 6.1 (Incident Reporting) has been extracted and placed into a section on its own (Section 4 in the amended Manual).

Sections 6, 6.2, 6.3, 6.4 and 6.5 have been renumbered to sections 5, 5.1, 5.2, 5.3 and 5.4 respectively.

### Section 7 – Compliance Report Template

This section has been renumbered to section 6, otherwise unchanged.

### Section 8 – Format for reporting Non-Compliances

This section has been renumbered to section 7, otherwise unchanged.

## **Section 9 – Type 1 Reporting Obligations for all Licence Types**

Renumbered to section 8.

Obligation 37 – compliance with the applicable standards of the MoU – has been reclassified to Type 2 and removed from the table. The Authority is of the view that compliance with the terms and conditions of the MoU is a matter for the Department of Health, which has its own compliance monitoring processes for drinking water licences. Should an incident occur that has the potential to impact on the health and safety of the public, the MoU includes conditions that oblige the licensee to inform the Department of Health. The compliance audit conducted in relation to the licence will assess whether the licensee has complied with the terms and conditions of the MoU.

## **Section 10 – Licence Compliance Requirements: Water Services Licensing Act 1995**

Obligation 1 – the description has been amended to remove “undertake, maintain and operate any water services works specified in the licence”. The report on the asset management system effectiveness review conducted at 24 – 36 intervals assess the effectiveness of the processes used by the licensee to manage the assets used to provide the service. The immediate notification obligation applies to situations where a licensee is unable to continue to provide a water service to its customers.

## **Section 11 – Licence Compliance Requirements: Water Coordination Regulations 1996**

Renumbered to section 10.

## **Section 12 – Licence Compliance Requirements: Licence Conditions**

Renumbered to section 11.

The following obligations have had the reference to the licence condition corrected to address an error:

- 10 – 18 inclusive,
- 21 – 23 inclusive
- 32 -
- 33 – 36 inclusive
- 38
- 47

Obligation 20 has been deleted as the obligation to provide a copy of the Customer Service Charter is not included in new licences.

Obligations 21 to 31 renumbered to 20 to 30.

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Obligation 30 – description amended to align with the licence.

Obligation 31 inserted – captures obligation to publish annual reports under Schedule 3, clause 5.4.

Obligation 39 inserted – captures requirement for the licensee to publish the audit report on compliance with the MoU.

Obligation 40 inserted – captures requirement for the licensee to publish potable water quality reports.

Obligation 45 deleted

Obligations 39 – 48 are renumbered to 41 – 49.

## **Section 13 – Reporting Requirements – Large Potable Water Service Providers**

Renumbered to section 12.

Section heading changed to “Reporting Requirements – Potable Water Service Providers Subject to NWI Reporting”.

Indicator LPW 3 deleted – duplicates NWI indicator A8

Indicator LPW 5 deleted – water quality reporting is to the Department of Health under the new standard form licence.

LPW8 – frequency of reporting changed from quarterly to annual.

References to licence conditions amended to align with the licence clause numbering in the licences.

Indicators renumbered to account for the deletion of indicators LPW 3 and LPW 5.

## **Section 14 – Reporting Requirements – Large Sewerage Service Providers**

Renumbered to section 13.

Section heading changed to “Reporting Requirements – Sewerage Service Providers Subject to NWI Reporting”.

Indicator LSS 1 deleted – duplicates NWI indicator A12

LSS 2 – frequency of reporting changed from quarterly to annual.

Reference to licence condition for LSS 2 amended to align with the licence clause numbering in the licences.

Indicator LSS 2 renumbered to LSS 1.

## **Section 15 – Reporting Requirements – Large Rural Water Service Providers**

Renumbered to section 14.

Section heading changed to “Reporting Requirements – Rural Water Service Providers Subject to NWI Reporting”.

References to licence condition numbers amended to align with the licence clause numbering in the licences.

## **Section 16 – Reporting Requirements – Small Potable Water Service Providers**

Renumbered to section 15.

Section heading changed to “Reporting Requirements – Potable Water Service Providers Not Subject to NWI Reporting”.

References to licence condition numbers amended to align with the licence clause numbering in the licences.

## **Section 17 – Reporting Requirements – Small Non-Potable Water Service Providers**

Renumbered to section 16.

Section heading changed to “Reporting Requirements – Non-Potable Water Service Providers Not Subject to NWI Reporting”.

## **Section 18 – Reporting Requirements – Small Sewerage Service Providers**

Renumbered to section 17.

Section heading changed to “Reporting Requirements – Sewerage Service Providers Not Subject to NWI Reporting”.

References to licence condition numbers amended to align with the licence clause numbering in the licences.

## **Section 19 – Reporting Requirements – Small Rural Water Delivery Agencies**

Renumbered to section 18.

Section heading changed to “Reporting Requirements – Rural Water Service Providers Not Subject to NWI Reporting”.

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References to licence condition numbers amended to align with the licence clause numbering in the licences.

## **Section 20.1 – Telephone Service**

Renumbered to section 19.1.

References to licence condition numbers amended to align with the licence clause numbering in the licences.

## **Section 20.2 – Complaints Handling**

Renumbered to section 19.2.

References to licence condition numbers amended to align with the licence clause numbering in the licences.

## **Appendix 1 – Licence Specific Reporting Requirements**

Appendix 1 inserted – Provides a reference that identifies the type of reporting obligations that apply to each water licensee.