



**Economic Regulation Authority**

## Final decision

Repeal and replacement of the *Water Services Code of Conduct (Customer Service Standards) 2018*

17 May 2024

## **Economic Regulation Authority**

Level 4, Albert Facey House

469 Wellington Street, Perth WA 6000

**Telephone** 08 6557 7900

**Email** [info@erawa.com.au](mailto:info@erawa.com.au)

**Website** [www.erawa.com.au](http://www.erawa.com.au)

This document can also be made available in alternative formats on request.

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## Executive summary

The Economic Regulation Authority has repealed the *Water Services Code of Conduct (Customer Service Standards) 2018* and replaced it with a revised Water Code to implement the amendments outlined in this decision.

The new *Water Services Code of Conduct (Customer Service Standards) 2024* will commence on 1 July 2024.

The Water Code establishes a customer protection framework that sets out the minimum level of customer service for water licensees that supply drinking water and sewerage services. The Water Code covers a broad range of areas including billing, payment, connection, metering, financial hardship and complaints.

The ERA's changes will improve protection for all residential water consumers by expanding access to fee-free and interest-free payment plans. The new Code also prohibits water services companies from charging vulnerable customers a fee for receiving a paper bill, and reduces the administrative burden for licensees where possible.

The finalisation of this review completes the ERA's major reviews of the three customer protection instruments for all household and small business electricity, gas and water customers in Western Australia. All codes have now been updated to reflect best practice customer protection for Australian utility services.<sup>1</sup>

The ERA was assisted in this review by the Water Code Consultative Committee (WCCC), which is an independent group comprised of industry, consumer and government representatives.

The ERA released its draft decision on 1 March 2024, which reflected feedback on its earlier consultation paper. No formal submissions were received on that decision, but following informal discussions with licensees, other stakeholders and the WCCC the ERA has made two further small changes to the new Water Code.

These changes are:

- Clarifying the scope of the Water Code, to make it clear that it applies only to customers receiving potable water, and water that can be treated to make it safe for drinking. Customers who attempt to treat water from a non-potable source have never been covered by the Water Code, and this edit makes that clear.
- Removing the obligation for licensees to publish a statement about their ability to cut off or reduce the supply of a customer who does not accept a payment plan within seven days. The licensee does not have the power to cut off or reduce supply to a customer in those circumstances, and licensees advised that they have not been doing so.

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<sup>1</sup> Electricity and gas customer codes were amended to include protections for customers experiencing family and domestic violence. Water customers already receive these protections from a separate instrument – the *Water Services Code of Practice (Family Violence) 2020*.

# 1. Final decision

Under the *Water Services Act 2012*, the ERA must review the Water Code at least once every five years to ensure that it is fit-for-use and continues to provide adequate protections for customers.<sup>2</sup>

The ERA has completed its review of the Water Code following consultation with the WCCC and all affected licensees.

To implement its decision, the ERA has developed the new *Water Service Code of Conduct (Customer Service Standards) 2024* to replace the 2018 version of the Water Code. The Water Code 2024 includes every proposal in the ERA's draft decision.<sup>3</sup> Following consultation with the WCCC, the final decision makes additional minor improvements to the clarity of several clauses.

This decision outlines the issues considered by the ERA, the WCCC and other stakeholders during the review process. Section 3 describes the changes made following the deliberative process. Section 4 lists those issues that were considered but which did not contribute to change.

As a result of the changes, the clause numbers in the 2024 Water Code differ from the 2018 Water Code. Appendix 1 summarises the major amendments and compares clause numbers between the 2018 and 2024 Water Codes. The tracked changes in the 2024 Water Code are included at Appendix 2. Minor amendments, for example drafting improvements, are listed in Appendix 3.

The 2024 Water Code will take effect from 1 July 2024. The Water Code will be published on the Western Australian Legislation website and be tabled before each House of Parliament.

When making a decision, the ERA must have regard to the matters set out in section 26(1) of the *Economic Regulation Authority Act 2003*. In approving this final decision and all the Code amendments, the ERA has made the amendments to promote regulatory outcomes that are in the public interest. These include:

- Reducing the administrative burden on licensees by:
  - Reducing the consultation required on minor amendments to a financial hardship policy.
  - Removing the obligation to issue a bill based on a meter reading at least once every 12 months, after the licensee has undertaken multiple attempts to read a meter and moved to issuing the customer with a compliance notice for not providing easy and safe access to a meter.
- Improving protections for consumers by:
  - Providing all residential water service customers with access to interest-free and fee-free payment plans.
  - Allowing all customers to choose between receiving a paper or electronic bill, and providing vulnerable customers with paper bills at no charge.
  - Requiring licensees to use a preserved supply customers preferred contact details – including electronic – when notifying of a planned outage.

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<sup>2</sup> Section 27(7) of the *Water Services Act 2012* ([online](#)).

<sup>3</sup> ERA, 2023 Water Code Review, Draft Decision ([online](#)).

## 2. Background

The Water Code establishes a customer protection framework that sets out the minimum level of service that water licensees must provide to their customers. The ERA reviews the operation and effectiveness of the Water Code at least once every five years to ensure that it is fit-for-use and continues to provide adequate protections for customers.

The ERA commenced this review in September 2022.

The ERA established the WCCC to provide advice throughout the review process. Members of the WCCC include three industry representatives, three representatives from consumer organisations, two government agency representatives, a Chair and an executive officer.

During this review, the ERA has concurrently been reviewing the comparable customer protection instruments for the electricity and gas industries. On 20 February 2023, the *Code of Conduct for the Supply of Electricity to Small Use Customers 2022* came into effect.<sup>4</sup> The changes to the Electricity Code included extending the assistance measures offered to residential customers experiencing payment difficulties to all customers who request them.

The ERA's final decision on amendments to the Compendium of Gas Customer Licence Obligations, aligned protections for retail gas customers with electricity customers.<sup>5</sup> The updated Compendium will come into effect on 1 July 2024.

In its April 2023 consultation paper, the ERA sought feedback on aligning the Water Code with the Electricity Code so that water customers receive the same level of protection as electricity customers in relation to payment assistance. In addition, the consultation paper included proposals for change to issues specific to the Water Code.

The ERA received submissions on its consultation paper from six stakeholders, and considered these in consultation with the WCCC. The ERA worked with the Parliamentary Counsel's Office (PCO) to draft the new Water Code. The PCO made a range of suggestions to improve clarity and consistency with related instruments, which were included in the ERA's draft decision for public comment.

The ERA published its draft decision, which included the proposed text of the new Water Code, on 1 March 2024. No submissions were received.

The WCCC provided its final advice to the ERA on 17 April 2024. This is included at Appendix 4.

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<sup>4</sup> *Code of Conduct for the Supply of Electricity to Small Use Customers 2022* ([online](#)).

<sup>5</sup> ERA, 2023 Review of the Gas Compendium ([online](#)).

### 3. Amendments made in the Water Code

Given the large number of amendments, the ERA will repeal and replace the Code rather than amend it. However, for ease of reading, this final decision refers to amendments rather than repeal and replacement. Substantive amendments recommended in the ERA's draft decision and included in this final decision are set out below.

#### 3.1 Part 1 - Preliminary

##### 3.1.1 Citation – Clause 1

In the consultation paper the ERA proposed amending clause 1 by replacing “2018” with “2024”.

The Water Corporation, DWER, the FCA and the WCCC supported the proposal.

**The ERA amended clause 1 by replacing “2018” with “2024”.**

##### 3.1.2 Definition of “complaint” – Clause 3

In the consultation paper the ERA sought comment for including a definition of “complaint” similar to the Electricity Code and the Gas Compendium:

“complaint” means an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, for which response or resolution is explicitly or implicitly expected or legally required.<sup>6</sup>

Stakeholders and the WCCC supported this inclusion.

**The ERA included a definition of complaint to align with the Electricity Code and Gas Compendium in the revised Water Code.**

**The amendment provides licensees greater certainty and clarity on what qualifies as a complaint and provides consistency between the Water Code, Electricity Code and Gas Compendium.**

##### 3.1.3 Definition of “publicly available” – Clause 3

Under clause 3 of the 2018 Water Code “publicly available” means documents that:

- any person may view or download from, the licensee’s website
- are provided to a customer in hard copy on request and at no charge.

“Publicly available” is used in clauses 8, 17, 20, 29, 31, 46, 48 and 49 to refer to information that licensees must make available to customers.

After reviewing the Water Code as a whole, the PCO advised that the existing definition of publicly available, in just specifying documents, may be too narrow and could exclude clauses where information is required to be made public. The draft decision sought comment on amending the clause to clarify how the information may be made available.

<sup>6</sup> Code of Conduct for the Supply of Electricity to Small Use Customers 2022, clause 3, ([online](#)). ERA, Nov 2019, Compendium of Gas Customer Licence Obligations section 1.3 ([online](#)).



The ERA has amended the Water Code to clarify that “publicly available” includes documents or information available on the licensee’s website or provided in hard copy, on request at no charge.

### **3.1.4 Application of the Code: Clause 5**

The services covered by the Water Code are prescribed in Clause 5 (Application of code).

In the draft decision the ERA proposed two amendments to improve clarity, without altering the scope of the Water Code:

- Remove the reference to “customer”
- Remove the definition of “drinking water”

The reference to “customer” is not necessary as customers have no obligations in the Water Code.

The Department of Health advised that the 2018 Water Code’s definition of drinking water is inconsistent with the Australian Drinking Water Guidelines and with the Department’s own drinking water Memorandum of Understanding with licensees.<sup>7</sup>

Drafting advice from the PCO identified that “drinking water” could be removed as a defined term in the Water Code without losing protections for households, such as farmland customers who are supplied with water that must be treated prior to drinking and who already receive Water Code protections.

After publication of the draft decision, the Water Corporation expressed concern that a customer could misinterpret the proposed clause by assuming that the Water Code applies if they attempt to treat non-potable water. Water from a non-potable source – unlike water that must be treated before use – can never be treated to make it fit for humans to drink.

**The ERA amended the Water Code, to address all stakeholder comments as follows:**

**5(1) This code applies to –**

**a) Each licensee that provides a water supply service, but only in respect of the supply of –**

- i. Potable water; or**
- ii. Water that is not potable but is able to be treated by the customer to make it fit for humans to drink,**

**and**

**b) Each licensee that provides a sewerage service.**

## **3.2 Part 3 – Billing for water services**

### **3.2.1 Meter reads – Clause 11(6)**

Clause 11(6) of the Water Code requires licensees to issue a bill at least once in every 12-month period based on a meter reading.

In the consultation paper the ERA asked if the Water Code should be amended to include:

- A percentage compliance rate for clause 11(6).

<sup>7</sup> As a licence condition, a licensee supplying potable water must enter a MOU with the Department of Health for managing drinking water quality. Australian Drinking Water Guidelines 2022 ([online](#)).

- Circumstances when the clause does not apply.  
or
- Remain unchanged and the ERA's Water Compliance Reporting Manual be updated to require licensees to report on "difficult to access" meters and any attempt to access or re-site the meter.

Under regulation 24 of the *Water Services Regulations 2013*, the licensee may give a compliance notice to the owner or occupier of the land if the owner or occupier has not provided the licensee safe and easy access to the meter at all times.

The Water Corporation advised that it is not always possible to get a meter reading at least once in a 12-month period for several reasons, for example, accessing a long-term vacant property, when a customer's front gate is locked, or meters have been concreted over.

The WCCC supported exempting a licensee from reading a meter at least once in a 12-month period if the licensee demonstrated that it took all reasonable steps to read the meter. The WCCC recommended amending the Water Code so that clause 11(6) does not apply when a licensee has issued a compliance notice to a customer.

**The ERA has not introduced a percentage compliance rate. The ERA amended the Water Code so clause 11(6) does not apply where a licensee has taken all reasonable steps to gain access to read a meter, once in a 12-month period, but been prevented access by the customer and has issued a compliance notice in that period.**

### **3.2.2 Information on bills – Clause 13(2)(e)**

Under clause 13(2) a licensee must issue bills with prescribed information including "the day on which the bill is issued" (clause 13(2)(e)) and "the date when payment is due" (clause 13(2)(h)).

**The ERA amended clause 13(2)(e) by replacing reference to "day" with "date".**

**The amendment ensures consistency with the terminology used in clause 13(2).**

### **3.2.3 Information on bills if charge per kilolitre varies depending on the volume supplied – Clause 15(3)(d)**

Licensees may use a tiered pricing system to calculate the water service charges based on how much water the customer uses in a 12-month period.

Under clause 15(3)(d), licensees using a tiered pricing system are required to include on each bill the day on which the tariff (charge per kilolitre) for water supplied to the customer will return to the lowest tariff.

**The ERA amended clause 15(3)(d) to require each bill to state the day on which, or the month during which, the customer will return to the lowest tariff.**

**The amendment assists licensees who have difficulty forecasting the exact day the final meter reading of the year will be conducted.**

### **3.2.4 Information on bills if charge per kilolitre varies depending on the volume supplied: example tariffs – Clause 15(2)(b)**

Clause 15(2)(b) of the Water Code references examples of differing tariffs for water supplied within different volumetric ranges. In the draft decision the ERA proposed removing the example of the cost of tariffs.

The WCCC advised that it is not necessary to include examples of the price tariffs based on the volumetric range, given bills are issued specifying the tariffs applied during the billing period. WCCC industry members advised that the examples in the Water Code were outdated and potentially confusing if compared to the information on a customer's bill.

The WCCC advised removing the examples in clause 15(2)(b) of the Water Code.

**The ERA removed the tariff examples from clause 15(2)(b) of the Water Code.**

### **3.2.5 Charging interest on an undercharged amount – Clause 18(4)**

Clause 18(1) of the Water Code allows a licensee to recover from a customer an undercharged amount that was not - but could have been – included in a bill. However, clause 18(4) prevents the licensee from charging interest or late payment fees on the undercharged amount.

The Electricity Code allows a licensee to recover from a customer, an amount undercharged because of a licensee's error, but must not charge interest on the amount, or apply a late payment fee.<sup>8</sup> However, where the customer has failed to pay the undercharged amount by the due date and has not entered an instalment plan, the licensee may charge interest on the undercharged amount from the due date or charge a late payment fee.<sup>9</sup>

The Water Corporation advised that when a customer does not pay the undercharged amount by the set due date and does not contact the licensee, then the customer should be charged interest or late payment fees except if the customer is assessed as experiencing financial hardship or family violence.

The WCCC supported amending the Water Code to align with the Electricity Code.

**The ERA amended the Water Code as proposed in the draft decision:**

- **Licensees may now charge interest or late payment fees on undercharged amounts from the due date when, after notifying the customer of the amount, the customer has failed to pay the amount by the due date and does not enter into a payment plan.**
- **Licensees cannot charge interest or late payment fees when:**
  - **The customer is in financial hardship, or the addition of the undercharge would put the customer into financial hardship.**
  - **A complaint that directly relates to the nonpayment of the undercharged amount made by the customer to the:**
    - **Licensee is not resolved.**
    - **Energy and Water Ombudsman is either not determined or upheld.**

**The amendment aligns the Water Code with the Electricity Code and provides greater certainty and clarity to licensees when managing accounts with undercharged amounts.**

### **3.2.6 Review of bills within 15 days – Clause 21**

In the consultation paper, the ERA sought comment on whether a percentage compliance rate should be applied to clause 20(5) where the licensee must inform the customer of the outcome of a review of a bill as soon as practicable or before the end of 15 business days, starting on the day of the customer's request for review.

<sup>8</sup> Code of Conduct for the Supply of Electricity to Small Use Customers 2022 clause 29 ([online](#)).

<sup>9</sup> Code of Conduct for the Supply of Electricity to Small Use Customers 2022 clause 29(3) ([online](#)).

The Water Corporation had advised that it is not always possible to meet the 15-business-day requirement when it needs to inspect a property in a remote location, has difficulty accessing a meter or is waiting for a customer to provide information. Where a customer requests a bill review, the customer is responsible for cooperating with the licensee.

The Western Australian Council of Social Service (WACOSS) did not support the proposal as it did not distinguish between customers who did or did not co-operate. WACOSS suggested exempting a licensee from the 15-business-day requirement where licensees can demonstrate that it could not gain access to the customer's meter to complete the review.

The WCCC did not support applying a percentage compliance rate to clause 20(5) instead the WCCC requested that the clause be amended to align with the Electricity Code, where a licensee has 20 business days to complete a bill review, or if the review is not completed in that period, the licensee must provide a review status to the customer as soon as possible. The WCCC suggested the additional five business days will assist with requests for bill reviews in regional areas.

**The ERA amended clause 21 to increase the number of business days, from 15 to 20 days, to complete a bill review.**

**The additional five business days provides consistency between the Water Code and Electricity Code will assist licensees reviewing a bill with a supply address in a regional or remote area.**

### ***3.2.7 Charging for paper bills and choosing between paper or electronic bills***

In the consultation paper, the ERA sought comment on amending the Water Code to allow a customer to choose between receiving a paper or electronic bill, and to prohibit a licensee from charging a fee for a paper bill.

The Water Corporation, Aqwest and Busselton Water do not charge customers for paper bills. Licensees advise that the cost of providing paper bills is smoothed across all customers.

Some customers find that paper bills provide a physical reminder to pay, are more easily reviewed for errors, and make it easier to find the licensee's contact details for queries. Not all customers are able to receive a bill via email. For customers having trouble paying their bills, an unpaid bill out of sight in an email inbox could exacerbate the problem.

The WCCC recommended amending the Water Code so all customers have the option to choose between receiving paper or electronic bills with no restriction placed on the number of times a customer can request a billing method change in a 12-month period.

The WCCC also recommended amending the Water Code to prohibit licensees from charging a fee to customers who choose to receive a paper bill.

The ERA recognises that licensees incur a cost when preparing, printing and sending paper bills.

**The ERA amended the Water Code so that customers may choose between paper or electronic billing with no restriction on the number of times they may change their preferred billing method in a 12-month period.**

**The ERA also amended the Water Code so that licensees are prohibited from charging vulnerable customers a fee for paper billing. As detailed in clause 12(5) this includes customers on the preserved supply register, affected by family violence, receiving a concession or experiencing financial hardship.**

This position is consistent with the ERA's final decision on the Gas Compendium.<sup>10</sup> Submissions to the draft decision noted that some gas retailers currently charge for paper bills and do not support a total prohibition on prohibiting paper billing fees.<sup>11</sup>

### 3.3 Part 4 – Payment for water services

#### 3.3.1 *Making payment plans or other arrangements available for all customers – Clause 29*

In the draft decision, the ERA sought comment on whether the Water Code should require licensees to offer a payment plan or other arrangement to all residential customers.

The Electricity Code has similar provisions where all residential customers may access payment extensions and instalment plans without the need to be assessed as experiencing payment difficulties.

The WCCC advised that the Water Code should be amended to make the payment plans or other arrangements available for all customers consistent with the Electricity Code.

Offering all customers the option of a payment plan or other arrangements establishes a clear entitlement to assistance. The option of a payment plan allows customers to take early action, preventing them from getting into debt, or further into debt, and remove the need for licensees to undertake a formal assessment as to whether the customer is experiencing payment difficulties or not.

**The ERA amended the Water Code so that licensees are required to make payment plans or similar arrangements to all residential customers.**

#### 3.3.2 *Offering fee-free and interest-free payment plans to all residential customers – Clause 29*

The 2018 Water Code does not define the term “payment plan” or “fee”, however, payment plans are available to customers assessed by the licensee as experiencing payment difficulties or financial hardship.

Currently, licensees are required to offer payment plans that are interest-free and fee-free where the customer has been assessed as experiencing financial hardship, but not when experiencing payment difficulties.

Charging fees and interest is likely to place customers in a worse position when they are finding it difficult to pay bills.

The WCCC requested alignment with the Electricity Code by amending the Water Code to require licensees to offer fee-free and interest-free payment plans to residential customers experiencing payment difficulties. The WCCC also recommended including a definition of “payment plan” and “fee” in relation to payment plans or other arrangements.

**The ERA amended the Water Code to:**

- a. Require licensees to offer fee-free and interest-free payment plans to all residential customers.**

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<sup>10</sup> ERA, 2023 Review of the Gas Compendium ([online](#)).

<sup>11</sup> Submissions available on ERA, Gas Compendium review 2023, ([online](#)).

- b. Define a “payment plan” as an interest-free and fee-free plan.
- c. Define the term “fee” to mean any fee or charge associated with the establishment of operation of a payment plan.

This amendment aligns the Water Code with the Electricity Code and provides greater clarity to licensees when managing customer payment plans.

### ***3.3.3 Payment plan communications, reviews and variations – Clause 31***

In the draft decision the ERA sought comment on if the Water Code should be amended so a licensee is obligated to:

- Review a payment plan at the request of a residential customer.
- Provide the agreed payment plan terms in writing within five business days of the customer agreeing to the payment plan and include what the customer must do if they cannot comply with the plan.
- Vary a payment plan only after the customer has agreed to the variation.

The WCCC supported the proposed amendments as it will align the Water Code with the licensee obligations under the Electricity Code when a residential customer accepts a payment plan.

**The ERA amended the Water Code to include protections for customers accepting payment plans.**

**The amendment provides customer protections consistent with the Electricity Code.**

### ***3.3.4 Removal of schedule 3, clause 1.1.2 of the water licence template – Clause 32***

Clause 29(1) and 29(2) of the 2018 Water Code prescribe that a licensee must have an ERA approved written financial hardship policy.

Under schedule 3 clause 1.1.2 of the water licence template, a licensee, already licenced for the provision of irrigation and drainage services, must not commence the supply of drinking water to residential customers and sewerage services unless the ERA has approved the licensee’s draft financial hardship policy.

**The ERA removed the duplicate obligation, clause 1.1.2 of schedule 3 of the water licence template.**

### ***3.3.5 Consultation with a relevant consumer organisation when formulating or reviewing a financial hardship policy – Clause 32***

In the draft decision, the ERA sought comment on if the Water Code should be amended so that a licensee is only required to consult with a relevant consumer organisation when preparing their initial financial hardship policy or making material amendments to an existing policy.

The WCCC supported removing unnecessary administrative tasks for licensees and consumer organisations and advised the ERA to:

- a. Only require licensees to consult with a relevant consumer organisation when preparing its initial financial hardship policy or when making material amendments to their existing financial hardship policy.



- b. Remove the requirement of water service licensees to review its financial hardship policy at least once in every five-year period.

**The ERA has amended the Water Code to remove administrative burden on licensees and consumer organisations and align with the obligations for licensees on financial hardship policies in the Electricity Code.**

## **3.4 Part 5 – Restricting the flow of water**

### ***3.4.1 Restoration of water supply – Clause 44***

Clauses 41(2) and (3) of the 2018 Water Code set the timeframes for restoring a customer's water supply. Clause 41(5) provides that the Water Corporation must ensure that there is a 90 per cent compliance rate with both clauses 41(2) and (3) in any 12-month period ending on 30 June in any year.

In the draft decision the ERA proposed moving clause 41(5) to be directly under clauses 41(2) and (3), to reduce confusion.

**The ERA amended the Water Code by moving the compliance rate to be under the clauses it relates to, which is clause 44 in the 2024 Water Code.**

## **3.5 Part 7 – Complaints about water services**

### ***3.5.1 New guidelines for complaint management in organisations – Clause 49***

Clauses 46(2)(a) of the 2018 Water Code set the minimum standards for the relevant provisions in the Australian standard (AS) for complaint management. On 24 March 2022, Standards Australia published the new guidelines for complaint management in organisations.<sup>12</sup>

**The ERA amended the Water Code to update the reference to the current Australian standard number.**

### ***3.5.2 Time taken to resolve a complaint – Clause 49***

In the consultation paper, the ERA sought comment on whether subclause 46(3)(d) of the 2018 Water Code should include a percentage compliance rate for licensees to resolve a complaint before the end of 15 business days.

The Water Corporation advised it is not always possible to resolve a complaint within the prescribed time for several reasons, such as when a meter needs to be replaced.

The WCCC did not support introducing a compliance percentage rate. The WCCC recommended increasing the prescribed time to manage a complaint from 15 days to 20 days to align with the Electricity Code and to amend the clause so that a complaint is responded to, but not necessarily fully resolved, within the stated time frame. The amendment will also provide a touch point with the customer within 10 days from the lodging of their complaint.

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<sup>12</sup> Standards Australian, 2022, AS 10002:2022 ([online](#)).

20 business days is a reasonable amount of time for a licensee to review the complaint, develop a solution, and respond to the customer of how the matter will be addressed, such as arranging a mutually acceptable time for meter replacement.

**The ERA amended the Water Code to require a licensee to acknowledge a customer's complaint within 10 business days and to provide the customer with a proposed solution to the complaint within 20 business days. The ERA has not introduced a percentage compliance rate.**

**The amendment aligns with the Electricity Code and provides greater clarity to licensees when managing complaints.**

### ***3.5.3 Right to apply to Ombudsman for review of complaint – Clause 50***

In the draft decision the ERA sought comment on whether the Water Code should require licensees to only provide the Ombudsman's details if the customer demonstrates that they are not satisfied with how the licensee has resolved the complaint.

The WCCC agreed that if a customer, when in conversation with a licensee, appeared satisfied with the licensee's response to a complaint there was no benefit to the customer for the licensee to advise that the customer has a right to apply to the Ombudsman and to provide the Ombudsman's details.

The WCCC advised aligning the Water Code with the Electricity Code such that licensees are required to provide the Ombudsman's details to customers unless those customers have indicated that their complaint was resolved to their satisfaction.

**The ERA amended the Water Code to require licensees to provide the Ombudsman's details to customers unless a customer indicated that their complaint was resolved to their satisfaction. The amendment provides consistency between the Water Code and Electricity Code.**

## **3.6 Part 8 – Information and communication services**

### ***3.6.1 Personal account information – Clause 51***

Clause 48(2) of the 2018 Water Code requires licensees to make available to each customer, at no charge, the customer's personal account information. The current wording provides little guidance as to when the licensee should provide the information. Deciding if a licensee has been compliant with this obligation is difficult as the condition is unclear.

WCCC supported amending the Water Code to require licensees to provide the prescribed information within five business days upon a customer's request.

**The ERA amended the Water Code to require licensees to provide customers their personal account information within five business days of the customer's request. The amendment provides certainty as to when a licensee has complied with the obligation.**

### ***3.6.2 Information to be publicly available – Clause 52***

In its draft decision, the ERA proposed to retain 49(1)(h)(i) in the 2018 Water Code as it formed the view that it is in customers best interests to require licensees to make publicly available the circumstances where a licensee is entitled to cut off, or reduce the rate of flow of, a supply of water.



Following the publication of the draft decision, the ERA became aware of an anomaly in clause 49. Clause 49(1)(g) requires licensees to publish information on their website that it may cut off, or reduce the rate of flow of, a supply of water if a water service charge remains unpaid for 30 days after it becomes due. Clause 49(1)(h)(i) requires licensees to publish a statement noting that the power under clause 49(1)(g) can be only exercised when a customer has not accepted a payment plan offer within seven days.

The anomaly is that clause 49(1)(h)(i) does not have a corresponding clause requiring the licensee to offer a customer seven days to accept a payment plan. Without a corresponding clause, a licensee lacks the power to cut off or reduce a customer's supply on the basis that the customer has not accepted the payment plan within the seven days.

The Water Corporation and Aqwest advised that they do not cut off or restrict water supply if the payment plan has not been accepted within seven days. Therefore, removing clause 49(1)(h)(i) would not reduce entitlements for customers, nor increase obligations for licensees.

**The ERA amended the Water Code to ensure that licensees are not required to publish an action licensees have no power to exercise. Clause 52 now clarifies that licensees may only cut off or reduce supply to a customer if the customer does not comply with the payment plan.**

## 3.7 Part 9 – Requirements for supply of water to persons with special requirements or needs

### 3.7.1 *Providing information on unplanned service interruptions to persons with special requirements or needs*

Under Part 9 of the Water Code, licensees are required to maintain an up-to-date preserved supply register if the licensee receives notice or otherwise becomes aware that a person at a supply address requires a water service for the operation of a dialysis machine or other life support equipment, or the licensee has assessed and determined that a person requires water for a special need of another kind.

For addresses recorded on the preserved supply register, licensees must:

- Not reduce the rate of flow of supply of water at the supply address.
- Post or deliver a notice of a planned service interruption at least 48 hours before interruption commences.

In the consultation paper, the ERA sought comment on whether licensees should be required to contact preserved supply customers as soon as possible in the event of an unplanned service interruption. The Water Corporation has over 240 people on its register, Busselton Water has three and Aqwest has zero.

Clause 45 currently requires licensees to provide a 24-hour information line to allow customers to notify the licensee of emergencies and faults and get information about unplanned service interruptions. Licensees make planned and unplanned service interruptions, or other incidents that may significantly affect the provision of water services, publicly available, under clause 49(1)(l). The Water Corporation, Busselton Water and Aqwest each list planned and known unplanned service interruptions online.<sup>13</sup>

<sup>13</sup> Water Corporation, Outages and Works ([online](#)). Busselton Water, Service Interruptions ([online](#)). Aqwest, Outages and Faults ([online](#)).

The timing and duration of an unplanned event could have serious consequences for customers reliant on dialysis, a life-support machine or with other special needs. In Victoria, registered customers are encouraged to have an action plan for alternate water supply in the event of an interruption. Registered customers rely on their water business to provide information, such as the possible duration of the unplanned service interruption, to start their action plan.

The Water Corporation advised that when a person is placed on the preserved supply register, the Water Corporation send a notification outlining the customer's entitlements, and how notices are provided for planned outages. The Water Corporation ensures the person will receive water supply alerts which are sent by SMS or email for both planned and unplanned service interruptions. The alerts provide information on the estimated duration of an interruption and advise when the water supply restarts. In addition, the Water Corporation is considering including advice on how to find service interruption information on its website and the number to call for information on interruptions.

The WCCC agreed in principle with providing notice of unplanned interruptions as soon as possible. The WCCC also recognised that it may be impractical for field staff, working to restore water supply, to contact the customer and collect evidence to show compliance with the Water Code. The WCCC did not support amending the Water Code to require licensees to contact customers on the preserved supply register as soon as possible in the event of an unplanned service interruption.

**The ERA did not amend the Water Code to require licensees to advise people on the preserved supply register as soon as possible in the event of an unplanned service interruption.**

**Instead, ERA made an amendment to allow people on the preserved supply register to request notification of planned service interruptions via electronic means. These amendments align with Electricity Code subclauses 82(3) and 82(6)(a) and (b).**

**Licensees must now record the preferred contact details of the person on the register and advise these customers to prepare for planned or unplanned service interruptions.**

### ***3.7.2 Preserved supply register – Clause 54***

In the draft decision the ERA proposed to amend clause 51(1) of the 2018 Water Code to clarify that a licensee must have a preserved supply register if the criteria in clause 51(2) is met. A customer may be placed on a preserved supply register if they require water for a dialysis machine or other life support equipment, or if the licensee determines that water is required for a special need of another kind.

The wording in the 2018 Water Code implied that all licensees must maintain an up-to-date preserved supply register, regardless of whether any person had asked to be listed on the preserved supply register.

The WCCC supported amendments to clarify that a licensee must have a preserved supply register only if the criteria in clause 51(2) (now clause 54(1)) is met.

**The ERA amended the Water Code to provide licensees greater clarity of the requirements for maintaining an up-to-date preserved supply register.**

## 4. Clauses not amended

This section outlines those issues considered by the WCCC and the ERA during this review that did not lead to amendments to the Water Code.

### 4.1 Crediting or refunding overcharged amounts within 15 days – Clause 19

Currently a licensee has 15 business days from when it becomes aware of an overcharge to credit a customer or provide information on how an overcharge may be refunded. In the consultation paper the ERA asked if clause 19 (2) of the Water Code should be amended to include a percentage compliance rate that licensees must meet.

The Water Corporation initially requested applying a percentage compliance rate to clause 19(2). In its consultation paper submission, the Water Corporation acknowledged that the request arose following a misinterpretation of when the 15-business-day count began and consequently withdrew the request.

The WCCC did not consider the issue as it was withdrawn by the Water Corporation.

**The ERA did not amend the Water Code.**

### 4.2 Limit on number of payment extensions required to be offered – Clause 28

In consultation paper, the ERA sought comment on if the Water Code should allow licensees to place a limit on the number of payment extensions offered to a residential customer to pay their bill in a 12-month period.

The Water Corporation submitted that it issues bills every two months and that limiting the number of payment arrangements offered may affect its ability to support customers requiring extensions or other arrangements across multiple bills throughout the year.

The WCCC did not recommend limiting the number of payment arrangements offered to a residential customer to pay their bill in a 12-month period.

Limiting the number of times a licensee may offer payment extensions to a residential customer in a 12-month period is not in the best interest of the customer or the relationship between the customer and licensee.

**The ERA did not place a limit on the number of extensions offered by a licensee to a residential customer to pay their bill in a 12-month period.**

### 4.3 Definition of water supply restriction – Clause 37

In consultation paper, the ERA proposed to amend the definition of water supply restriction by including section 95(1)(e) of the *Water Services Act 2012*.

The proposed amendment would have captured situations under sections 21(2) and (4) of the Water Act, where a licensee may suspend or refuse to provide water service if the licensee's capacity to do so did not conflict with a restriction under the terms and conditions of its licence.

The WCCC did not support the proposed amendment. The WCCC advised that the intent of Part 5 of the Water Code is to ensure licensees provide customers with advance notice of restricting the flow of water for failure to pay a bill. Clause 34 links the definition of “water supply restriction” to section 95(1)(b) of the Water Act, which deals with water service charges.

The WCCC noted that sections 21(2) and (4) of the Water Act detail where a licensee may suspend or refuse to provide a water service if the licensee’s capacity to do so does not conflict with a restriction under the terms and conditions of their licence. While section 21 is broad enough for a licensee to suspend a service supply for failure to pay a bill, it is unlikely to occur because suspension of a water service for failure to pay a bill is addressed in section 95(1)(b).

The WCCC also advised that adding section 95(1)(e) of the Water Act into clause 34 of the Water Code will not provide any further benefit to the customer or licensee beyond what Part 5 of the Water Code already provides.

**The ERA did not amend the definition of water supply restriction. The Water Code already provides for reminder notices to be sent. Adding section 95(1)(e) would provide no additional benefits to customers.**

## 4.4 Reminder notice – Clause 38

If a water charge becomes due and has not been paid in full the licensee may give the customer a reminder notice advising:

- The unpaid amount due and the date on which it became due.
- The licensee’s telephone number for account, payment and other enquiries.
- That the licensee can be contacted for assistance if the customer is experiencing payment difficulties.

In the consultation paper, the ERA sought comment on removing the original due date of the unpaid charge from the list of information that a licensee can include on the reminder notice.

The Water Corporation supported removing the original due date because:

- Its system is a single ledger, meaning payments are allocated to the oldest debt not to a specific bill.
- Different billing rules and due dates apply to customers on pensions.
- Many customers have multiple overdue bills with different due dates.

The Water Corporation’s billing system is unable to issue reminder notices with the original due date(s) of the unpaid amount. The Water Corporation encourages customers to contact its staff for assistance to reconcile the unpaid amounts with previous bills. The Water Corporation indicated that a future system upgrade will allow for the original due date for the outstanding payment to be included on the reminder notice.

Aqwest issues reminder notices with the original bill due date. Busselton Water is considering a software update to include the original due date and invoice number on its reminder notices.

The WCCC did not support removing the date on which the unpaid service charge originally became due. The information allows customers to reconcile their bills and to avoid confusion including when a customer may have more than one outstanding bill, may have partially paid a bill or paid a bill prior to receiving a reminder notice.

Clause 38 outlines what licensees *may* provide a customer. Licensees have advised that they are providing relevant information where possible given system limitations.

**The ERA did not remove the original due date of the unpaid charge from the list of information that a licensee can include on the reminder notice.**

## 4.5 Service standard payments

In the consultation paper, the ERA sought comment on including service standard payments in the Water Code. Service standard payments compensate customers when standards are not met and provide an incentive for licensees to meet service standards.

During the previous Water Code review, the WCCC opposed the inclusion of service standard payments and the ERA proposed revisiting the matter in the next Water Code review (this review).<sup>14</sup> The introduction of service standard payments may increase costs for licensees, for example to implement systems for payment applications and when making payments to customers.

The Water Corporation offers *ex gratia* payments where it is at fault for damage to a customer's property, and goodwill payments where a customer has been inconvenienced. Both types of payments require customers to contact the Water Corporation for assessment. The Water Corporation also grants disaster allowances and waives service charges where appropriate.

The Water Corporation expressed concern that requiring service standard payments may allow customers to claim additional payments after receiving a goodwill or *ex gratia* payment.

The Water Corporation objected to the proposal to introduce service standard payments. WACOSS and the FCA supported the introduction. DWER noted that consistency with the Electricity Code would be useful.

The WCCC noted that the goodwill and *ex gratia* payments available to water customers are equivalent to or higher than the service standard payments in the Electricity Code and Electricity Network Code. In considering which households could receive service standard payments, the WCCC noted that the Water Act does not recognise tenants as customers.<sup>15</sup> In contrast, electricity customers that rent may receive service standard payments.<sup>16</sup>

The WCCC also considered the initial and ongoing costs to licensees to implement service standard payments. The WCCC advised the ERA to not introduce service standard payments in the Water Code.

**Goodwill and *ex gratia* payments are currently available to customers and cover a broader set of circumstances than service standard payments. Customers may be worse off if the Water Code requires service standard payments and licensees withdraw goodwill and *ex gratia* payments.**

**Introducing service standard payments is unlikely to assist tenants who experience poor performance. The ERA does not have the discretion to apply the service standard payments to tenants without a change to the definition of customer in the Water Act.**

**The ERA did not introduce service standard payments to the Water Code.**

<sup>14</sup> Economic Regulation Authority, 2018, *Final Decision 2016-17 Review of the Water Services Code of Conduct (Customer Service Standards) 2013*, p72 ([online](#)).

<sup>15</sup> The ERA's *Final decision - 2016/17 Review of the Water Services Code of Conduct*, paragraphs 24-29 explain that the Code does not apply to tenants without a contractual relationship with a licensee ([online](#)).

<sup>16</sup> Rentals comprise approximately 27 per cent of occupied private dwellings in Western Australia Australian Bureau of Statistics ([online](#)).

## 5. Water Code review process

The Water Code review began in 2022 and concluded on 17 April 2024 when the WCCC delivered its final advice to the ERA (Appendix 4). Table 1 shows the milestones during the review and Table 2 lists the WCCC members.

**Table 1: Water Code review milestones**

Milestone	Date
WCCC established following expressions of interest process	5 September 2022
Call for issues	7 September to 5 October 2022
Publication of consultation paper	20 April – 1 June 2023
WCCC – Meeting 1	8 August 2023
WCCC – Meeting 2	19 September 2023
Publication of ERA draft decision for public comment for a three-week period (No submissions received)	5 March -25 March 2024
Final WCCC advice to ERA	17 April 2024
Publication of ERA final decision	May 2024
Publication of the 2024 Water Code on Western Australian Legislation website	May/June 2024
2024 Water Code comes into effect	1 July 2024

**Table 2: WCCC members 2022-2024**

Role	Name	Organisation
Consumer representatives	Graham Hansen	Western Australian Council of Social Service
	Manelka Fernando	Financial Wellbeing Collective
	Leanne Berard	Financial Counsellors' Association
Industry representatives	Jason Ducie	Water Corporation
	Katie Jolley (until December 2023) Shanice Meredith (current)	Busselton Water
	Claire Anderson	Bunbury Water Corporation (trading as Aqwest)
Government representative	Cecylia Sylwestrzak	Department of Water and Environmental Regulation
	Penny Griffiths	Department of Mines, Industry, Regulation and Safety
Chair	Sara O'Connor	Economic Regulation Authority
Executive Officer	Corina Williams/Seema Saxena	Economic Regulation Authority

## Appendix 1 Table of amendments

The ERA's final decision is summarised in Table 1 using issue numbers from the consultation paper and the draft decision.<sup>17</sup> All minor changes to the Water Code are captured in Table 4 of Appendix 3.

**Table 3: Resolution of draft decision issues**

Issue	Clause in 2018 Water Code	Clause in 2024 Water Code	ERA's final decision	Comments
1	Clause 3 - Terms used	Clause 3 - Terms used	Add a definition of "complaint" like the definition in the Electricity Code.	The amendment provides licensees greater certainty and clarity on what qualifies as a complaint and is consistent with the Electricity Code.
2	Clause 4(1) – Application of Code	Clause 5 – Application of Code	Add 5(1)(a)(i) and 5(1)(a)(ii) to clarify that customers receiving water from non-potable sources are not covered by the Code. This clarification removes the need for a definition of "drinking water" to be in the Code.	The scope of services covered by the Code has not changed. The new wording is intended to clarify the scope of the Water Code.
3	Clause 11(6) – Meter reading once every 12-month period	Clause 11(7) – Exception to subclause (6)	To not introduce a percentage compliance rate. To add clause 11(7) so that the clause 11(6) does not apply if licensee has taken reasonable steps to gain access to read a meter and issued a compliance notice to the customer for not providing easy and safe access to the meter.	The amendment allows a licensee to remain compliant with the Water Code when it is taking all reasonable steps to gain access to read a meter but been prevented access by the customer. The new clause 11(7) will apply to a limited number of situations.
4	Clause 15(3)(d) – Day tariffs revert to lowest tariff	Clause 15(3)(d)	Amend clause 15(3)(d) to require each bill to state the day or the month that the customer will return to the lowest tariff.	The change will assist licensees who have difficulty forecasting the exact day the final meter reading of the year will be conducted.

<sup>17</sup> Economic Regulation Authority, 2023, Consultation paper – 2023 Review of the Water Services Code of Conduct (Customer Service Standards) 2018 ([online](#)).



Issue	Clause in 2018 Water Code	Clause in 2024 Water Code	ERA's final decision	Comments
5	Clause 18(4) – Charging interest on an undercharged amount	Clause 18(7) – Exceptions to clause 18(4)  Clause 18(8) – Exceptions to clause 18(7)  Clause 18(9) – Exception to subclause (8)(b)(ii)	Add clauses 18(7), 18(8) and 18(9) to: <ul style="list-style-type: none"> <li>• Allow licensees to charge interest or late payment fees on undercharged amounts when the customer has failed to pay the amount and does not enter a payment plan.</li> <li>• Prevent licensees from charging interest or late payment fees in cases of financial hardship or when a complaint, related to the nonpayment is not resolved or is upheld by the Energy and Water Ombudsman.</li> </ul>	This amendment will align the Water Code with the Electricity Code and provide greater certainty and clarity to licensees when managing accounts with undercharged amounts.
6	Clause 19(2) – Crediting or refunding overcharged amounts within 15 days	Clause 19(2)	To not introduce a percentage compliance rate requiring a licensee to inform the customer within 15 days.	This issue was withdrawn by the Water Corporation following consultation with the WCCC.
7	Clause 20(5) – Review of bill in 15 days	Clause 21(2), (3) – Review of bills	Amend clause 21 to increase the number of business days, from 15 to 20 days, to complete a bill review.	The additional five business days provides consistency between the Water Code and Electricity Code and will assist licensees reviewing a bill for a supply address in a regional or remote area.
8	Part 3 – Charging for paper bills and choosing between paper or electronic bills	Clause 12 – Sending bills	Add sub clauses to clause 12 to allow customers to choose between paper or electronic billing and to prohibit charges to vulnerable customers for paper bills. This includes customers on the preserved supply register, affected by family violence, receiving a concession or experiencing financial hardship.	The change allows customers to choose between paper or electronic bills, consistent with the Electricity Code.  The change also protects certain groups of consumers from being charged for a paper bill, similar to the provisions commencing in the Gas Compendium from 1 July 2024.



Issue	Clause in 2018 Water Code	Clause in 2024 Water Code	ERA's final decision	Comments
9a	Clause 28 – New obligation for licensees to make payment plans or other arrangements available to all residential customers	Clause 29 – Payment assistance and related matters	Amend the Water Code so that licensees must make payment plans or other arrangements available to all residential customers.	The amendment provides a clear entitlement to assistance for all customers and aligns with the Electricity Code. The option of a payment plan allows customers to take early action, preventing them from getting into debt, or further into debt, and remove the need for licensees to undertake a formal assessment.
9b	Clause 28 – Limit on payment extensions	Not applicable	To not amend the Water Code.	The WCCC did not support the proposal to limit the number of payment arrangements and extensions that can be offered to customers.
9c	Clause 28 - New obligation for licensees to offer fee-free and interest-free payment plans to all residential customers	Clause 4- Meaning of payment plan	Define payment plan at Clause 4 to: <ul style="list-style-type: none"> <li>• Require licensees to offer fee-free and interest-free payment plans to all residential customers.</li> <li>• Define a “payment plan” as an interest-free and fee-free plan.</li> </ul>	The charging of fees and interest is likely to place customers, who are finding it difficult to pay their bills, in a worse position. This amendment aligns with the Electricity Code and provides greater certainty and clarity to licensees when managing customer payment plans.
9d	Clause 28 - New obligation, payment plan communication, reviews and variations	Clauses 30 and 31 – Variation of payment plans	Add clause 30 and 31 to include protections for customers accepting payment plans.	The amendment aligns with the Electricity Code.
10a	Clause 29 – Remove similar obligation in water licence template	Clause 32 – Financial hardship policy	The obligation in clause 29 for licensees to have a financial hardship policy is duplicated in clause 1.1.2 of schedule 3 of the water licence template. Clause 29 has been renumbered to 32.	The ERA has removed the duplicate obligation from the licence template.

Issue	Clause in 2018 Water Code	Clause in 2024 Water Code	ERA's final decision	Comments
10b	Clause 29 – Consultation with a relevant consumer organisation when formulating or reviewing a financial hardship policy	Clause 32 – Financial hardship policy	Amend clause 32 so that: <ul style="list-style-type: none"> <li>• Licensees must consult with a relevant consumer organisation only when preparing an initial financial hardship policy or when making material amendments to an existing policy.</li> <li>• Remove the requirement for five yearly reviews.</li> </ul>	The amendment aligns with the Electricity Code and will reduce the administrative burden on licensees and consumer organisations.
11	Clause 35 – Original due date on reminder notices	Clause 38 – Reminder Notice	No change to the option for reminder notices to include the original due date of the unpaid bill.	Clause 38 outlines the information that a licensee may choose to provide to a customer.
12	Clause 46 - Time taken to resolve a complaint	Clause 49 – Procedure for dealing with complaints about water services	Replace the requirement for a licensee to resolve a complaint in 15 days with the requirement to acknowledge a customer's complaint in 10 business days and respond within 20 business days.	The amendment aligns with the Electricity Code and provides greater clarity to licensees when managing complaints.
13	Clause 47 - Right to apply to Ombudsman for review of complaint	Clause 50 – Advice about outcome of complaint	Incorporate clause 47 into the new clause 50 to require licensees to provide the Ombudsman's details to customers, unless a customer indicated that their complaint was resolved to their satisfaction.	The amendment aligns with the Electricity Code.
14	Clause 48(2) - Timely provision of personal account information	Clause 51 – Services and information to be provided without charge	Amend clause 51 to require licensees to provide customers their personal account information within five business days of the customer's request.	Adding the five-day timeframe provides clarity from a monitoring perspective on when a licensee has complied with the obligation in clause 51.
15	Clause 49 - Information to be publicly available	Clause 52 – Information to be widely available	Clause 49 has been renumbered to clause 52 and the sub clause (formerly 49(1)(h)(i)) has been removed. Clause 52 now clarifies that licensees may only cut off or reduce supply to a customer if the customer does not comply with the payment plan.	The amendment removes an anomaly in the Code that required licensees to publish information on a power that the Water Code did not permit the licensee to exercise.

Issue	Clause in 2018 Water Code	Clause in 2024 Water Code	ERA's final decision	Comments
16	Part 9 - Person with special requirements or needs and the provision of information on unplanned service interruptions	<p>Clause 54 – Preserved supply register and advice to registered persons</p> <p>Clause 56 – Notices under clause 46 to persons on preserved supply register</p>	<p>No new obligations for licensees to contact customers on the preserved supply register in the event of an unplanned service interruption.</p> <p>Amend clause 56 to require licensees to include the preferred contact details of people on the preserved supply register and allow customers to be notified of planned service interruptions via electronic means.</p> <p>The amendments also require licensees to advise customers on the preserved supply register to prepare for planned or unplanned service interruptions.</p>	<p>Licensees have an existing obligation to maintain a 24-hour phone line and make information publicly available on planned and unplanned service interruptions.</p> <p>The change allows preserved supply customers to choose a preferred contact person – who may not be at the supply address – and a preferred method for notifications about service interruptions.</p> <p>The amendment aligns with the Electricity Code.</p>
17	New provisions - Introduce service standard payments	Not applicable	Not include service standard payments in the Water Code.	Goodwill and <i>ex gratia</i> payments are currently available to customers and cover a broader set of circumstances than service standard payments.
18	Clause 1 - Citation update	Clause 1 - Citation update	Amend clause 1 by replacing “2018” with “2024”.	This is an administrative update.
19	Clause 4(2) - Application of the Water Code to customers	Clause 5 – Application of code	Remove the reference to “customer” from clause 5.	As the Water Code does not prescribe any obligations on the customer or regulate the conduct of customers, the term ‘customer’ is not required in clause 5, which describes the scope of the Water Code.
20	Clause 13(1)(e) - Information on bills	Clause 13(2)(e) – Information on bills	Amend clause 13(2)(e) by replacing “day” with “date”.	The amendment provides consistency with the terminology used in clause 13.
21	Clause 15 - Information on bills if charge per kilolitres varies depending on volume supplied: Tariff examples	Clause 15 – Information on bills if charge per kL varies depending on volume supplied	Remove the tariff examples from clause 15	<p>The tariff examples are potentially confusing for customers and are outdated.</p> <p>Bills issued by licensees specify the actual tariffs applied during the billing period.</p>

Issue	Clause in 2018 Water Code	Clause in 2024 Water Code	ERA's final decision	Comments
22	Clause 34 - Definition of water supply restriction	Clause 37 – Term used: water supply restriction	Not include section 95(1)(e) of the Water Act in the Water Code.	The Water Code already provides for reminder notices to be sent. Adding section 95(1)(e) would provide no additional benefits to customers.
23	Clause 41 - Restoration of water supply	Clause 44 – Minimum performance standards for restoration of water supply	Clause 41(5) from the 2018 Water Code has been placed under clauses 44(2), (3).	The amendment will improve clarity on the obligation for the Water Corporation to maintain a compliance rate of at least 90 per cent.
24	Clause 46 - Procedure for dealing with complaints about water services	Clause 49 - Procedure for dealing with complaints about water services	Update the Australian standard number in clause 49(2)(a).	This is an administrative amendment.
25	Clause 51 - Preserved supply register	Clause 54 – Preserved supply register	Amend clause 54 to clarify that a licensee must have a preserved supply register if the criteria in clause 54(1) is met.	<p>The amendment clarifies that clause 54 applies when:</p> <ul style="list-style-type: none"> <li>- A person at a supply address requires water for life support equipment or</li> <li>- The licensee has assessed that a resident requires water for another special need.</li> </ul>

## **Appendix 2 2024 Water Code (track changes)**

[Available on the ERA's website.](#)

## Appendix 3 Minor drafting amendments

To develop the 2024 Water Code, the ERA worked with the PCO to incorporate feedback from stakeholders, and to promote consistency across customer codes and other regulatory instruments. Table 4 includes minor amendments identified by stakeholders, the ERA and by PCO during the drafting process. Unless specifically mentioned, references to clauses in the below table are as in the 2018 Water Code.

**Table 4: Amendments arising during drafting by the PCO**

Clause (2018)	Amendment	Reason
3	Replace the term “AS/NZS” with “AS” (Australian Standard) removing the reference to the Standards Council of New Zealand.	The Standards Council of New Zealand is not relevant with regards to the application of the Water Code.
3	Amend the term “business day” to align with the definition of same term in the Electricity Code.	Provide clarity and aligns the definition with the Electricity Code.
3	Add definition of “Centrepay”.	Provide clarity to clause 24, and align the Water Code with the Electricity Code.
3	Include the meaning of the term “family violence”.	Provide clarity and align the definition to <i>Restraining Orders Act 1997</i> .
3	Move definition of “financial hardship” from clause 22 into clause 3.	Minor administrative edit to improve readability.
3	Include the meaning of the term “financial hardship policy” in 2024 Water Code.	Provide clarity and align the meaning given in clause 29.
3	Include the meaning of “payment plan” in 2024 Water Code.	Provide clarity and align the meaning given in clause 4(1) in 2024 Water Code.
3	Amend the term “National Interpreter Symbol”.	Add the text “the State of” for further clarification of the term and align the Water Code with the Electricity Code.
3	Move definition of “payment difficulties” from clause 22 into clause 3.	Minor administrative edit to improve readability.
3	Amend the definition of “publicly available”	To capture a broader range of information available on the licensee’s website.
3	Amend the definition of “residential customer”.	Minor edit to provide clarity to the term.
3	Amend the term “water services ombudsman” to	To reference the Water Code’s principal Act.

Clause (2018)	Amendment	Reason
	reference the correct section in the Water Act.	
3	Include note referring to the interpretation of any other term or expression used in the Water Code.	To refer the reader to the relevant section of the Water Act and <i>Interpretation Act 1984</i> when a term not defined in the Water Code. <sup>18</sup>
4	Remove the definition of “drinking water”.	The definition is not required because its substance can be included in the existing subclause.
4(3)(a)–(f)	Update reference to clause numbers as per the 2024 Water Code	Ensure correct references.
5(2)	Reword “the licensee” to “the relevant licensee”.	Minor administrative edit to provide clarity to the term and improve readability.
6	Remove clause and replace with a note under clause 4 “Application of code” redirecting to section 26(7) of the Water Act detailing that where inconsistencies exist between the Water Code and another written law, the provision in the Water Code has no effect.	Clause 6(1) is unnecessary as section 26(7) already provides those provisions of “another written law” prevail in the event of inconsistency.
8(2)	Delete “each of”.	Minor administrative edit to improve readability.
9(2)(a)	Delete “or” and insert “and”.	Minor administrative edit to improve readability.
11(2)	Change the placement of “(a bill for usage)”.	Minor administrative edit to improve readability.
11(3)	Delete “A” and insert “Subject to this clause”.	Minor administrative edit to provide clarity and improve readability.
13	Insert new sub clause (1)	Align with Electricity Code.
13(2) and (3)	Renumber subclauses (2) and (3) as sub clauses (6) and (7).	Minor administrative edit to improve readability.
13(2)(d)	Insert “the”	Minor administrative edit to improve readability.
13(4)(a), (e) and (f)	Replace the word “was” with “is”.	Minor administrative edit to match tense used in document.

<sup>18</sup> *Interpretation Act 1984* ([online](#)).

Clause (2018)	Amendment	Reason
13(5)	Replace the word “does” with “is”.	Minor administrative edit to match tense used in document.
15(1)	Insert “the” in the meaning of tariff	Minor administrative edit to improve readability.
15(2)(a)	Remove example from within the subclause, reword and add at the end of the 15(2).	Minor administrative edit to improve readability.
16(1)	Replace the word “any” with “either or both”.	Minor administrative edit to improve readability.
16(2)	Replace the word “does not have” with “is not required”.	Minor administrative edit to match tense used in document.
18(1)	Change the placement of “(the undercharged amount)”	Minor administrative edit to improve readability.
19(1)	Change the placement of “(the overcharged amount)”	Minor administrative edit to improve readability.
19(2), (3) and (4)	Insert “on which”	Minor administrative edit to provide clarity and improve readability.
19(4)	Replace: <ul style="list-style-type: none"> <li>• “have not been” with “are not”.</li> <li>• “at” with “by”.</li> </ul>	Minor administrative edit to match tense used in document.
19(5)	Replace “subclause (2)(a), (3) or (4)” with “this clause”.	Minor administrative edit to improve readability.
2 New Clauses 21 and 22	Delete clause 20 and insert new clauses 21 and 22	The requirement for a review procedure is separated from the requirement that a licensee must review a bill at the customer’s request to improve readability.
20	Move clause 21 “Notice of alteration to charges” to clause 20	The placement is changed to improve readability.
22	Within the clause title: <ul style="list-style-type: none"> <li>• Replace the word “Terms” with “Term”.</li> <li>• Include the term “consumer organisation”.</li> </ul>	Minor administrative edit to improve readability.
22	Move the definitions of “financial hardship” and “payment difficulties” to clause 3.	Minor administrative edit to improve readability.



Clause (2018)	Amendment	Reason
23	Insert "on which".	Minor administrative edit to improve readability.
24(1)	Amend as follows: <ul style="list-style-type: none"> <li>• Include "(for those customers who are able to use this facility)" after the term Centrepay.</li> <li>• Remove the id est (i.e.) text.</li> </ul>	Centrelink, as an agency, no longer exists and the reference to Centrelink customers is ambiguous. Centrelink was renamed Services Australia. Services Australia delivers the Centrepay facility to persons receiving social security payments.
25	Insert "for the first time" before "obtain the express consent"	To remove the requirement to obtain a consent on each occasion that a direct debit is to be made
25(1)(a) and (b)	Amend as follows: <ul style="list-style-type: none"> <li>• Add the word "of" at the end of 25(1) before the start of subclause 25(1)(a).</li> <li>• Remove the word "of" as the start of subclauses 25(1)(a) and 25(1)(b).</li> </ul>	Minor administrative edit to improve readability.
25(2)	Replace the word "can" with "may".	Minor administrative edit to improve readability.
26(2)	Replace "does not have" with "is not required".	Minor administrative edit to improve clarity and readability.
29(1)	Include "(a financial hardship policy")	Minor administrative edit to improve readability.
30(3)	Include "under this clause" after the word "customer" and before "the licensee".	Minor administrative edit to improve clarity and readability.
31	Replace "mentioned" in with "under", clause 28(2) with clause 30 and clause 30 with 33	Ensure consistency in terms and correct references.
32	Replace "charges" with "fees" in the title	Minor administrative edit to improve clarity and readability.
32(1)(a)	Insert "allowed the customer additional time to pay the bill under clause 29(1)(a) or 33(2)(a) and the bill is paid within that time;"	Ensure consistency in clauses
32(1)(b)	Insert "if the licensee has" and delete "under is financial hardship policy".	Improves readability

Clause (2018)	Amendment	Reason
32(2)	Replace subclause (1)(e) with (1)(d).	Ensure correct references.
33(1)(a)	Replace subclause 28(2) to 30 and 30 to 33.	Ensure correct references.
33(4)(c)(i)	Replace clause 27 with clause 28.	Ensure correct references.
36(1)(a)	Replace clause 35 with clause 38.	Ensure correct references.
36(1)(c)	Change the placement of (a restriction notice)	Minor administrative edit to improve readability.
36(3)(c)	Replace clause 46 with clause 49	Ensure correct references.
36(3)(d)	Replace “as to” with “for”.	Improves readability
37(3)	Replace clauses 5, 38 and 52 with clauses 6, 41 and 55.	Ensure correct references.
40 (1)(b)	Delete “to be made”.	Improves readability.
41 (1)	Replace clause 40 with clause 43.	Ensure correct references.
41(2), (3) and (5)	<p>The ERA moved subclause 41(5) to between subclauses 41(3) and 41(4). This will result in a renumbering of the current subclause 41(4) to 41(5).</p> <p>Subclauses (2), (3) and newly number (5) are amended as follows:</p> <ul style="list-style-type: none"> <li>Remove “unless the licensee and customer expressly agree otherwise” from subclauses (2), (3) and (5).</li> <li>Add new subclause 7 to read “Subclauses (2), (3) and (5) do not apply to the extent that the licensee and customer expressly agree otherwise.”</li> </ul>	Removes repetitive text and improves readability.
42	Amend “Terms” to “Term used: supply area” and move the definition of “service interruption” to clause 3	Improve readability.

Clause (2018)	Amendment	Reason
43(1)	Replace the word “any” with “a”	Improve readability.
43(3)(a)	Amend clause 43(3)(a) to allow the licensee to send a notice of a planned service interruption in the same way as bills are sent under clause 12.	Provides licensees with greater capability to reach their customers, including by electronic means, prior to a planned service interruption. Aligns the Water Code with clause 3 (a), (aa) and (ab) of the Electricity Network Code.
46 (1)	Change the placement of “(the complaints procedure)”.	Improve readability.
46(3)(d)	The ERA amendments to clause 46(3) have caused a renumbering within the subclause. The PCO suggested removing the words “time limits and” from the newly number subclause 46(3)(d)	Clause 46(3)(b) and (c) now specify the relevant time limits by providing that a licensee’s complaints procedure must provide that the licensee will acknowledge a complaint within 10 business days after the complaint is received and respond to the complaint within 20 business days.
48	Amend clause title to read “Services and information to be provided without charge”.	Minor administrative edit to provide clarity.
48(2)	Insert “on request and”	Provide greater clarity
49 (1)(d)	Replace clause 48 with clause 51	Ensure correct reference.
49(2)(c) and (d)	Delete “that”.	Improve readability.
49(2)(e)	Replace clause “20” with clause “22”	Improve readability.
49(2)(f)	Replace clause 46 with clause 49	Improve readability.
49(3) and (4)	Insert new sub clause at subclause (3) and update the reference to WA legislation website.	To give effect to all the information required to be published on the licensee’s website
49(4)	Replace clauses 20, 29(6), 31 and 46 with clauses 22(4), 32(6), 34(5) and 49(5) respectively.	Ensure correct references.
49(6)	Replace clause 20(6) with clause 21B(4)	Updated reference.
50	Insert “in relation to a licensee” and “by the licensee” and replace clause 51(1) with clause 54.	To provide greater clarity and ensure correct references.

Clause (2018)	Amendment	Reason
	Delete “service interruption”.	Avoid repetition of the term defined in clause 3
51	Insert “and advice to registered persons” in the clause heading	To provide greater clarity.
51(1)	Move subclause (1) to 2(a)	To improve readability.
51(2)	Insert subclause 2	Align with Electricity Code.
53	Change the clause title. Delete “must be sent by post or delivered” in heading. Replace clause 43 with clause 46 Insert subclauses (a) and (b)	Improve readability, ensure consistency in terms and correct references.
54	Amend the repeal of the previous code section.	Administrative edit.

## **Appendix 4 Water Code Consultative Committee Advice**

[Advice provided to the ERA to inform its final decision on amendments to the Water Code is published on the ERA's website.](#)

## Appendix 5 Glossary

Term	Meaning
Aqwest	Bunbury Water Corporation (trading as Aqwest)
AS	Australian Standard
Gas Compendium	Compendium of Gas Customer Licence Obligations
Consultation paper	Consultation paper – 2023 Review of the <i>Water Services Code of Conduct (Customer Service Standards) 2018</i>
DWER	Department of Water and Environmental Regulation
Electricity Code	<i>Code of Conduct for the Supply of Electricity to Small Use Customers 2022</i>
Electricity Network Code	<i>Electricity Industry (Network Quality and Reliability of Supply) Code 2005</i>
ERA	The Economic Regulation Authority
FCA	Financial Counsellors' Association of Western Australia
Ombudsman	Energy and Water Ombudsman
PCO	Parliamentary Counsel's Office
Records Act	<i>State Records Act 2000</i>
SMS	Short message service
WACOSS	Western Australian Council of Social Services
Water Act	<i>Water Services Act 2012</i>
WCCC	Water Code Consultative Committee