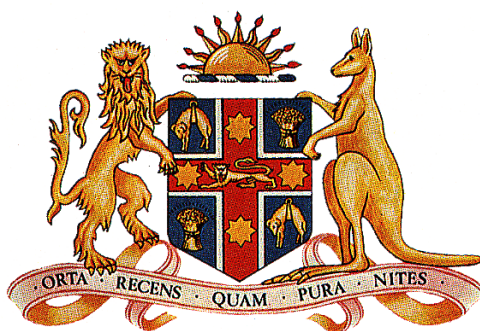




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WATER MANAGEMENT ACT 2000

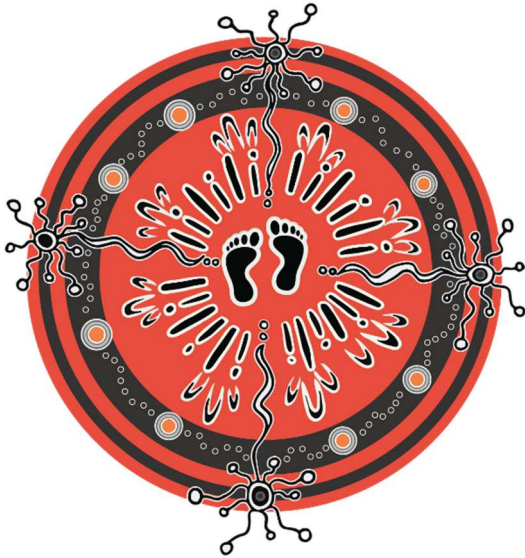
Amendment of the Operating Licence for Jemalong Irrigation Limited

Notice is hereby given that, pursuant to section 123 of the Water Management Act 2000, the Governor of New South Wales has approved the amendment of the Operating Licence for Jemalong Irrigation Limited in the form set out below. The amended operating licence commences on 1 July 2026.

Operating Licence for Jemalong Irrigation Limited

May 2026

Acknowledgement of Country



Department of Climate Change, Energy, the Environment and Water acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

Operating Licence for Jemalong Irrigation Limited

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1 Definitions

In this operating licence, unless the context or subject matter otherwise requires:

- **Act** means the *Water Management Act 2000*.
- **area of operations** has the same meaning as in section 117 of the Act.
- **complaint** means an expression of dissatisfaction made to or about the irrigation corporation, that relates to its products, services, employees /representatives/ agents or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or required by law.
- **customer** means any person who has a contractual right to receive water from the Licensee under a water supply contract or similar instrument with the Licensee.
- **department** means the department responsible to the Minister who is administering the Act.
- **dispute** means an unresolved complaint, escalated internally or externally or both.
- **environment protection licence** means a licence issued under the *Protection of the Environment Operations Act 1997*.
- **government** means the government of New South Wales.
- **licensee** means Jemalong Irrigation Limited (ACN: 067197782 / ABN: 76067197782).
- **Minister** means the Minister administering the Act.
- **Ministerial Corporation** means the Water Administration Ministerial Corporation constituted by section 371 of the Act
- **operating licence** has the same meaning as in section 117 of the Act.
- **prescribed dispute resolution organisation** is the organisation prescribed by the regulations, pursuant to s123(5A) of the Act
- **regulator** means the Natural Resources Access Regulator constituted by the *Natural Resources Access Regulator Act 2017*, section 4 (as defined in the Act).

Note: Unless otherwise defined, terms that are defined in the Act have the same meaning in this operating licence.

2 Interpretation

Headings are for convenience only and do not affect interpretation. The following rules of interpretation apply unless the context requires otherwise.

- a. The singular includes the plural and conversely.
- b. A gender includes all genders.
- c. Where a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- d. A reference to a person includes a body corporate, an unincorporated body or other entity and conversely.
- e. A reference to a clause is to a clause of this operating licence.
- f. A reference to any party to this operating licence or any other agreement or document includes the party's successors and permitted assigns.
- g. A reference to any agreement or document is to that agreement or document as amended, novated, supplemented, varied or replaced from time to time, except to the extent prohibited by this operating licence or that other agreement, or document.
- h. A reference to any legislation or to any provision of any legislation includes any modification or re-enactment of it, any legislative provision substituted for it and all regulations and statutory instruments issued under it.
- i. A reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, as the case may be, jointly and severally.
- j. A reference to conduct includes, without limitation, any omission, statement or undertaking, whether or not in writing.

3 Condition precedent to commencement of operating licence

3.1 Date of this operating licence

This operating licence, as amended, commences on the date nominated in the notice of its amendment published in the NSW Government Gazette.

4 Purpose of operating licence

This operating licence authorises the licensee to carry on the business of supplying water provided to it by the Ministerial Corporation and to exercise its functions under the Act.

Note: This operating licence does not prohibit another person from supplying water and providing drainage services in the area of operations of the licensee provided that other person is properly authorised to do so.

5 Term of operating licence

5.1 Renewed term

On 25 January 2018, this operating licence was renewed for a term of 10 years, expiring on 24 January 2028.

5.2 Extension of the term of the operating licence

Subject to clause 14 and this clause, this operating licence may be amended to extend the term of the operating licence for a period not exceeding 3 years from the expiry date.

- a. The term of this operating licence may be extended only once.
- b. The term of this operating licence may not be extended in the following circumstances:
 - i. While this operating licence is suspended or the licensee has been notified of the intention to suspend the operating licence, in accordance with clause 11.1
 - ii. Where the licensee has not resolved to the satisfaction of the Minister, on the advice of the regulator, a contravention of this operating licence that has been notified in writing to the licensee
 - iii. While judicial review proceedings are in progress in relation to a suspension or other proposed amendment.

6 Supply of water

6.1 Governor not to grant another operating licence

In the event of a liquidator being appointed to the Licensee, the Governor shall not grant an operating licence to another irrigation corporation (referred to in this clause and clause 6.2 as the "Applicant") with respect to the area of operations of the licensee unless the Governor is satisfied that the applicant has established satisfactory arrangements to supply water to the licensee's customers.

6.2 No obligations on government and no preservation of existing water rights

Nothing in this clause 6 (Supply of water) shall be taken to mean or imply that in the period (if any) between:

- i. the appointment of a liquidator to the licensee; and
- ii. the granting of an operating licence to the applicant,

the government, the Minister or the Ministerial Corporation shall be obliged in any way to supply water to the landholdings of the licensee's customers.

7 Functions and services of the irrigation corporation

7.1 Water supply systems

The licensee must use its best endeavours to construct, maintain, manage and operate efficient, co-ordinated and commercially viable systems and services for supplying water from both surface and subsurface sources having regard to:

- a. the provisions of any management plan applicable to the whole or part of the area of operations of the licensee
- b. the water management principles of the Act
- c. the provisions of all necessary access licences and approvals; and
- d. the provisions of any environment protection licence.

7.2 Water drainage systems

The licensee must use its best endeavours to construct, maintain, manage and operate co-ordinated adequate and efficient surface and subsurface drainage networks having regard to:

- a. the amount of water supplied by the licensee to customers
- b. the provisions of any management plan applicable to the whole or part of the area of operations of the licensee
- c. the water management principles of the Act
- d. the provisions of all necessary access licences and approvals; and
- e. the provisions of any environment protection licence.

8 Governance matters

8.1 Membership of dispute resolution organisation

The licensee must be a member of a dispute resolution organisation prescribed by the regulations.

8.2 Operational policies

The Licensee must, from 1 July 2026, make the following operational policies (the operational policies) publicly available online:

- a. a policy on the handling of customer complaints and dispute resolution, including the Licensee's processes for dealing with customer complaints and how customers can complain to the prescribed dispute resolution organisation. In developing the policy, the Licensee should have regard to the Australian Standard AS 10002:2022 – Guidelines for complaint management in organisations.
- b. a policy about entry on to land, including processes for exercising powers of entry under section 120 of the Act, including giving notice where required.
- c. a policy on water take meters. The policy must include how the licensee will manage meters within its network, metering charges, maintenance, meter function, meter readings and when and how independent meter review may be undertaken.
- d. a policy on suspension and disconnection of water supply or drainage services, including:
 - i. processes to be followed prior to suspending or disconnecting customers;
 - ii. grounds on which disconnection can or cannot occur, including not to disconnect a customer who has an agreed payment arrangement that they are adhering to or while the dispute resolution organisation prescribed by the regulations is investigating a complaint that includes the basis for disconnection; and
 - iii. support that can be provided prior to disconnection.

- e. a policy on payment arrangement support for customers experiencing payment difficulty, including processes for accessing payment assistance including payment plans. The policy must specify that, while a customer is adhering to an agreed payment plan, they cannot be disconnected from water supply or drainage services and credit collection will not proceed.
-

8.3 Operational policy review and approval

The operational policies:

- a. must be approved in accordance with the licensee's member-representative governance arrangements;
 - b. must be reviewed and updated at least every 5 years; and
 - c. can be amended at any time.
-

8.4 Written notice about policies

The licensee must provide written notice via email or post to all customers that the policies are publicly available online, at least once each financial year.

- a. The annual notification must include a summary of the key points of each policy.
 - b. The licensee must maintain records of the annual notification to all customers, and these records may be requested by the regulator.
-

8.5 Register of customer complaints

The licensee must keep a register of customer complaints which includes details of:

- a. the number and status of complaints raised by customers, including those referred to and/or from the prescribed dispute resolution organisation
 - b. the nature of each complaint
 - c. the number of days taken to resolve each complaint
 - d. once the complaint is resolved, the mechanism for resolving each complaint
-

8.6 Retain customer complaint records

The licensee must retain customer complaint records, as follows:

- a. Information about a customer complaint must be kept on the register for a period of 6 years.
 - b. Copies or extracts of the register must be provided to the Minister upon request.
-

9 Information

9.1 The licensee must provide information

- a. The licensee must provide the department or the regulator with any information and/or records that are reasonably requested to enable review of the Licensee's compliance with this operating licence.
- b. If the licensee engages any person or entity, including a subsidiary, to undertake any activities on its behalf, it must ensure that such persons or entities provide information to the department or the regulator when requested, to enable review or assessment of compliance with the licensee's obligations under this operating licence.

9.2 Publish operating licence

The licensee must make a copy of this operating licence publicly available online.

9.3 Information about contract terms

The licensee must, each financial year, from 1 July 2026, make publicly available online a brief explanation of the terms of customer contracts.

10 Reporting

The licensee must, by the 31st of October each year from the 2026/27 financial year, publish online and submit to the department an electronic copy of a report for the preceding water year (from 1 July to 30 June). The report must include:

- a. a plan of the licensee's area of operations and a plan of the authorised water supply works as existing at 30 June of the year of the report
- b. a statement of compliance with the conditions of this operating licence that must include:
 - i. a description of the circumstances of any non-compliance with the conditions of this operating licence and the time period of each non-compliance
 - ii. a summary of the actions taken by the licensee to remedy any non-compliance with conditions of this operating licence
- c. information on the number and nature of customer complaints that it is aware of during the reporting period, including complaints made to the dispute resolution organisation; and
- d. any information required to be reported under a monitoring and reporting plan identified in the conditions, or as a condition of any of licence or approval issued under the Act and held by the licensee.

11 Suspension of Operating licence

11.1 Suspension

Subject to clause 11.2, if at any time during the currency of this operating licence:

- a. the licensee ceases to hold all necessary access licence(s) and all necessary approval(s); or
- b. the licensee ceases to hold an environment protection licence; or
- c. the Minister is satisfied, on the advice of the regulator, that the licensee continues to contravene the operating licence after the Minister has notified the licensee in writing of the alleged contravention and of the intention to suspend the operating licence,

this Operating Licence may be suspended by the Governor, on the advice of the Minister.

11.2 Suspension not to take effect until determination of proceedings

Suspension of the operating licence will take effect as follows:

- a. If, within 28 days of the licensee being given written notice that this operating licence is to be suspended, the licensee commences judicial review proceedings with respect to that suspension, the suspension under this clause shall not take effect until those proceedings are determined.
 - b. If the licensee does not commence judicial review proceedings within 28 days of the issue of a written notice that the operating licence will be suspended, the suspension under this clause shall take effect on the expiration of that 28-day period.
-

11.3 Effect of suspension

From the time of any suspension of this operating licence under clause 11.1 until that suspension is lifted under clause 11.4, the licensee shall be deemed not to have:

- a. the benefit of any rights or privileges conferred on it; or
- b. the burden of any obligations imposed on it

by this operating licence including without limitation, the authority to carry on the business of supplying water provided to it by the Ministerial Corporation and to exercise its functions under the Act.

11.4 Lifting of suspension

If, following any suspension of this operating licence under clause 11.1, the Minister is satisfied that the licensee has been granted or is reasonably likely to be granted:

- a. all necessary access licence(s) and necessary approval(s); and
- b. an environment protection licence,

- c. or the Minister is satisfied, on the advice of the regulator, that the licensee has satisfactorily addressed the contravention of the operating licence,

the Governor may by notice in writing to the licensee, lift the suspension of this operating licence on such terms as the Minister has recommended.

11.5 Effect of lifting of suspension

If under clause 11.4 the Governor lifts any suspension, the licensee automatically resumes its rights, obligations and privileges under this operating licence.

11.6 Suspension not to affect term

A suspension of this operating licence under clause 11.1 does not operate to extend the term of this operating licence.

12 Contravention of operating licence

If, in the opinion of the Minister, the licensee contravenes, or continues to contravene this operating licence, the Governor may take action in accordance with section 125 or section 126 of the Act or in accordance with clause 11.1.

13 Cancellation of operating licence

The Governor may cancel this operating licence only in accordance with the provisions of the Act.

14 Amendment

14.1 Operating licence may be amended by the Governor

Subject to clauses 14.2 and 14.3, this operating licence may be amended at any time by the Governor by notice published in the NSW Government Gazette.

14.2 Condition precedent to amendment

The Governor may amend this operating licence only after:

- a. the licensee has been provided with particulars of the proposed amendment or amendments; and
- b. the representations of the licensee are taken into account.

14.3 Amendment not to take effect until determination of proceedings

- a. If, within 28 days of the licensee being provided with particulars of a proposed amendment or amendments under clause 14.2, the licensee commences judicial review proceedings with respect to the amendment of this operating licence, the proposed amendment or amendments shall not take effect until those proceedings are determined.
- b. Subject to sub clause (a), a proposed amendment or amendments shall take effect:
 - i. upon publication of the relevant notice in the NSW Government Gazette; or
 - ii. on the date nominated in that notice.

15 Assignment

The rights and obligations of the licensee under this operating licence are personal and, except as provided in section 127 of the Act, cannot be assigned, charged or otherwise dealt with and the licensee shall not attempt or purport to do so.

16 No waiver

No failure to exercise and no delay in exercising any right, power or remedy under this operating licence will operate as a waiver. Nor will any single or partial exercise of any right, power or remedy preclude any other or further exercise of that or any other right, power or remedy.

17 Governing law

This operating licence is governed by the laws of New South Wales. The licensee shall submit to the exclusive jurisdiction of courts exercising jurisdiction there.

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