

Agency Information Guide 2023

Government Information (Public Access) Act 2009

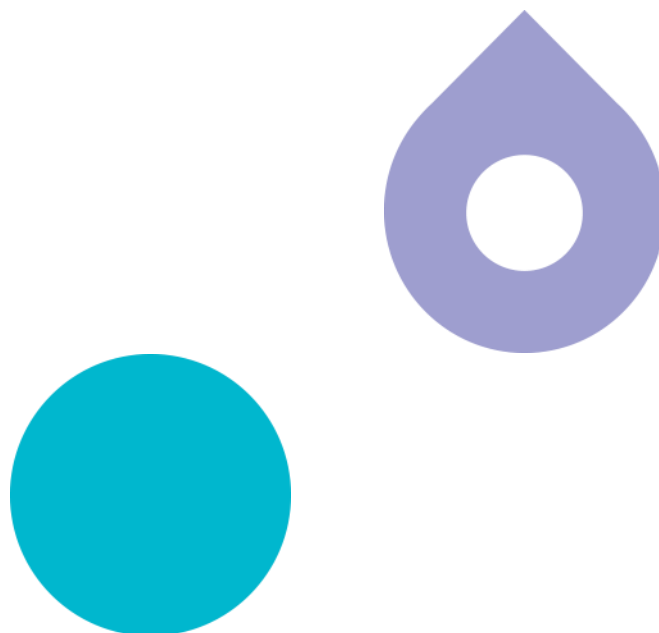


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1 Introduction

A copy of this document is available free of charge from Sydney Water.

If you intend to reproduce any part of this document, please contact the Government Information (Public Access) Officer (GIPA Officer). We ask you to acknowledge Sydney Water as the source of the information.

Enquiries regarding Government Information (Public Access) can be made by calling 8849 6834 or by emailing gipa@sydneywater.com.au

Direct written enquiries about Government Information (Public Access) to:

Government Information (Public Access) Officer

PO Box 399

Parramatta NSW 2124

2 About Sydney Water

Sydney Water is a statutory state-owned corporation. It is 100% owned by the people of New South Wales.

Two shareholding ministers fully own the shares in Sydney Water, on behalf of the people of NSW. The shareholding ministers of Sydney Water are the Treasurer and the Minister for Finance.

The role of the shareholding ministers under the *State-Owned Corporation (SOC) Act 1989* is to:



- appoint directors according to the corporation's articles of association
- negotiate a yearly statement of corporate intent with the corporation
- receive a half-yearly and annual report on performance against this statement of corporate intent and an annual report, which includes financial statements audited by the NSW Auditor-General, from the corporation and present these to the NSW Parliament.

The process for appointing ministers as shareholders is governed by the SOC Act. The Premier nominates the shareholders and shares are allocated to them.

As of 1 January 2023, the Directors of Sydney Water are Mr Grant King (Chairman), Mr Roch Cheroux (Managing Director), Mr Greg Couttas, Mr Cameron Robertson, Mr Craig Roy, Ms Kate Dryden, Susan Petterson, Dr Alex Fisher and Professor Mary O'Kane.

Enquiries about the Board of Directors, shareholders and company affairs should be directed to the Corporate Secretary of Sydney Water.

Sydney Water's right to operate a water, wastewater, recycled water, and stormwater drainage business is governed by an operating licence. In addition, the *Sydney Water Act 1994* creates a specific role for a Minister who administers the provisions of the Act that relate to the *Operating*



Licence. The Minister is prevented from being a voting shareholder but is entitled to attend shareholder meetings. Our portfolio minister is the Hon. Rose Jackson MLC, Minister for Water, Housing, Homelessness, Mental Health and Youth. The Portfolio Minister is responsible to Parliament for Sydney Water's performance against the 2019-2023 Operating Licence.

The key accountabilities of Sydney Water are listed in the *Sydney Water Act 1994*. Scrutiny by the Independent Commission Against Corruption (ICAC), the Ombudsman, the Auditor-General (including the power to conduct special audits) and the Public Accounts Committee still apply. In addition, Sydney Water is also subject to the disciplines, responsibilities, and accountabilities of various other pieces of legislation, including the *Competition and Consumer Act 2010*. Sydney Water reports each year to Parliament on its financial affairs and is audited by the NSW Auditor-General.

The Independent Pricing and Regulatory Tribunal (IPART) is responsible for auditing Sydney Water against the *Operating Licence* requirements. *The Independent Pricing and Regulatory Tribunal Act 2000* gives IPART, as the licence regulator, broad powers to monitor and enforce, it also applies IPART's price determination powers to Sydney Water's regulated services.

2.1 Area of operations

Under the *Operating Licence*, Sydney Water provides services in Sydney, the Illawarra and the Blue Mountains. This area, of almost 13,000 square kilometres, extends from the Hawkesbury River in the north, to Gerroa in the south and from the Pacific Ocean in the east to Mount Victoria, in the Blue Mountains in the west.

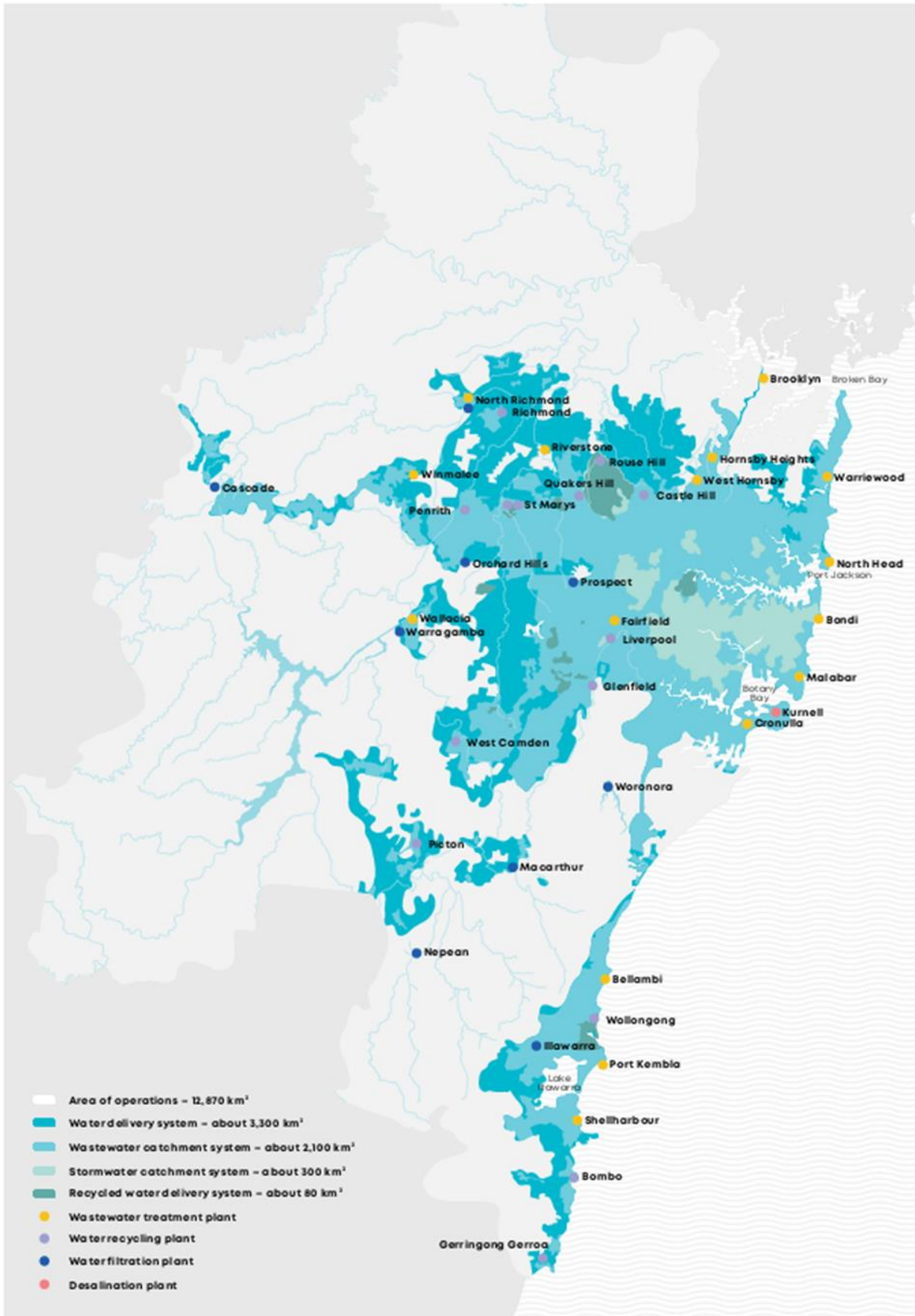
Sydney Water purchases bulk water from Water NSW with most of the water supply from Warragamba Dam.

Sydney Desalination Plant is another source of water that doesn't rely on rain. When Sydney's total dam storage falls below 60% the plant is turned on and at full capacity can supply 250 million litres a day, 15% of Sydney total water supply.

Sydney Water provides services to almost five million people. Sydney Water's *Operating Licence* permits Sydney Water to construct, operate, manage, and maintain systems and services for:

- storing and supplying water (including drinking water and recycled water)
- providing wastewater (sewerage) services and disposing of treated wastewater
- providing stormwater drainage services in some areas.

Figure 1 Area of operations





2.2 Services

The main services of Sydney Water are to provide drinking water, recycled water, wastewater and stormwater management (in limited areas) to its customers.

In addition to these fundamental services, Sydney Water provides associated services, such as sewer service diagrams via the [Sydney Water Tap in™](#) service.

Sydney Water engages in research and development projects about the water industry and plays a key role in urban development within its area of operations.

2.3 Major statistics

Information on infrastructure, assets, income, expenditure and human resources is published in our Annual Report, which is available at sydneywater.com.au.

2.4 Sydney Water objectives

Sydney Water's objectives are set out in the *Sydney Water Act 1994* (the Act). The Act establishes three principal objectives:

- To protect public health
- To protect the environment
- To be a successful business.

Each objective is equally important. The Act also sets up a legal framework, under which there are three key documents that direct Sydney Water. They are the [Statement of Corporate Intent](#), the [Operating Licence](#) and the [Customer Contract](#). These documents are publicly available on our website and open to scrutiny by NSW Parliament.

The *Statement of Corporate Intent* is an annual agreement between Sydney Water and the NSW Government. It sets clear customer service, environmental, public health, commercial and human resource performance objectives, and targets. Community service obligations, accounting policies and reporting requirements to Parliament are clearly outlined in the *Statement of Corporate Intent*.

Sydney Water is also granted an *Operating Licence*, which sets out the standards of service and some environmental performance requirements to be met by Sydney Water in running its business. The *Operating Licence* includes the *Customer Contract*, which establishes customer rights and responsibilities, with performance targets for service delivery and redress for customers if Sydney Water does not meet performance standards. The *Sydney Water Act* and *Operating Licence* also make Sydney Water accountable to the community, by specifying where public involvement is required in Sydney Water's activities.

The Operating Licence also includes guiding principles for agreements between Sydney Water and its [key](#) regulators, including NSW Health, the NSW Environment Protection Authority (EPA) and the Department of Primary Industries Water (DPI Water).



2.5 The structure and functions of Sydney Water

Sydney Water is a statutory state-owned corporation, fully owned by the people of New South Wales. Sydney Water's shares are fully owned by the shareholding ministers, on behalf of the people of New South Wales. A key role of the shareholding ministers is to appoint directors to Sydney Water. The primary role of the Board of Directors is to set strategic direction, long-term planning and review organisational performance.

Day-to-day responsibility for providing strategic direction to the organisation sits with the Executive Committee. The Executive determines policies and procedures. It seeks to ensure resources are allocated to meet the demands of the organisation.

In addition to its high-level strategic role, the Executive is the peak management committee in Sydney Water. It approves budgets and expenditure decisions, endorses corporate plans and business plans and establishes ethical and performance standards. Sydney Water's structure and functions are described in more detail in our *Annual Report*, which is available at sydneywater.com.au.



3 Customer consultation

Sydney Water is committed to supporting the communities it serves and meeting customers' needs and expectations.

We work with a range of stakeholders across various sectors representing government, community, and industry groups. We're committed to involving stakeholders in our decision-making through effective engagement and relationship building.

We're also committed to ensuring that our programs are efficient, effective, and appropriate. Public participation is encouraged during all stages of a project. We aim to provide customers with as much information as possible, so we may conduct negotiations in an informed and open manner.

Sydney Water's customer research program has grown over time to better meet Sydney Water's information needs. Information gathered through research provides measures of corporate performance from customers' perspectives and is used to track Sydney Water's performance over time. Customer research also assists with decision-making, planning of products and services to align with customers' expectations, and developing corporate strategies and initiatives.

3.1 Direct customer consultation

Where a particular community is affected by a project, Sydney Water will liaise with that community before determining the strategies to be adopted.



Campaigns initiated by Sydney Water are widely advertised through the media, and invitations are extended to individuals and groups with an interest in particular projects. Information is also made available through digital media, public displays, and letter box distributions.

On-going public participation is Sydney Water's aim. Stakeholders are given the opportunity to comment in forums on environmental impact statements relating to proposed developments before final decisions are made. Sydney Water looks to the community to be as involved as they can in monitoring the progress and effects of projects. Sydney Water establishes steering committees, made up of representatives from local government, residents, action groups and any other relevant organisations, to encourage this involvement. This helps ensure the process remains representative of the whole community and is not dominated by either Sydney Water or any specific group.

3.2 Community Advisory Committee

Sydney Water has a Community Advisory Committee (formerly known as Corporate Customer Council), established according to requirements under the *Sydney Water Act* and *Operating Licence*. The Community Advisory Committee makes an invaluable contribution to understanding customer's needs and expectations.

The role of the Community Advisory Committee is advisory, members represent a diversity of viewpoints and customer concerns. Membership includes representatives from peak segments of the community that reflect a broad range of Sydney Water's customers. Details of the current



Committee members, Committee Charter and meeting minutes can be found on the [Sydney Water website](#).



4 Documents held by Sydney Water

As an organisation serving almost five million people, Sydney Water deals with a vast number of documents. Some documents are of only temporary value, while others are more permanent.

Most documents held by Sydney Water deal with providing core services, water, recycled water, wastewater, and stormwater management. In addition, Sydney Water holds a smaller number of documents dealing with administrative matters. The major categories of documents are listed below.

4.1 Policies

There are official policies for many of Sydney Water's activities, which are available at sydneywater.com.au. These are regularly revised and updated, with new policies produced as required.

Some policies may not be available to the public as they are sensitive or confidential, and others are internal policies used by Sydney Water employees.

4.2 Maps, plans and diagrams

Sydney Water maintains an extensive range of maps, plans and diagrams. Some of these are prepared for internal purposes while others are prepared to assist customers in their dealings with Sydney Water.

You can arrange to inspect maps, plans, and diagrams. We'll make every reasonable effort to provide access at a mutually convenient location.



Please login on to the [Sydney Water Tap in™](#) service to obtain current prices.

4.3 Agenda and minutes of meetings

Sydney Water's Board of Directors holds regular formal meetings. Minutes are taken at these meetings, which usually cover issues associated with policy formulation, planning and review.

In addition to the director's meetings, other meetings are held throughout the organisation for a range of purposes. Formal agendas are prepared, and minutes taken for many meetings. Copies of the official minutes of the Board of Directors are held by the Executive Officer to the Board, while minutes and agendas of other meetings would be held by the officers responsible for the meetings.

We'll treat requests for access to the agendas or minutes of particular meetings on their merits. Sydney Water reserves the right to refuse access, if necessary, to prevent sensitive material being disclosed. However, Sydney Water will only refuse access where there is an overriding public



interest against disclosure in accordance with the *Government Information (Public Access) Act* (GIPA Act).

4.4 Reports - administrative

Sydney Water produces many reports on various subjects, relating to its operations. Some of these are produced according to statutory requirements. Others are produced for management, such as audit reports.

Reports produced according to statutory obligations are publicly available as required. Public reports are available at sydneywater.com.au.

You may request access to internal reports under the GIPA Act. It must be appreciated that some internal reports, for example audit reports, may contain highly sensitive material and your request will be assessed in accordance with the provisions of the GIPA Act.

4.5 Reports - environmental

Sydney Water has a vested interest in monitoring environmental factors associated with or affecting our activities. We conduct various scientific studies. Some studies are conducted as joint exercises with external parties.

Sydney Water is keen to promote informed debate in the community and publishes many of its scientific studies and reports.

In most cases, we won't release details of reports and studies before they're complete. This is because the preliminary data may give a distorted view. Premature release also may compromise the final result of a study.

4.6 Reports - financial

Sydney Water places the highest value on sound financial management. We produce a range of financial reports at appropriate intervals as part of our budgetary process and financial management. The form and structure of the reports may vary from time-to-time to address the evolving needs of the organisation.

These reports have been developed for internal purposes and may not be very helpful to external observers. Formal audited financial statements are included in Sydney Water's *Annual Report*, which is available at sydneywater.com.au.

4.7 Photographs

Sydney Water has an extensive collection of photographs relating to its activities. They are kept for varying lengths of time depending on their relevance to the organisation.

Requests for photographs are usually made in relation to historical or scientific research. All requests are treated on their merits and Sydney Water will assist where possible. Sydney Water reserves the right to recover commercial costs associated with supplying photographic material.



4.8 Archives

Some documents and records of purely historical interest are held in Sydney Water's archives. These include minutes of old Board meetings, project reports, old photographs, maps and plans.

Access to Sydney Water's archives may be arranged for historical research. Contact the GIPA Officer on 8849 6834 or by email gipa@sydneywater.com.au for more information.

4.9 Trade waste agreement

Agreements are made between Sydney Water and businesses to permit businesses to discharge certain trade wastes to our wastewater pipes (sewers). These agreements may specify both the quantity and quality of wastes allowed.

Sydney Water understands that the public has a legitimate interest in the management of the wastewater system. While recognising that manufacturers have a right to a degree of privacy about their commercial activities, Sydney Water provides the community with access to appropriate information relating to the discharge of trade waste. Further information on trade waste agreements and charges is available at sydneywater.com.au.

4.10 Contracts and associated documents

The contracts register at sydneywater.com.au provides information on contracts classified as class 1, 2, and 3 under the GIPA Act. Sydney Water will assess any request for additional information about particular contracts on its merits. We'll be as open as possible, while taking care to safeguard any legitimate claims to confidentiality. We will process requests for access to these documents according to the provisions of the GIPA Act.



5 Obtaining information from Sydney Water

5.1 General enquiries

Sydney Water welcomes enquiries from our customers. You may enquire by mail, email or telephone. We can deal with most enquiries informally to avoid the cost of making a formal GIPA application.

In most cases, we'll provide access to specific information on request, in a mutually convenient way. There are times, however, when it may not be possible to meet a specific request. In these cases, we'll do all we can to provide a mutually acceptable response.

5.2 Sydney Water publications

In many cases a pamphlet or brochure may be available to answer your questions. Sydney Water's publications are available at [sydneywater.com.au](https://www.sydneywater.com.au). If the information you are seeking isn't on our website you can contact our Contact Centre on 13 20 92 or by email by clicking on this link to our [Sydney Water website](https://www.sydneywater.com.au).

5.3 Facilities for public access

Sydney Water intends to deal promptly with all requests for information. In some cases, we may be able provide the required material at no charge.

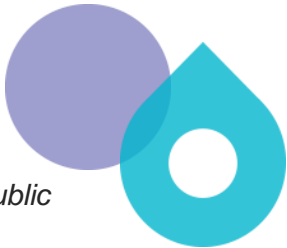

However, Sydney Water reserves the right to refuse access to files which involve such things as privacy or commercial interests.

If a customer has a specific request for information, they may contact us to discuss the matter. Depending on the nature and extent of the information, it may be necessary to make a formal access application under the *Government Information (Public Access) Act*. In such cases, information may still be withheld where there is an overriding public interest against the disclosure. You can find advice on how to make a request in section 6 of this document and at [sydneywater.com.au](https://www.sydneywater.com.au).

5.4 Amending records relating to personal information

Sydney Water maintains confidential files and medical records for its staff. Other than these files, we may hold limited records concerning customers' personal information, but only to the extent required to perform a service for our customers.

The *Privacy and Personal Information Protection Act 1998* (PPIPA) provides individuals with the right to access records relating to their own personal information. Every effort will be made to ensure customers and staff may exercise these rights. Where possible, we will provide access



informally, to avoid the need to request the information under the *Privacy and Personal Information Protection Act 1998* (PPIPA) or the *Government Information (Public Access) Act 2009* (GIPA Act).

Should an individual become aware of an error of their personal information in Sydney Water's records, we'll be pleased to correct any error. For account errors contact our Contact Centre on 13 20 92 or by email using this link to our [Sydney Water website](#). For administrative errors you can apply for correction under the PPIPA by emailing privacy@sydneywater.com.au

6 Enquiries under the GIPA Act

Sydney Water makes every attempt to meet the reasonable expectations and needs of its customers for information. In some cases, you may need to seek access to information under the *Government Information (Public Access) Act* (GIPA Act). If you're unsure, contact the GIPA Officer on 8849 6834 or email gipa@sydneywater.com.au. Should you need to lodge an application under the Act, we'll give you as much assistance as possible.

The GIPA Act provides four ways for government information to be released:

1. Open Access (mandatory release)
2. Proactive release
3. Informal release
4. Formal release

Further details about the different ways government information may be released is available on the *How to access NSW government information* page of the [Information and Privacy Commission website](#).

6.1 Open access information

In accordance with the GIPA Act, Sydney Water provides open access information free of charge at sydneywater.com.au. If you are unable to locate the relevant information on our website, please contact our GIPA Officer, who will be happy to assist.

You can also go to data.nsw.gov.au to help you find NSW Government Data.

6.2 Lodging an application

Requests under the GIPA Act must be in writing and must be accompanied by an application fee of \$30, payable by cheque, money order or electronic funds transfer (EFT). You can apply on our [GIPA application](#) form or in letter format, stating as clearly as possible the document(s) or information you are requesting.

Applications can be lodged either by post to the below address or via email to GIPA@sydneywater.com.au.

The Government Information (Public Access) Officer
Sydney Water
PO Box 399
Parramatta NSW 2124



6.3 Processing applications

Sydney Water must respond to all requests within 20 business days. An additional 10 - 15 days may be required if we need to consult a third party or retrieve records from our archives. You'll be advised as soon as possible of Sydney Water's response to your application.

In addition to the application fee, you may need to pay processing charges of \$30 an hour. A 50% reduction may apply in certain cases, such as if the applicant is a pensioner, in financial hardship, under 18 years of age or on grounds where the release of the information is considered of special benefit to the public. Where Sydney Water estimates that processing your request may take more than one hour, you may be asked to pay a deposit in advance of the processing.

When processing an application, we'll make every effort to minimise the cost to the applicant. When appropriate, we'll contact the applicant to discuss options to limit the cost of processing. The applicant may challenge the processing charges if he or she feels they are unreasonable. The right to challenge is not dismissed if the charges have been paid. This allows the applicant to proceed with the inquiry, pending the outcome of the appeal.

6.4 Third party consultation

The object of the GIPA Act is to give access to government information unless there is an overriding public interest consideration against disclosure.

Where an application is received for access to information concerning a third party (that is, someone other than the applicant or Sydney Water), then we are required to take all reasonable steps to consult with the third party to obtain their views. This requirement exists so that sensitive information of third parties is not released without proper consultation and careful consideration.



The GIPA Act does not prescribe how Sydney Water should consult with third parties. The process should allow the best possible outcome.

To make a decision about whether information should be released, we apply the public interest test, which involves identifying and balancing any public interest considerations in favour of disclosure with any public interest considerations against disclosure of the information. If Sydney Water decides to release some or all information which a third party objected to release, they are advised of our decision and the reasons why, prior to the information being released to the applicant.

It should be noted that applicants or third parties who are aggrieved by a decision, can exercise review rights under the GIPA Act. Sydney Water will provide information about your review rights as part of the consultation and decision process.

Confidentiality of the third party consultation process

Third parties may ask the name of the access applicant who is requesting their personal or other information. Third parties may be more willing to agree to disclosure of information concerning them if they know who is requesting the information and the context of that request. Likewise, applicants may request details regarding the third parties that are being consulted as part of the process of dealing with their application.



Sydney Water treats and protects the identity of both access applicants and third parties confidentially and will not disclose this information without consent.

6.5 Information about the GIPA Act 2009

Brochures explaining your rights under the GIPA Act are available in detail, from Sydney Water's GIPA Officer and the Office of the Information and Privacy Commission New South Wales www.ipc.nsw.gov.au. Sydney Water will inform you of your rights under the Act. We can arrange interpreters for customers who do not speak English. Direct any questions you have about GIPA to the GIPA Officer on 8849 6834 or email gipa@sydneywater.com.au.