

Metering regulations

NRAR compliance approach

November 2020 Natural Resources Access Regulator



The Natural Resources Access Regulator (NRAR) is an independent regulator established under the NSW *Natural Resources Access Regulator Act 2017*. The current regulatory focus of NRAR is water regulation, a key part of which is to prevent, detect and stop illegal water activities.

NRAR applies a graduated and proportionate response to situations where licence or approval holders are not in strict compliance with regulatory requirements. Our approach to enforcement and prosecution is set out in our [Regulatory Policy](#) and [Prosecution Guidelines](#).

We will exercise regulatory discretion in situations where a licence or approval holder cannot strictly comply with new regulatory requirements for metering because of issues that are beyond their control.

Staged rollout

The staged rollout of new metering requirements means that the majority of licensees will have enough notice to ensure that their equipment is compliant, or for meter accuracy to be certified. We encourage all licence and approval holders to familiarise themselves with how the new metering requirements apply to their operations, and to make arrangements well ahead of the start date to make their equipment compliant.

We expect all licence or approval holders to demonstrate they have made every effort to comply with the new regulations by their rollout date. This includes being able to do one or more of the following:

- demonstrate attempts to purchase and install compliant equipment well ahead of the start date for new regulatory requirements
- produce an order and/or tax invoice for compliant equipment identifying installation location and expected installation date
- provide written advice from a suitably qualified person that pattern-approved metering equipment is not available in a suitable size or configuration for the site, and the expected date when validation of accuracy of existing pumping arrangements will occur
- demonstrate that a suitably qualified person has installed a pattern-approved meter, and verified its physical installation as being compliant, but that sufficient water was not legally available to allow the installer to verify the meter accuracy, and that arrangements had been made for verification of meter accuracy once sufficient water was available
- show they have received advice from relevant telecommunication providers that, given the location of the water extraction infrastructure, there is no viable way of establishing connectivity for telemetry equipment associated with the installed pattern-approved meter and data logger
- otherwise provide documented evidence demonstrating timely efforts made to comply with any new regulatory requirements.



Our response to non-compliance

The following factors are considered when we decide on a response to a case of non-compliance:

- the seriousness of the non-compliance, based on its actual or potential effects on the community and the environment
- the potential or actual risk of public harm caused by the non-compliance
- voluntary remedial action implemented to address the non-compliance and mitigate the harm, and any mechanisms put in place to prevent a recurrence. For example, keeping accurate and reliable records until telemetry is installed but all other metering equipment is compliant.
- cooperation demonstrated by the person(s) involved
- compliance history of the person(s) in general and for the specific incident
- whether the person(s) involved have made false or misleading statements about the non-compliance
- the person's willingness to comply with requirements
- the timeframe over which the offence was committed
- any mitigating or aggravating circumstances
- public interest and community expectation about the action taken to provide specific or general deterrence.

Already in force

Some parts of the metering rules came into effect on 1 April 2019:

- all new and replacement meters installed on works that meet the metering thresholds from this date must be pattern approved
- Only duly qualified persons (DQP) can install or re-install metering equipment and validate meters
- You can apply to tag your work as inactive
- If you become aware your telemetry equipment is not working properly or has stopped working, you must report it within 24 hours using the online Section 91I form available from the WaterNSW website.

Upcoming rollout dates

Upcoming dates for the new metering rules are:

- 1 December 2020: surface water pumps 500 mm and above—all regions
- 1 December 2021: remaining works that require a meter—northern inland regions
- 1 December 2022: remaining works that require a meter—southern inland regions
- 1 December 2023: remaining works that require a meter—coastal regions.

More information about changes to metering rules

For the latest information about the requirements of the NSW non-urban water metering framework visit www.industry.nsw.gov.au/water/metering

Reporting a suspected breach of metering rules or water laws

To make a confidential report of a suspected breach of water laws:

- use NRAR's online reporting form at www.industry.nsw.gov.au/natural-resources-access-regulator/report-suspicious-water-activities
- phone 1800 633 362.

More information

This fact sheet is one in a series explaining water management, compliance and associated issues. You can find this series and more information about licensing, approvals and compliance on the NRAR website at www.industry.nsw.gov.au/nrar

Copies of the Acts and associated Regulations are available on the NSW Government legislation site at www.legislation.nsw.gov.au

For enquiries call NRAR on 1800 633 362 or email nrar.enquiries@nrar.nsw.gov.au

For more information about the Natural Resources Access Regulator visit industry.nsw.gov.au/nrar



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