



1 December 2020

Mr Joe Dimasi  
Senior Commissioner  
Independent Competition and Regulatory Commission  
PO Box 161  
Civic Square ACT 2608

Dear Mr Dimasi

### Utility licence update

Thank you for the opportunity to provide comments on the consultation paper issued by the Commission on 10 November 2020.

Icon Water is supportive of the Commission's goal of ensuring that the utility licences reflect the current regulatory framework and are clear and easy to understand. In particular, we agree with the objective of reducing unnecessary regulatory duplication and reporting burden.

We are broadly comfortable with the proposed changes but provide some specific comments for your consideration as detailed in the table below.

Clause	Proposed change	Icon Water comment
8.2	<u>Material breaches</u> Section added to ensure that the UTR is also notified of material breaches that relate to technical matters	We would request the Commission reconsider the proposed separate obligation to advise the Utilities Technical Regulator (UTR).  There are already separate notification obligations under the <i>Utilities (Technical Regulation) Act</i> for notifiable incidents. The inclusion in the licence of a reporting obligation based on a different test, as per the ICRC guidelines on material breach, appears to be duplication and is likely to cause confusion and uncertainty regarding when and how Icon Water is required to notify the UTR, and on what matters.
5.1 - 5.4 of Schedule 1 (water and sewerage services licence)	<u>Fire fighting</u> Clause retained but updated with the current name ACT Fire and Rescue	The UTR also has a role in the oversight of the agreement between Icon Water and ACT Fire and Rescue.  As such, Icon Water obligations in relation to firefighting will be captured in the UTR review of technical codes. Given this, we request that

Clause	Proposed change	Icon Water comment
	Annual reporting to the UTR rather than to the ICRC	consideration be given to the removal of these clauses on completion of the UTR's review.

If you have any queries regarding our comments or require any further information, please contact our General Counsel, [REDACTED] on [REDACTED] or Tel: [REDACTED].

Yours sincerely,



Ray Hezkial  
Managing Director