

# Metering Regulations

## NRAR compliance approach

November 2018 Natural Resources Access Regulator



### The Natural Resources Access Regulator's compliance approach to new metering regulations.

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 is not able to strictly comply with new regulatory requirements for metering because of issues that are beyond their control, for example the unavailability of pattern-approved meters of a particular size on the Australian market by the time a mandatory metering condition takes effect.

The staged roll out of new metering requirements means that the majority of licensees will have well over a year to ensure that their equipment is compliant, or for meter accuracy to be certified. We encourage all licence and approval holders to become familiar with how the new metering requirements apply to their operations, and to make arrangements well ahead of the commencement date to bring their equipment into compliance.

We expect all licence or approval holders to demonstrate they have made every effort to comply with the new regulations, where and when these apply. This includes being able to do one or more of the following:

- demonstrate attempts to purchase and install compliant equipment well ahead of the commencement date for new regulatory requirements applying to their situation
- 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 be determined
- 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 to do so
- 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 impacts 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
- cooperation demonstrated by the person involved
- compliance history of the person in general and with respect to the specific incident
- whether the person has made false or misleading statements about the non-compliance
- the person's willingness to comply with requirements
- the person's ability to comply with requirements
- 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.



For further information on the Natural Resources Access Regulator visit [industry.nsw.gov.au/nrar](http://industry.nsw.gov.au/nrar)

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