



CONSULTATION

Water Licence Review

PROPOSAL TO AMEND WATER SERVICES OPERATING LICENCES

The Economic Regulation Authority is seeking public comment on proposed amendments to Water Services Operating Licences (**Water Licences**) in anticipation of the commencement of the *Water Services Act 2012*. These amendments are initiated by the Authority in order to meet the new legislative requirements.

Later this year, the *Water Services Act 2012* will replace the existing *Water Services Licensing Act 1995*. The new act can be found on the State Law Publisher's [website](#). The subsidiary legislation, including a future *Water Services Code of Conduct (Customer Service Standards)*, *Water Services Regulations*, *Water Services (Ombudsman) Regulations* and any class exemptions, are being developed by the Department of Water and are not yet publicly available.

The Authority is proposing to amend all Water Licences by substitution to align them with the new legislation:

- The new water legislation creates a customer protection regime based on a new code of conduct, regulated standard and non-standard contracts, and a requirement for licensees to have approved financial hardship policies. In addition, separate to the licence requirements, there will also be a Water Services Ombudsman Scheme, which is expected to come into effect on 1 January 2014. There will no longer be a requirement for licensees to have customer service charters.
- It is proposed to reduce the number of performance standards in the licences. However, in the absence of legislatively prescribed standards, the Authority considers it important to retain existing standards for water supply, drainage and irrigation services where their retention ensures customers receive minimum service levels that are consistent with good industry practice:
 - water supply licences retain minimum water pressure and flow standards;
 - drainage licences retain the design standards for urban and rural drainage schemes; and
 - irrigation licences retain standards for water quality, planned service interruptions and issuing safety notices regarding the use of irrigation water.

The existing framework for annual reporting of non-financial performance data is proposed to be modified to require licensees to not only provide data to the Authority but also to publish, on an annual basis, that data on their website. The detailed specification of the performance indicators that are to be reported for each type of licence will continue to be contained in the *Water Compliance Reporting Manual*.

The new draft water licence template can be found on the Authority's website in two versions, a [clean copy](#) and a copy including [drafting comments](#), which includes commentary to provide information on the proposed changes.

In addition to public consultation on the draft water licence template, the Authority is writing to individual Water Licensees in accordance with clause 14 of the licences, which require the Authority to notify licensees of the proposed amendments.

Interested parties are invited to make submissions on the proposed draft water services operating licence template by **4:00 pm (WST) on Wednesday, 7 August 2013**.

Submissions should be marked to the attention of Assistant Director Licensing.

Email address: publicsubmissions@erawa.com.au

Postal address: PO Box 8469, PERTH BC WA 6849

Office address: Level 4, Albert Facey House, 469 Wellington Street, PERTH WA 6000

CONFIDENTIALITY

In general, all submissions from interested parties will be treated as being in the public domain and placed on the Authority's website. Where an interested party wishes to make a submission in confidence, it should clearly indicate the parts of the submission for which confidentiality is claimed, and specify in reasonable detail the basis for the claim. Any claim of confidentiality will be considered in accordance with the provisions the *Economic Regulation Authority Act (2003)*.

The publication of a submission on the Authority's website shall not be taken as indicating that the Authority has knowledge either actual or constructive of the contents of a particular submission and, in particular, whether the submission in whole or part contains information of a confidential nature and no duty of confidence will arise for the Authority.

For further information contact:

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CHAIRMAN

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