

Final Decision

2016-17 Review of the *Water Services Code of Conduct*
(*Customer Service Standards*) 2013

31 January 2018

Economic Regulation Authority

WESTERN AUSTRALIA

Economic Regulation Authority

4th Floor Albert Facey House
469 Wellington Street, Perth

Mail to:

Perth BC, PO Box 8469
PERTH WA 6849

T: 08 6557 7900

F: 08 6557 7999

E: records@erawa.com.au

W: www.erawa.com.au

National Relay Service TTY: 13 36 77
(to assist people with hearing and voice impairment)

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Executive summary

The Economic Regulation Authority (**ERA**) will repeal the *Water Services Code of Conduct (Customer Service Standards) 2013 (2013 Code)* and replace it with the *Water Services Code of Conduct (Customer Service Standards) 2018 (revised Code)*.

The revised Code takes account of the public submissions the ERA received from stakeholders as well as the letters of advice it received from the Water Code Consultative Committee.

Many of the amendments introduce new, or clarify existing, protections for customers. The ERA will also remove some provisions from the Code.¹ The ERA expects that the amendments will result in only a modest increase in the regulatory impost on licensees.

Improving safeguards for customers

The revised Code includes important new safeguards for customers.

Payment plans

Licensees will have to take into account a customer's capacity to pay and consumption history when setting the conditions of a payment plan. This new requirement will ensure that any payment plan offered to a customer who is experiencing payment difficulties or financial hardship takes account of the customer's individual circumstances. This will make it more likely that customers will be able to meet the conditions of their payment plan.

The new requirement will also assist customers who are entitled to a rebate, by making it less likely they will lose their entitlement to rebates. These customers will lose their rebate if they do not pay their bill on time.² Some customers³ can keep their rebate for subsequent bills if they enter into a payment plan with their licensee.

Customers of the Water Corporation who are experiencing payment difficulties or financial hardship will also be more likely to keep their rebate for their current bill as they may be given more time (up to 120 days) to pay their bills.

Reminder and restriction notices

Licensees will be required to send their customers a reminder notice and a restriction notice before supply may be reduced or cut off.⁴ The notices must advise customers of their rights and responsibilities. The ERA expects that this will help raise awareness of the assistance

¹ Throughout this document, the term '2013 Code' refers to the Code as gazetted on 26 July 2013; the term 'revised Code' refers to the Code included in Appendix 1 to this Final Decision; and the term 'Code' refers generally to a Code made under section 27 of the *Water Services Act 2012*.

² The *Rates and Charges (Rebates and Deferments) Act 1992* limits how much additional time the Water Corporation may give customers to pay their bill while keeping their rebate for that bill.

³ All customers who are entitled to a rebate on their bill, other than customers who only hold a senior's card.

⁴ Clause 35 and 36 of the revised Code. Under the 2013 Code, licensees were not required to advise their customers in writing that their supply may be reduced or cut off. They are only required to use best endeavours to inform customers 'in person, by telephone or electronic means' that their supply may be reduced.

that is available to customers from licensees and third parties, such as the Energy and Water Ombudsman WA.

Life support

Licensees will have to keep a register of persons who need water to operate a dialysis machine or other life support equipment.⁵ Supply may not be restricted to persons who are on the register, regardless of whether they are the account holder or not.⁶ They should also be advised in writing of any upcoming planned interruptions.⁷

Contracting out of the Code

Residential customers will no longer be allowed to contract out of the Code.⁸ This amendment will ensure that the Code's minimum service standards always apply to residential customers.

Non-residential customers will continue to be able to contract out of all provisions of the Code, with one exception. A licensee and non-residential customer may no longer agree to contract out of the provision that specifies that supply may not be restricted to a property occupied by a residential tenant. Although the ERA is not aware of any licensees and customers contracting out of this provision, it considered it important to include this safeguard in the revised Code.

Other new safeguards

Other changes are that licensees:

- will no longer be able to charge interest or late payment fees for outstanding bills if the customer is experiencing financial hardship, or while a complaint about the bill remains unresolved;⁹
- will no longer be able to collect an outstanding debt while a complaint about the debt remains unresolved;¹⁰
- must now advise customers who are experiencing payment difficulties or financial hardship that they are entitled to a payment plan;¹¹ and
- must give at least 48 hours' notice of a planned interruption.¹²

⁵ Clause 39 of the revised Code. Persons who require water 'for a special need of another kind' must also be included on the preserved supply register.

⁶ Currently, licensees may only not restrict a water supply if the account holder needs life support equipment.

⁷ Clause 41 of the revised Code.

⁸ Clause 5(1) of the revised Code.

⁹ Clause 28A of the revised Code.

¹⁰ Clause 29(1)(d) and (e) of the revised Code.

¹¹ Clause 25(2) and 27(2) of the revised Code.

¹² Clause 34B(2) of the revised Code. If it is not reasonably practicable to give 48 hours' notice, notice must be given at the earliest practicable time before the start of the service interruption (clause 34B(2)(b) of the revised Code).

Removing unnecessary regulatory burden

Some amendments aim to remove unnecessary regulatory burdens for licensees, for example:

- The Code no longer applies to irrigation and drainage services.¹³
- Licensees that do not charge for the provision of water services do not have to comply with those parts of the Code that relate to billing and payment.¹⁴
- Local government licensees do not have to comply with the Code to the extent that the Code is inconsistent with the *Local Government Act 1995*.¹⁵

The ERA will also remove the obligation on licensees to include some very detailed information on customer bills,¹⁶ and the obligation to offer direct debit as a payment method.¹⁷ Licensees will also be able to recover undercharged amounts that are older than 12 months if the undercharging was the result of fraudulent or illegal conduct by the customer.¹⁸

Matters that the ERA will not address in the Code

In the Consultation Paper, the ERA asked if service standard payments should be included in the Code. These payments compensate customers for inconvenience experienced, and also provide an incentive for licensees to meet certain core service standards. However, licensees incur costs in administering and making these payments to customers. The ERA considers that, at present, those costs outweigh the benefits. The ERA has not received any advice that licensees are systematically failing to meet the service standards in the Code. The ERA has therefore decided not to include service standard payments in the Code. However, the ERA will revisit the issue as part of the next Code review.

The use of prepayment water meters will also not be addressed in the Code at present.¹⁹ In response to its Consultation Paper, the ERA received two public submissions proposing changes to the Code to allow the use of prepayment water meters in regional and remote Aboriginal communities. The ERA considers that the use of prepayment water meters raises some complex issues, including concerns about health and safety. There is also uncertainty about the type of meters that will be used and their technical capabilities. It is difficult to prescribe minimum service standards when it is unclear whether those standards can be met. Also, certain parts of the Code are not compatible with the use of prepayment meters and would need to be amended. The ERA considers that the current review process does not provide the ERA and stakeholders with sufficient time to consider all of the issues involved. The ERA would like to consult more widely, including with persons living in regional and remote Aboriginal communities and/or their representatives, before amending the Code to permit the use of prepayment water meters.

¹³ Clause 4(2)(c) and (d) of the revised Code.

¹⁴ Clause 4(3) of the revised Code.

¹⁵ Clause 5A of the revised Code.

¹⁶ Clause 12(3) of the revised Code.

¹⁷ Clause 21(1)(a) of the revised Code.

¹⁸ Clause 16(6) of the revised Code.

¹⁹ A prepayment water meter is a meter which requires a customer to pay for water before it is provided.

Final decision

1. The Economic Regulation Authority (**ERA**) has decided to repeal the *Water Services Code of Conduct (Customer Service Standards) 2013 (2013 Code)* and replace it with the *Water Services Code of Conduct (Customer Service Standards) 2018 (revised Code)*.
2. A copy of the revised Code is in **Appendix 1**. A copy of the revised Code with track changes is in **Appendix 2**.
3. The revised Code will be gazetted to take effect on 1 July 2018.

Background

4. The Code²⁰ establishes a customer protection framework that sets out the minimum level of service that water licensees must provide to their customers.
5. The Code took effect on 18 November 2013. By law, the ERA must review the operation and effectiveness of the Code at least once every five years.²¹ The ERA commenced its initial review in July 2016.
6. The ERA established a committee, the Water Code Consultative Committee (**WCCC**), to provide it with advice throughout the review process.²² Members of the WCCC include three industry representatives, three representatives from consumer organisations, two government agency representatives, a Chairperson and an executive officer.²³

Consultation paper

7. The ERA prepared a draft Consultation Paper. The paper included a number of proposals to add new provisions, and amend or delete existing provisions of the Code. It also included a number of questions on which comment was sought.
8. The ERA sought feedback from the WCCC on the draft paper before it was released for public consultation. After consideration of the WCCC's comments, the ERA released the Consultation Paper for public comment.²⁴ The ERA received submissions from ten stakeholders.
9. The ERA provided copies of the submissions to the WCCC. The WCCC met twice to consider the submissions as well as the issues raised in the Consultation Paper. The WCCC provided its advice to the ERA on 9 December 2016.

²⁰ Throughout this document, the term '2013 Code' refers to the Code as gazetted on 26 July 2013; the term 'revised Code' refers to the Code included in Appendix 1 to this Final Decision; and the term 'Code' refers generally to a Code made under section 27 of the *Water Services Act 2012*.

²¹ Section 27(7) of the *Water Services Act 2012*.

²² Section 28(1) of the *Water Services Act 2012*.

²³ A current list of WCCC members is available at: <https://www.erawa.com.au/water1/water-licensing/water-services-code-of-conduct-customer-service-standards-2013/water-code-consultative-committee>

²⁴ The Consultation Paper is available at: <https://www.erawa.com.au/water1/water-licensing/water-services-code-of-conduct-customer-service-standards-2013/2016-2017-code-review>

10. After considering the submissions and the WCCC advice, the ERA instructed the Parliamentary Counsel's Office (**PCO**) to prepare an amended copy of the Code for public consultation.

Draft Decision

11. On 26 September 2017, the ERA published its Draft Decision for public comment.²⁵ The Draft Decision set out the amendments the ERA proposed to make to the Code based on the issues raised in the Consultation Paper, the public submissions received from stakeholders, the advice received from the WCCC and suggestions made by the PCO. The Draft Decision included a copy of the proposed revised Code.
12. In the Draft Decision, the ERA also raised an issue on which it had not yet formed a view. The issue had not been raised in the Consultation Paper or public submissions, but had come to the ERA's attention through community engagement.
13. The issue was that customers who receive a rebate may lose their rebate if they do not pay their bill on time or meet the conditions of a payment plan.²⁶ As rebates typically consist of a 25 per cent or 50 per cent discount off the customer's bill, the loss of a rebate can have major consequences for a customer, especially if that customer is experiencing payment difficulties or financial hardship.
14. The ERA sought comment from stakeholders on whether the revised Code should include a requirement that licensees take into account a customer's capacity to pay and consumption history when setting the conditions of a payment plan or other arrangement.

Public consultation

15. The ERA received submissions on its Draft Decision from the following six stakeholders:
 - Aqwest²⁷
 - Busselton Water
 - Midland Information Debt and Legal Advocacy Service Inc (MIDLAS)
 - Rio Tinto Pty Ltd
 - WA Council of Social Service (WACOSS)
 - Water Corporation

The submissions are in **Appendices 3 to 8**.

²⁵ The Draft Decision is available at: <https://www.erawa.com.au/water1/water-licensing/water-services-code-of-conduct-customer-service-standards-2013/2016-2017-code-review>

²⁶ Regulation 34(1)(c) of the *Water Services (Water Corporations Charges) Regulations 2014* (for customers of the Water Corporation); section 33(3) of the *Rates and Charges (Rebates and Deferments) Act 1992* (customers who are charged a fixed charge for the provision of water supply or sewerage services under the *Water Services Act 2012*).

²⁷ Aqwest is the trading name of Bunbury Water Corporation.

16. The ERA provided copies of the submissions to the WCCC. The WCCC met to consider the submissions as well as the ERA's Draft Decision. The WCCC provided its final advice to the ERA on 17 November 2017. The advice is in **Appendix 9**.

Revised Code

17. The ERA has instructed the PCO to make three further changes to the Code. These changes are discussed in paragraphs 49 to 62, 226 to 253 and 536 to 537.
18. Minor editorial changes have further been made to clauses 15(1),²⁸ 27(3)²⁹ and 32(g).³⁰ These changes are described in **Appendix 10**.³¹
19. Most of the clause numbers have changed in the revised Code. In this Final Decision, clause numbers from the original Code will be referred to as 'clause [...] of the 2013 Code'. Clause numbers from the revised Code will be referred to as 'clause [...] of the revised Code'.

²⁸ Clause 17(1) of the revised Code.

²⁹ Clause 30(4) of the revised Code.

³⁰ Clause 37(1)(h) of the revised Code.

³¹ Appendix 10 includes a list of all the amendments proposed by the PCO to improve consistency and clarity throughout the Code.

Part 1 of the Code – Preliminary

Commencement

[clause 2 of the 2013 Code; clause 2 of the revised Code]

20. In the Consultation Paper³², the ERA proposed that the new Code would come into operation on 1 July 2017.
21. In the Draft Decision, the ERA proposed to extend the commencement date by 12 months, to 1 July 2018. The proposed extension aimed to provide licensees with sufficient time to familiarise themselves with the changes to the Code and adapt their systems, processes and training as needed.
22. The ERA did not receive any submissions on its proposal to extend the commencement date to 1 July 2018. The WCCC supported the ERA's proposal.
23. **The revised Code will commence on 1 July 2018.**

Application of code to tenants

[clause 4(1) of the 2013 Code]

24. In the Consultation Paper³³, the ERA proposed to clarify that the Code does not apply to tenants who do not have a contractual relationship with their licensee.
25. Both the *Water Services Act 2012 (Act)* and the Code include a definition of 'customer'. These definitions are not the same. It is likely that the definition used in the Code is wider than the definition used in the Act. Whereas the Act is likely to only apply to land owners and tenants who have a direct contractual relationship with a licensee, the Code also applies to tenants who do not have a direct contractual relationship with a licensee.
26. Section 27(3) of the Act provides that the Code must 'deal with the conduct of licensees in relation to customers and potential customers'. The Code may therefore only apply to customers as defined under the Act. It may not apply to other persons, such as tenants who do not have a direct contractual relationship with a licensee. To clarify that the Code only applies to customers as defined under the Act, the ERA proposed to delete clause 4(1) from the Code.³⁴ The ERA reiterated this proposal in the Draft Decision.
27. In its submission on the ERA's Draft Decision, WACOSS commented that it supported the ERA's amendments to clause 4(1) to make progress on the matter. According to WACOSS, there is no reason why tenants in the water market should not have the same rights as tenants in the electricity and gas markets.
28. The ERA points out that the amendment to clause 4(1) is a result of the current legislative framework. It does not reflect the ERA's position on this issue. The ERA considers that the Code should apply to all tenants.

³² Issue 2 of the Consultation Paper.

³³ Paragraph 3.3 of the Consultation Paper.

³⁴ In the absence of a definition for 'customer' in the Code, the definition for 'customer' in the Act will apply (section 44(1) of the *Interpretation Act 1984 (WA)*).

29. The ERA will continue to work with the Department of Water and Environmental Regulation to consider what legislative changes could be made to the Act to ensure tenants are covered by the Code.

Limiting the application of the Code

30. The Code currently applies to all customers and licensees, regardless of size or location. Some other Australian jurisdictions have limited the application of their water codes to certain customers or licensees.
31. In the Consultation Paper, the ERA asked if similar limitations should be included in the Code.³⁵ The WCCC and most stakeholders considered that the application of the Code should not be limited to certain customers or licensees.
32. In the Draft Decision, the ERA proposed not to limit the application of the Code by, for example, the retailer's or customer's size or the customer's location.
33. The ERA did not receive any submissions on its proposal not to limit the application of the Code. The WCCC supported the ERA's proposal.
34. **The ERA will not limit the application of the Code to certain customers or licensees only.**

Irrigation services

[clause 4(2)(c) of the 2013 Code]

35. The Code applies to the provision of irrigation services.
36. In the Consultation Paper, the ERA asked if the Code should continue to apply to irrigation services.³⁶ The WCCC and most stakeholders considered that irrigation services should not be covered by the Code.
37. In the Draft Decision, the ERA proposed to remove irrigation services from the application of the Code. The ERA commented that the removal of irrigation services from the Code was unlikely to significantly affect the rights of customers. In practice, the Code already does not apply to most irrigators because their customers are either members³⁷ or are supplied with non-potable water services.³⁸
38. The ERA did not receive any submissions on its proposal to remove irrigation services from the application of the Code. The WCCC supported the ERA's proposal.
39. **The ERA will delete clause 4(2)(c) from the Code.**

³⁵ Issues 3 & 4 of the Consultation Paper.

³⁶ Issue 5 of the Consultation Paper.

³⁷ Members are explicitly excluded from the definition of 'customer' used in the Act.

³⁸ Non-potable water services are not covered by the Code. Clause 4(2)(a) provides that the Code applies to water supply services 'but only in respect of the supply of drinking water'.

Drainage services

[clause 4(2)(d) of the 2013 Code]

40. The Code applies to the provision of drainage services.
41. In the Consultation Paper, the ERA asked if the Code should continue to apply to drainage services.³⁹ Stakeholder responses to this question were mixed. The WCCC recommended that drainage services should not be covered by the Code.
42. In the Draft Decision, the ERA proposed to remove drainage services from the Code. The ERA considered that the removal of drainage services from the Code is unlikely to materially affect the rights of customers. The provision of drainage services is generally viewed as a communal service similar to, for example, street lighting. These types of services are not usually regulated by a code of conduct. Most other States exclude drainage services from their codes.
43. The ERA did not receive any submissions on its proposal to remove drainage services from the application of the Code. The WCCC supported the ERA's proposal.
44. **The ERA will delete clause 4(2)(d) from the Code.**

Provision of services without charge

[clause 4(3) of the revised Code]

45. Some licensees do not charge customers for the provision of water services. For example, some mining companies do not charge customers for water services if those customers are employees of the mining company.
46. In the Draft Decision, the ERA proposed to amend the Code to ensure that licensees who do not charge for a water service do not have to comply with those sections of the Code that deal with billing, payment, the restriction of supply following non-payment of a bill, and the provision of billing and payment information.
47. Rio Tinto supported the ERA's proposal. It agreed that obligations relating to billing and payment are not applicable to licensees who do not charge for the provisions of their services. The WCCC also supported the ERA's proposal.
48. **The ERA will insert the following new clause in the Code:**
 - 4(3) If charges do not apply for the provision of a water service to a customer by a licensee the application of this code to the provision of the water service is modified as follows —
 - (a) Parts 3 and 4, clauses 34 to 38, clause 40(1), clause 49(1)(a), (b), (c), (g) and (h) and (2)(a) to (e) and clause 52 do not apply;
 - (b) clause 39 does not apply except to the extent that it applies to the reduction, under section 95(2), of the rate of flow of a supply of water;
 - (c) clause 41 does not apply except to the extent that it applies to the restoration of a supply of water which has been cut off, or the rate of flow of which has been reduced, under section 95(1)(a), (c), (d) or (e);

³⁹ Issue 5 of the Consultation Paper.

- (d) clause 48(1) does not apply to the extent that it refers to account or payment enquiries;
- (e) clause 48(2) does not apply to the extent that it refers to bills previously issued or previous billing periods;
- (f) clause 49(4) does not apply to the extent that it refers to a requirement under clause 49(1)(a), (b), (c), (g) and (h) and (2)(a) to (e).

Contracting out

[clause 5(1) of the 2013 Code; clause 5(1) of the revised Code]

49. Clause 5(1) allows a licensee and a customer to contract out of the Code.
50. In the Consultation Paper, the ERA asked if the ability to contract out of the Code should be limited to certain customers or clauses.⁴⁰ Stakeholder responses to this question were mixed. The WCCC recommended that only business customers be allowed to contract out of the Code.
51. In the Draft Decision, the ERA proposed to amend clause 5(1) to only allow business customers to contract out of the Code. The ERA also proposed to include a definition of the term 'residential customer' in the Code. The new definition was consistent with the wording used in clauses 19 and 27 of the 2013 Code. By amending clause 5(1), the ERA aimed to ensure that residential customers will, at all times, be entitled to the minimum service levels of the Code.
52. In its submission, WACOSS noted that it understood the need for flexible non-standard service provisions between business customers and licensees. It also supported the ERA's proposal to limit the application of clause 5(1) to business customers only, thereby "guaranteeing that the provision of services to residential customers is directed by the Code's customer safeguard mechanism at all times".
53. The WCCC asked the ERA to examine if, under the proposed amendment to clause 5(1), a land owner would be able to contract out of the Code in respect of a dwelling occupied by a tenant.
54. In its letter of advice, the committee pointed out that only "a customer who uses the place in respect of which a water service is provided solely or primarily as the customer's dwelling" may no longer contract out of the Code. As tenants are not customers for the purposes of the Code, they will not be captured by the definition. Land owners will only be captured to the extent that the water services are supplied to their own dwelling (owner-occupiers).
55. The ERA considers that the definition of 'residential customer' only captures owner-occupiers of dwellings. A land owner who rents out their property to a residential tenant is not a residential customer for that property as the land owner does not use the property as their own dwelling.⁴¹ This means that a landlord can contract out of the Code for any properties rented out to residential tenants.

⁴⁰ Issue 6 of the Consultation Paper.

⁴¹ Although a land owner is not considered to be a residential customer under the Code they will still be entitled to receive a residential bill, and the residential tariff, from their water service provider.

56. It also means a landlord is not entitled to receive information about interpreter services on bills; is not entitled to pay bills through Centrepay; and is not entitled to the assistance that is available to customers experiencing financial hardship.⁴²
57. Although a landlord can contract out of the Code for a tenanted property, it is, with one exception, unlikely that a land owner could disadvantage a tenant by contracting out of the Code. This is because tenants do not have any rights under the Code (as the Code does not apply to tenants).
58. There is one circumstance where a tenant can be disadvantaged if the land owner contracts out of the Code. Clause 37(1)(h) of the revised Code precludes a licensee from restricting a water supply to a tenant if the land owner is liable to pay the charges.
59. To ensure a landlord cannot contract out of this provision, the ERA will include a new provision in the Code that precludes customers from contracting out of clause 37(1)(h).
60. **The ERA will amend clause 5(1) as follows:**
- Nothing in this code prevents a licensee and a customer [who is not a residential customer](#) from entering into an agreement that varies or displaces the requirements of this code in relation to the licensee or customer.
61. **The ERA will insert the following new definition in clause 3 of the Code:**
- residential customer** means a customer who uses the place in respect of which a water service is provided solely or primarily as the customer's dwelling.
62. **The ERA will insert the following new clause in the Code:**
- 37(3) An agreement referred to in clause 5(1) does not vary or displace the operation of subclause (1)(h) if the tenant uses the place as a dwelling.

Inconsistencies with the Local Government Act 1995

[clause 6 of the revised Code]

63. The ERA has become aware that some Code provisions may be inconsistent with the *Local Government Act 1995* and regulations and local laws made under that Act (together the **Local Government Act**).
64. For example, under the Local Government Act, local governments may not offer an instalment plan for outstanding rates or charges while an amount is still outstanding for the previous financial year.⁴³ Under the Code, licensees must offer an instalment plan if the customer is experiencing payment difficulties or financial hardship, regardless of whether the charges were incurred in the current financial year or not.⁴⁴
65. In the Draft Decision, the ERA proposed to clarify that in the event of an inconsistency between the Local Government Act and the Code, the Local Government Act prevails to the extent of the inconsistency. If the Local Government

⁴² Clause 13(6)(g), 24(1)(a) and 30 of the revised Code only apply to residential customers.

⁴³ Regulation 58 of the *Local Government (Financial Management) Regulations 1996*.

⁴⁴ Clauses 25(2) and 27(2) of the 2013 Code; clauses 28(2) and 30(2) of the revised Code.

Act and the Code regulate a similar matter but there is no inconsistency, the licensee would still have to comply with both legislative instruments.

66. In its submission, MIDLAS suggested that local governments should be allowed to offer an instalment plan for outstanding rates or charges while an amount is still outstanding for the previous financial year. The ERA notes that the prohibition on local governments to offer a payment under these circumstances is prescribed in the Local Government Act. Subsidiary legislation, such as the Code, cannot override primary legislation, such as the Local Government Act. The amendment to the Code simply clarifies that in the event of an inconsistency the Local Government Act will prevail.
67. The WCCC supported the ERA's proposal.
68. **The ERA will insert the following new clause in the Code:**
 6. **LOCAL GOVERNMENT LAWS PREVAIL IF INCONSISTENT WITH CODE**
 - (1) If the *Local Government Act 1995* has provisions that are inconsistent with this code in relation to a licensee that is a local government or a customer of a licensee that is a local government, the provisions of the *Local Government Act 1995* prevail to the extent of the inconsistency.
 - (2) In subclause (1) a reference to the *Local Government Act 1995* includes a reference to regulations and local laws under that Act.

Part 3 of the Code – Billing for water services

Maximum billing cycle for bills for fixed charges

[clause 9(2) of the 2013 Code; clause 10(2) of the revised Code]

69. Clause 9(2) of the 2013 Code requires a licensee to issue a bill for fixed charges (**fixed charges bill**) at least once every 12 months. Some licensees issue their fixed charges bills more often. Issuing bills more often can help make payments more manageable for customers.
70. In the Consultation Paper, the ERA asked if licensees who issue usage bills for drinking water should have to issue their fixed charges bills at least once every six months.⁴⁵ Because these licensees must already issue their usage bills every six months,⁴⁶ the ERA did not expect the change to result in significant costs for these licensees.
71. Stakeholder responses to this question were mixed. The WCCC did not support changing the billing cycle for fixed charges. According to the WCCC, increasing the billing cycle for fixed charges may make it more difficult for some customers to manage their bills. Some licensees send their annual fixed charges bill during the winter months, when consumption is low. This effectively smooths a customer's payments out over the year. If fixed charges were included on usage bills, bills issued during the summer months, when consumption is high, would become even higher.
72. In the Draft Decision, the ERA proposed to retain the maximum billing cycle for fixed charges bills at 12 months.
73. The ERA did not receive any submissions on its proposal to retain the maximum billing cycle for fixed charges bills at 12 months. The WCCC supported the ERA's proposal.
74. **The ERA will retain the maximum billing cycle for fixed charges bills at 12 months.**

Obligation to issue a bill

[clause 9(2) and 10(2) of the 2013 Code; clause 10(2) and 11(2) of the revised Code]

75. Some licensees issue bills for usage or fixed charges only. For example, local governments only impose fixed charges for the provision of sewerage services.
76. It could be argued that, as currently drafted, clauses 9(2) and 10(2) of the 2013 Code require a licensee to issue a bill for fixed and usage charges regardless of whether the licensee imposes both charges.
77. In the Draft Decision, the ERA suggested that licensees should only have to issue a bill for usage charges if they impose usage charges. Similarly, only those licensees who impose fixed charges should have to issue a bill for fixed charges. The ERA proposed to amend clause 9(2) and 10(2) to clarify that bills for usage or fixed

⁴⁵ Issue 7 of the Consultation Paper.

⁴⁶ Clause 10(2) of the Code.

charges only have to be issued if the customer is liable for usage or fixed charges (as the case may be).

78. The ERA did not receive any submissions on its proposal to clarify that bills for usage or fixed charges only have to be issued if the customer is liable for usage or fixed charges (as the case may be). The WCCC supported the ERA's proposal.

79. **The ERA will amend clause 9(2) and 10(2) as follows:**

Clause 9(2) of the 2013 Code
[Clause 10(2) of the revised Code]

If fixed charges apply for the provision of a water service to a customer by a licensee, the A-licsee must [...]

Clause 10(2) of the 2013 Code
[Clause 11(2) of the revised Code]

If quantity charges apply for the provision of a water service to a customer by a licensee, the A-licsee must [...]

Maximum billing cycle for bills for usage charges

[clause 10(2) of the 2013 Code; clause 11(2) of the revised Code]

80. Clause 10(2) of the 2013 Code requires a licensee to issue a bill for usage at least once every six months.

81. In the Consultation Paper, the ERA asked if the maximum billing cycle for usage bills should be reduced from six to three, or four, months.⁴⁷ Shorter billing cycles have a number of benefits. They can make payments more manageable for customers (as the amount of each bill will be lower). They can also help to detect leaks earlier. Most customers become aware of a leak only when they receive an unusually high bill. If bills are issued more regularly, customers will be able to detect leaks sooner.

82. Most stakeholders supported reducing the maximum billing cycle from six to four months.

83. The WCCC acknowledged that shorter billing cycles can help customers better manage their bills and detect leaks earlier. However, the WCCC also commented that licensees may incur additional costs if the billing frequency is increased (more meter readings, issuing more bills). These additional costs may be passed on to customers. On balance, the WCCC considered a four monthly billing cycle reasonable.

84. In the Draft Decision, the ERA proposed to reduce the maximum billing cycle for usage bills from six to four months. The ERA explained that this does not prevent licensees from issuing their usage bills more often.

85. The ERA received two submissions on its proposal to reduce the maximum billing cycle for usage bills. Rio Tinto preferred the maximum billing cycle to remain at six months. Rio Tinto explained that it supplies water services in areas that are affected by extreme weather events. Because of this, it may not always be possible to read the meters every four months.

⁴⁷ Issue 8 of the Consultation Paper.

86. MIDLAS supported reducing the maximum billing cycle to four months. It further suggested that licensees consider finding ways to bill even more often, at no or minimal additional cost. For example, by using digital bills or estimating a customer's usage in between bills.
87. MIDLAS noted that it shared the ERA's concern that leaks are often only detected when a bill is issued. It proposed "a compromise whereby longer billing cycles are offset by leak allowances based on historical usage for affected customers".
88. The WCCC supported the ERA's proposal.
89. **The ERA acknowledges that extreme weather events may affect Rio Tinto's ability to issues bills on time. However, this risk applies to all licensees and can be minimised by adopting a shorter billing cycle so that in case of unexpected events Rio Tinto still has enough time to read the meter. Alternatively, Rio Tinto could choose to issue an estimated bill when it cannot read a meter in time.**
90. **The ERA notes MIDLAS' support for a four-monthly maximum billing cycle. The ERA supports initiatives from licensees, such as those proposed by MIDLAS that ensure customers receive their bills even more often. However, the ERA does not propose to oblige licensees to do so.**
91. **The ERA notes MIDLAS' proposal to offset longer billing cycles with leak allowances. The ERA considers this is already addressed in clause 15 of the 2013 Code.⁴⁸ This clause requires licensees to have a written policy for leak allowances. The ERA has not received any submissions from stakeholders expressing concern about the leak allowances provided by licensees.⁴⁹**
92. **The ERA will amend clause 10(2) of the 2013 Code⁵⁰ as follows:**
... the licensee must, at least once in every 4 6-month period, issue a bill for a quantity charge (a bill for usage) usage ...

Bills must be based on actual meter reading

[clause 11(6) of the revised Code]

93. Although usage bills must be based on a meter reading,⁵¹ a licensee may base a usage bill on an estimate if an accurate meter reading is not possible.⁵²
94. In the Consultation Paper, the ERA asked if licensees should have to read a customer's meter at least once every 12 months.⁵³
95. Stakeholders and the WCCC agreed that licensees should have to read a customer's meter at least once every 12 months.

⁴⁸ Clause 17 of the revised Code.

⁴⁹ The ERA will retain clause 15 in its current form in the revised Code.

⁵⁰ Clause 11(2) of the revised Code.

⁵¹ Clause 10(3) of the 2013 Code; clause 11(3) of the revised Code.

⁵² Clause 10(4) of the 2013 Code; clause 11(4) of the revised Code.

⁵³ Issue 9 of the Consultation Paper.

96. In the Draft Decision, the ERA proposed to insert a new clause in the revised Code. Under the clause, a bill for usage would have to be based on a meter reading at least once every 12 months.
97. The ERA did not receive any submissions on its proposal to require all bills for usage to be based on a meter reading at least once every 12 months. The WCCC supported the ERA's proposal.
98. **The ERA will insert the following new clause in the Code:**
- 11(6) Despite subclauses (4) and (5), at least once in every 12 month period a bill for usage based on a meter reading must be issued.

Interest and fees for late payments

[clause 12(1)(j) of the 2013 Code; clause 13(1)(j) and (m) of the revised Code]

99. Clause 12(1)(j) of the 2013 Code requires a bill to specify the 'amount of interest or fees charged for late payment of outstanding amounts'. It is unclear from this wording if the bill must specify that interest or fees have been charged, or that interest or fees may be charged.
100. In the Consultation Paper, the ERA proposed that all bills should have to include a statement that interest or fees may be charged.⁵⁴
101. Stakeholders and the WCCC agreed with this proposal.
102. In the Draft Decision, the ERA proposed to amend clause 12(1)(j) to clarify that each bill must also list any interest or fees due for previous late payments. It also proposed to include a new clause 12(1)(m) stipulating each bill must, if applicable, include a statement advising customers that interest or fees may be charged for late payments.
103. WACOSS and the WCCC supported the ERA's proposal.
104. **The ERA will amend clause 12(1) of the 2013 Code⁵⁵ as follows:**
- Each bill must contain the following information –
- (j) the amount of any interest or fees charged for late payment of **outstanding** amounts outstanding from previous bills;
- (m) if applicable, a statement advising the customer that interest or fees may be charged for late payment of the bill;

Additional information on bills

[clause 12 of the 2013 Code; clause 13(1) and (6) of the revised Code]

105. Clause 12 of the 2013 Code specifies what information must be included on each bill.
106. In the Consultation Paper, the ERA proposed that the following information should also be included on bills:⁵⁶

⁵⁴ Issue 12 of the Consultation Paper.

⁵⁵ Clause 13(1) of the revised Code.

⁵⁶ Issue 10 of the Consultation Paper.

- information about assistance for customers experiencing payment difficulties or financial hardship;
 - for bills issued to residential customers, information on the availability of interpreter services;
 - the total amount of any payments made by the customer since the previous bill was issued;
 - a telephone number for complaints;
 - the Freecall telephone number for the Energy and Water Ombudsman WA; and
 - a 24 hour telephone number for faults and emergencies.
107. Some stakeholders were concerned about having to include previous payments on the bill. Their main concern was that this would make bills unnecessarily complex.
108. The WCCC supported all of the new bill requirements, with the exception of previous payments. The WCCC was concerned that including previous payments on the bill will result in too much information on the bill, which may confuse some customers.
109. In the Draft Decision, the ERA proposed to amend clause 12 as proposed in the Consultation Paper, with one exception. Bills would not have to include the total amount of payments made by the customer since the previous bill was issued.
110. WACOSS and the WCCC supported the ERA's proposal.
111. **The ERA will insert the following new clauses in the Code:**
- 13(1) Each bill must contain the following information –
 - (n) a statement advising the customer that the licensee can be contacted for assistance if the customer is experiencing problems paying the bill;
 - 13(6) Each bill must contain the following general information –
 - (c) a telephone number for complaints;
 - (d) a Freecall telephone number for the office of the water services ombudsman;
 - (e) the telephone number of the 24 hour information line provided in accordance with clause 45;
 - (g) for a residential customer, the telephone number for interpreter services together with the National Interpreter Symbol and the words "Interpreter Services";

Bills issued for more than one water service

[clause 13(2) and (3) of the revised Code]

112. Clause 12(1)(g) of the 2013 Code requires a bill to include information on the water service for which the charge is payable. There is no explicit requirement to itemise the charges payable for each water service if more than one water service is provided (for example, water supply and sewerage charges).

113. In the Consultation Paper, the ERA asked if each bill should have to specify the charges payable for each of the water services provided by the licensee.⁵⁷
114. Stakeholders and the WCCC agreed that each bill should have to specify the charges payable for each of the water services provided by a licensee.
115. In the Draft Decision, the ERA proposed to insert two new clauses in the revised Code. The clauses would clarify that a single bill may be issued for two or more services. In that case, the bill must specify the charge payable for each water service.
116. WACOSS and the WCCC supported the ERA's proposal.
117. **The ERA will insert the following new clauses in the Code:**
 - 12(2) A bill may be issued for 2 or more water services whether the water services are provided in respect of the same place or in respect of different places.
 - 12(3) A bill issued for 2 or more water services must specify the charge payable for each water service.

Meter reading on a bill

[clause 12(2)(e) of the 2013 Code; clause 13(4)(e) of the revised Code]

118. Usage bills currently do not need to include the meter reading on which they are based.
119. In the Consultation Paper, the ERA asked if bills should have to include a meter reading (if they were based on a meter reading).⁵⁸
120. Stakeholders and the WCCC agreed that all usage bills should include the meter reading on which they were based.
121. In the Draft Decision, the ERA proposed to amend the Code by requiring all bills based on a meter reading to include the actual meter reading.
122. WACOSS and the WCCC supported the ERA's proposal.
123. **The ERA will amend clause 12(2)(e) of the 2013 Code⁵⁹ as follows:**

Each bill for usage for a metered water service must [...] contain the following information —

 - (e) if the bill was based on a meter reading, —
 - (i) the actual meter reading; and
 - (ii) the total quantity of water supplied or the quantity of wastewater discharged according to the meter reading;

⁵⁷ Issue 11 of the Consultation Paper.

⁵⁸ Issue 13 of the Consultation Paper.

⁵⁹ Clause 13(4)(e) of the revised Code.

Comparing water usage

[clause 12(2)(g) of the 2013 Code; clause 13(4)(g) of the revised Code]

124. Clause 12(2)(g) of the 2013 Code provides that usage bills must include information about the customer's water usage compared with the customer's previous usage. It does not explain what is meant by the term 'previous usage'.
125. In the Consultation Paper, the ERA proposed to clarify that the term 'previous usage' refers to the customer's usage for the previous account period and the same period last year.⁶⁰ This would be consistent with most other Australian jurisdictions.
126. Stakeholders and the WCCC agreed with this proposal.
127. In the Draft Decision, the ERA proposed to amend clause 12(2)(g) as suggested in the Consultation Paper. All usage bills for a metered water service would have to include information about the customer's usage compared to the customer's usage in the previous billing period and the same billing period last year.
128. WACOSS and the WCCC supported the ERA's proposal.
129. **The ERA will amend clause 12(2)(g) of the 2013 Code⁶¹ as follows:**
- Each bill for usage for a metered water service must [...] contain the following information —
- (e) information, if available, about the customer's water usage [in the billing period](#) compared with the customer's ~~water previous~~ usage: —
 - (i) [in the previous billing period; and](#)
 - (ii) [in the corresponding billing period in the previous year.](#)

Including information on bills to advise customers of their rights

[clause 12(3) of the 2013 Code; clause 13(5) of the revised Code]

130. Clause 12(3) of the 2013 Code requires each bill to advise customers of certain rights, and where additional information on those rights can be obtained. Each right must be described in detail; particularly those relating to metering.⁶² This may result in bills having a lot of information, which can be confusing for customers.
131. In the Consultation Paper, the ERA asked if stakeholders considered the current requirements appropriate, or if some requirements could be presented in a simplified format or deleted.⁶³
132. Most stakeholders agreed that subclauses (b), (c) and (d) of clause 12(3) should either be simplified or deleted. The WCCC recommended that subclauses (b), (c) and (d) be deleted.
133. In the Draft Decision, the ERA proposed to delete clauses 12(3)(b), (c) and (d).

⁶⁰ Issue 15 of the Consultation Paper.

⁶¹ Clause 13(4)(g) of the revised Code.

⁶² Clause 12(3)(b), (c) and (d) of the 2013 Code.

⁶³ Issue 16 of the Consultation Paper.

134. WACOSS and the WCCC supported the ERA's proposal.
135. **The ERA will delete clauses 12(3)(b), (c) and (d) of the 2013 Code.**
136. In the Consultation Paper, the ERA also proposed:⁶⁴
- to clarify that clauses 12(3)(a) to (d) of the 2013 Code only apply to bills for usage for a metered water service;
 - to clarify that clause 12(3)(c) of the 2013 Code only applies to bills based on an estimate; and
 - to delete clause 12(3)(f) of the 2013 Code if the ERA decides that all bills should include the licensee's telephone number for complaints and the Energy and Water Ombudsman WA's Freecall telephone number.
137. Stakeholders and the WCCC agreed with these proposals.
138. In the Draft Decision, the ERA proposed:
- to clarify that clause 12(3)(a) only applies to bills for usage for a metered water service;⁶⁵ and
 - to delete clause 12(3)(f) as all bills will now have to include the Freecall telephone number of the Energy and Water Ombudsman WA.⁶⁶
139. As the ERA proposed to delete clause 12(3)(c)⁶⁷ it was no longer necessary to clarify that this clause only applies to bills based on an estimate. The ERA therefore did not proceed with this proposal.
140. WACOSS and the WCCC supported the ERA's proposal.
141. **The ERA will replace clause 12(3)(a) of the 2013 Code with the following new clause:**
- 13(5) If a bill for usage for a metered water service was based on an estimate, the bill must inform the customer that the licensee will tell the customer on request —
- (a) the basis of the estimate; and
 - (b) the reason for the estimate.
142. **The ERA will delete clause 12(3)(f) of the 2013 Code.**

Including the price of water on bills

[clause 15 of the revised Code]

143. Some licensees charge different tariffs for water depending on how much water the customer has used during a year. At the start of the year, the customer is charged the lowest tariff. Once the customer has used a certain amount of water, the tariff

⁶⁴ Issue 16 of the Consultation Paper.

⁶⁵ As the ERA will be deleting clauses 12(3)(b) to (d) of the 2013 Code, it is no longer necessary to clarify that these clauses only apply to bills for usage for a metered water service.

⁶⁶ See paragraph 109.

⁶⁷ See paragraph 133.

increases. For example, the Water Corporation charges \$1.586/kL for the first 150kL supplied. The next 350kL is charged at \$2.214/kL. Once a customer has used 500kL, any additional water is charged at \$2.993/kL.

144. In the Consultation Paper, the ERA asked if licensees who charge different tariffs based on consumption should have to include on their bills the applicable tariff(s) for the water service provided.⁶⁸
145. Stakeholders and the WCCC agreed that this information should be included on bills.
146. In the Draft Decision, the ERA proposed that each bill from a licensee who charges different tariffs based on consumption must include the applicable tariff(s) for the water provided.
147. WACOSS supported the proposed amendments as they would enable customers to appropriately understand their water usage behaviour. The WCCC also supported the ERA's proposal.
148. **The ERA will insert the following new clause in the Code:**
 - 15(3) Each bill for usage to which this clause applies must, in addition to the requirements of clause 13, contain the following information —
 - (a) the tariff for each volumetric range within which water has been supplied to the customer;
149. In the Consultation Paper, the ERA also asked if licensees should have to advise customers on their bill when they will move to a higher tariff or revert back to the lowest tariff.⁶⁹
150. Stakeholders and the WCCC agreed that this information should be included on bills. Stakeholders considered that this would provide valuable information to the customer. The WCCC suggested that licensees may need additional time to implement this change.
151. In the Draft Decision, the ERA proposed that each bill from a licensee who charges different tariffs based on consumption should advise customers when they will move to a higher tariff or revert back to the lowest tariff. Knowing when tariffs will increase, or revert back to lower levels, allows customers to make informed decisions about their water use.
152. The ERA did not propose to provide licensees with additional time to implement the change. The ERA considered that the commencement date of 1 July 2018 would provide licensees with sufficient time to implement the change.⁷⁰
153. Rio Tinto did not support the ERA's proposal to advise customers on their bill when they will move to a higher tariff or revert back to the lowest tariff. It considered that this information would be "of marginal benefit to the customer, and would result in additional information on bills, possibly making them overly complex".

⁶⁸ Issue 14A of the Consultation Paper.

⁶⁹ Issue 14B of the Consultation Paper.

⁷⁰ See paragraph 21.

154. WACOSS supported the proposed amendments as they would enable customers to appropriately understand their water usage behaviour. The WCCC also supported the ERA's proposal.
155. **The ERA will insert the following new clauses in the Code:**
- 15(3) Each bill for usage to which this clause applies must, in addition to the requirements of clause 13, contain the following information —
- (b) how much more water the customer can be supplied with before supply will start to be in the next volumetric range;
 - (c) the tariff for the next volumetric range;
 - (d) the day on which the tariff for water supplied to the customer will revert to the lowest tariff (*i.e. the day on which the customer's next consumption year starts*).

Requested meter readings, revised bills – licensee's obligations

[clause 14(1) of the 2013 Code; clause 16(1) of the revised Code]

156. If a customer disputes an estimated bill, the licensee must give the customer a meter reading and a revised bill.⁷¹ The obligation to give a meter reading only applies if the water service is metered and the meter is operable. A revised bill must be given at all times.
157. It is unclear on what basis an estimated bill should be revised if the water service is not metered or the meter is not operable. The ERA considers that a revised bill should only have to be issued if the water service was metered and the meter was operable. In that case, the licensee should be able to replace the estimated bill with a bill based on an actual meter reading.
158. If a customer is concerned about an estimated bill, the customer can, under clause 13(1),⁷² ask the licensee for the basis and reason for the estimate. The customer can also ask the licensee to review their bill under clause 18.⁷³ If the customer has been overcharged, the licensee must refund the overcharged amount.⁷⁴
159. In the Draft Decision, the ERA proposed to amend clause 14(1) and 14(2) of the 2013 Code. The amendments would ensure that a customer who disputes an estimated bill will only receive a revised bill based on a meter reading if their water service was metered. Licensees would also no longer have to issue a meter reading and bill for a different billing period, or replace an estimated bill with a revised bill, if the meter was not operable.
160. The ERA did not receive any submissions on its proposal to amend clause 14(1) and 14(2). The WCCC supported the ERA's proposal.
161. **The ERA will amend clause 14(1) and 14(2) of the 2013 Code⁷⁵ as follows:**
- (1) [In the case of a metered water service, the A](#)-licensee must provide to the customer on request any of the following —

⁷¹ Clause 14(1)(b) of the 2013 Code.

⁷² Clause 14(1) of the revised Code.

⁷³ Clause 20 of the revised Code.

⁷⁴ Clause 17 of the 2013 Code.

⁷⁵ Clause 16(1) and 16(2) of the revised Code.

- (a) ~~in the case of a metered water service,~~ a meter reading and bill to determine the outstanding charges for a period that is not the same as the usual billing cycle;
 - (b) ~~in the case where~~ if the customer disputes an estimate on which a bill is based, a meter reading and revised bill. —
 - ~~(i) a meter reading (if the water service is metered and the meter is operable); and~~
 - ~~(ii) in any event, a revised bill.~~
- (2) A licensee does not have to provide, under subclause (1)(a) or (b), a meter reading, bill or revised bill if —
- (a) the meter is not operable; or
 - (b) a fee that applies to providing the reading or bill has not been paid.

Undercharging

[clause 16 of the 2013 Code; clause 18 of the revised Code]

162. Clause 16 of the 2013 Code allows a licensee to recover an undercharged amount. When recovering an undercharged amount, the licensee may only recover an amount that was undercharged during the last 12 months. The licensee may not charge interest or late payment fees on the undercharged amount, and must allow the customer to repay the amount under an instalment plan.
163. In the Consultation Paper, the ERA asked if the 12-month limitation on recovering an undercharge should only apply if the undercharge was the result of an error by the licensee.⁷⁶
164. Stakeholders agreed that the 12-month limitation on recovering an overcharge should only apply if the undercharge was the result of an error by the licensee. The WCCC recommended that the 12-month limit should not apply if the undercharging was the result of fraud or illegal use⁷⁷ by the customer.
165. In the Draft Decision, the ERA agreed with the WCCC that the 12-month limit should not apply if the undercharging was the result of fraudulent or illegal conduct of a customer. According to the ERA, the phrase ‘fraudulent or illegal conduct of the customer’, in clause 16(6) of the revised Code, makes it clear that the customer must have actively done something to cause the undercharging.
166. The ERA also proposed that, in the case of fraudulent or illegal conduct, licensees should be allowed to charge interest or late payment fees, and should not have to offer an instalment plan.
167. The ERA did not receive any submissions on either of its proposals. The WCCC supported the ERA’s proposals.
168. **The ERA will insert the following new clause in the Code:**
- 18(6) Subclauses (2), (4) and (5) do not apply if the undercharging occurred as a result of the fraudulent or illegal conduct of the customer.

⁷⁶ Issue 17 of the Consultation Paper.

⁷⁷ The term ‘illegal use’ intended to capture illegal use of the meter (such as tempering with the meter), not illegal use of the water.

Overcharging

[clause 17 of the 2013 Code; clause 19 of the revised Code]

169. Clause 17(2) of the 2013 Code requires a licensee to follow a customer's instructions when refunding or crediting an overcharged amount. The clause does not explain what a licensee must do if the customer does not provide any instructions.
170. In the Consultation Paper, the ERA proposed that licensees should have to credit an overcharged amount to a customer's account if the licensee has not received instructions from the customer.⁷⁸
171. Stakeholders and the WCCC agreed with this proposal.
172. In the Draft Decision, the ERA proposed to require licensees to credit an overcharged amount to a customer's account if they do not receive instructions from the customer within 10 business days of sending an overcharging notice. The credit would have to be applied within 25 business days⁷⁹ of sending the overcharging notice. The licensee would also have to notify the customer of the credit afterwards.
173. The ERA did not receive any submissions on its proposal to amend clause 17. The WCCC supported the ERA's proposal.
174. **The ERA will insert the following new clause in the Code:**
- 19(4) If instructions from the customer about the refunding or crediting of the overcharged amount have not been received by the licensee at the end of the period of 10 business days starting on the day an overcharging notice is sent, the licensee must credit the overcharged amount to the customer's account before the end of the period of the next 15 business days.

Notifying customers of tariff changes

[clause 21 of the revised Code]

175. Licensees currently do not need to notify customers of changes to their tariffs.
176. In the Consultation Paper, the ERA asked if licensees should have to advise their customers of tariff changes as soon as practicable, but no later than on the customer's next bill.⁸⁰
177. Stakeholder responses to this question were mixed. The WCCC recommended that licensees should have to advise their customers of tariff changes as soon as practicable, but no later than on the customer's next bill.
178. In the Draft Decision, the ERA proposed that licensees would have to notify their customers of any change to their water service charges no later than the next bill.

⁷⁸ Issue 18 of the Consultation Paper.

⁷⁹ Clause 19(4) of the revised Code provides that, if the licensee has not received instructions from the customer within 10 business days from sending the overcharging notice, the licensee must credit the amount to the customer's account before the end of the period of the next 15 business days (10 business days + 15 business days = 25 business days).

⁸⁰ Issue 54 of the Consultation Paper.

179. The ERA did not propose to include the words ‘as soon as practicable’ in the new obligation. Including these words would raise the question whether the customer should be notified as soon as practicable or at the time the next bill is sent. The ERA considered that customers should be notified no later than the next bill. The ERA also noted that the same obligation applies to electricity retailers.⁸¹
180. The ERA did not receive any submissions in response to its proposal to require licensees to advise their customers of tariff changes. The WCCC supported the ERA’s proposal.
181. **The ERA will insert the following new clause in the Code:**
- 21. Notice of alterations to charges**
- (1) A licensee must notify each of its customers of any change to the amount or rate of a water service charge.
- (2) The notification —
- (a) must be given not later than when the next bill for a water service charge of that kind is issued under clause 10(2) or 11(2), as the case may be, and sent to the customer under clause 12; and
- (b) may be included in that next bill.

⁸¹ Clause 10.1(1) of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016*.

Part 4 of the Code – Payment for water services

Direct debit

[clause 21(1)(a) of the 2013 Code]

182. Clause 21(1)(a) of the 2013 Code requires licensees to allow their customers to pay a bill by direct debit.
183. In the Consultation Paper, the ERA asked if the requirement to offer direct debit as a payment method should be removed from the Code.⁸²
184. Stakeholder responses to this question were mixed. The WCCC recommended that direct debit should be retained as a minimum payment method. According to the WCCC, direct debit has become a mainstream form of payment.
185. In its Draft Decision, the ERA proposed to remove direct debit as minimum payment method from the Code. The ERA commented that direct debit can be costly to set up and maintain, particularly for smaller licensees. Although direct debit has many advantages for customers, it also has a number of disadvantages. Customers may, for example, incur penalties if their account does not have sufficient funds. Direct debit can also be difficult to cancel.
186. The proposed amendment would give licensees a choice. Licensees for whom direct debit is not financially viable may choose not to offer it. Licensees who do wish to offer direct debit, could voluntarily do so.
187. In its submission, Rio Tinto noted that a large proportion of its customers currently use direct debit. Rio Tinto will continue to allow its customers to pay their bills by direct debit.
188. The WCCC supported the ERA's proposal.
189. **The ERA will delete clause 21(1)(a) of the 2013 Code.**

Centrepay

[clause 21(1)(b) of the 2013 Code; clause 24(1)(a) of the revised Code]

190. Clause 21(1)(b) of the 2013 Code requires licensees to allow their customers to pay a bill by Centrepay. Centrepay is a facility that allows Centrelink customers to have automatic deductions taken from their Centrelink payments and put towards their water bill. Centrelink payments are only made to individuals.
191. In the Consultation Paper, the ERA proposed to clarify that Centrepay only has to be offered as a bill payment method to residential customers.⁸³
192. Stakeholders and the WCCC agreed with this proposal.
193. In the Draft Decision, the ERA proposed to amend clause 21(1)(b) to clarify that Centrepay only has to be offered to residential customers.

⁸² Issue 20 of the Consultation Paper.

⁸³ Issue 19 of the Consultation Paper.

194. The ERA did not receive any submissions on its proposal to clarify that Centrepay only has to be offered to residential customers. The WCCC supported the ERA's proposal.
195. **The ERA will amend clause 21(1)(b) of the 2013 Code as follows:**⁸⁴
- (1) A licensee must allow a customer to pay a bill by any of the following methods selected by the customer —
 - (b) in the case of a residential customer — Centrepay (i.e. the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments);
 - ~~(b) — Centrepay (the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments);~~

Consent for direct debits

[clause 22(a) of the 2013 Code]

196. Before receiving a bill payment by direct debit, a licensee must obtain the express consent of the holder of the account to be debited (clause 22(a) of the 2013 Code). The phrase 'account to be debited' appears to imply that consent must be obtained from the person from whose bank account the money will be debited. It is not clear how a licensee can be certain they have obtained the consent of the bank account holder. Information about bank account holders is held by financial institutions and may, for privacy reasons, not be readily available.
197. In the Consultation Paper, the ERA asked if licensees should have to obtain the express consent of the holder of the account to be debited before receiving a bill payment by direct debit.⁸⁵
198. Stakeholder responses to this question were mixed. The WCCC recommended that clause 22(a) be deleted from the Code. According to the WCCC, it is difficult for licensees to comply with this requirement.
199. In the Draft Decision, the ERA proposed to delete clause 22(a). Licensees would no longer have to obtain the express consent of the bank account holder before receiving a bill payment by direct debit. However, licensees would still have to obtain the prior consent of the customer.
200. The ERA did not receive any submissions on its proposal to delete clause 22(a). The WCCC supported the ERA's proposal.
201. **The ERA will delete clause 22(a) from the 2013 Code. Licensees will no longer have to obtain the express consent of the bank account holder before receiving a bill payment by direct debit.**
202. **The remaining text of clause 22 has been restructured for clarity. This has resulted in a new subclause (a) for clause 22.⁸⁶ New subclause (a) includes some of the text that was previously included in subclause (b).**

⁸⁴ Clause 24(1)(a) of the revised Code.

⁸⁵ Issue 21 of the Consultation Paper.

⁸⁶ Clause 25 of the revised Code.

Assistance for customers experiencing payment difficulties

[clause 25 of the 2013 Code; clause 28 of the revised Code]

203. Customers who have been assessed by a licensee as experiencing payment difficulties may pay their bill under a payment plan (clause 25 of the 2013 Code). The Code provides little guidance on the process licensees must follow when assessing if a customer is experiencing payment difficulties.
204. In the Consultation Paper, the ERA asked if the Code should include additional requirements for the assessment process⁸⁷ and, if so, what those requirements should be.⁸⁸
205. Stakeholders and the WCCC agreed that the Code should not include additional requirements for the assessment process. According to the WCCC, the current framework is working satisfactorily.
206. In the Draft Decision, the ERA proposed not to amend the Code. The ERA noted that it was not aware of any systematic concerns about the way licensees currently assess if customers are experiencing payment difficulties.
207. The ERA did not receive any submissions on its proposal not to amend the Code. The WCCC supported the ERA's proposal.
208. **The ERA will not include any additional requirements in the Code for the process licensees must follow when they assess if a customer is experiencing payment difficulties.**

Charging fees or interest on a payment plan

[clause 28(4) of the revised Code]

209. Licensees may currently charge fees or interest on payment plans for customers who are experiencing payment difficulties.⁸⁹
210. In the Consultation Paper, the ERA asked if licensees should be allowed to charge fees or interest on payment plans for customers who are experiencing payment difficulties.⁹⁰
211. Stakeholder responses to this question were mixed. The WCCC recommended that licensees should have to consider waiving fees or interest on payment plans for customers experiencing payment difficulties.
212. In the Draft Decision, the ERA agreed with the WCCC that licensees should have to consider and decide, on a case-by-case basis, if a fee-free and/or interest-free payment plan is appropriate for a customer experiencing payment difficulties.
213. The ERA received a submission from MIDLAS on this proposal. MIDLAS was concerned that vulnerable customers will be left in a worse position if licensees

⁸⁷ Issue 22A of the Consultation Paper.

⁸⁸ Issue 22B of the Consultation Paper.

⁸⁹ Unlike clause 27(2) of the 2013 Code, clause 25(2) of the 2013 Code does not specifically state that a payment plan or other arrangement must be interest-free and fee-free.

⁹⁰ Issue 23 of the Consultation Paper.

charge fees or interest on payment plans by default. MIDLAS was also concerned that licensees may not identify all customers experiencing payment difficulties as customers will often pay their water bill before other bills, such as mortgage or food. It suggested that the Code require that all “customers identified as being in financial hardship must have fees and/or interest waived”.

214. The WCCC supported the ERA's proposal.
215. **The ERA acknowledges MIDLAS' concern that vulnerable customers will be worse off if they have to pay fees or interest on their payment plans. However, those customers who are most vulnerable (who have been assessed to be in financial hardship) may not be charged fees or interest for late payment⁹¹ or on their payment plan.⁹²**
216. **Customers who have been assessed as experiencing payment difficulties may be charged fees or interest. As the definition of payment difficulties is rather broad ('a state of financial disadvantage that is not likely to be ongoing and in which the customer is unable to pay an unpaid bill'), a substantial number of customers could fall under this definition.**
217. **On balance, the ERA considers it reasonable that licensees should not have to offer a fee-free and interest-free payment plan, but instead have to consider and decide, on a case-by-case basis, if a fee-free and/or interest-free payment plan is appropriate for a customer experiencing payment difficulties.**
218. **The ERA will insert the following new clause in the Code:**
- 28(4) The licensee must consider and decide whether or not the payment plan or other arrangement should be interest-free, or fee-free, or both.

Offering a payment plan

[clause 25(2) of the 2013 Code; clause 28(2) of the revised Code]

219. Clause 25(2) of the 2013 Code provides that a licensee ‘must allow’ a customer experiencing payment difficulties to pay a bill under a payment plan. Licensees do not have to inform their customers that they are entitled to a payment plan.
220. In the Consultation Paper, the ERA proposed that licensees should have to offer a customer experiencing payment difficulties a payment plan.⁹³ The amendment aimed to ensure that all customers experiencing payment difficulties are aware that they are entitled to a payment plan.
221. Stakeholder responses to this proposal were mixed. The WCCC agreed with the ERA's proposal.
222. In the Draft Decision, the ERA proposed that licensees should have to advise customers who are experiencing payment difficulties that they have the right to pay their bill under a payment plan. Licensees would also have to offer to enter into an appropriate payment plan with the customer.

⁹¹ Clause 32(1)(a) of the revised Code

⁹² Clause 27(2)(a) of the 2013 Code; clause 30(2)(a) of the revised Code.

⁹³ Issue 24 of the Consultation Paper.

223. The ERA received a submission from WACOSS on this proposal. WACOSS strongly supported the proposed amendment to clause 25(2).
224. The WCCC also supported the ERA's proposal.
225. **The ERA will amend clause 25(2) of the 2013 Code⁹⁴ as follows:**
- (2) ~~The A~~-licensee must —
- (a) advise the customer that the ~~allow a~~ customer has a right to pay the a bill under a payment plan or other arrangement under which the customer is given more time to pay the bill or to pay arrears; and
- (b) offer to enter into an appropriate plan or arrangement with the customer.

Payment plans for concession customers

[clause 28(3) and 30(3) of the revised Code]

226. Customers of the Water Corporation, Busselton Water and Aqwest⁹⁵ may be eligible for a 25 per cent or 50 per cent rebate⁹⁶ on their usage or fixed charges if they hold an eligible concession card.⁹⁷
227. However, by law, some customers are not entitled to a rebate on their usage⁹⁸ or fixed charges⁹⁹ if they do not pay their bill on time.¹⁰⁰
228. The ERA is concerned that this may affect customers who are experiencing payment difficulties or financial hardship. These customers will have to pay substantially more if they are unable to pay their bill on time, even though they can probably least afford it.
229. The ERA asked the three water corporations¹⁰¹ for information about the assistance, including payment plans, they offer to customers who are entitled to a rebate.
230. Based on the information provided by the three water corporations, it appears that customers will keep their rebate for *usage charges* if they enter into, and comply with, a payment plan for usage charges that are still outstanding at the end of the billing period.
231. However, not all customers will keep their rebate for *fixed charges* if the charges are still outstanding at the end of the billing period.

⁹⁴ Clause 28(2) of the revised Code.

⁹⁵ Customers of local governments who hold an eligible concession card may also be entitled to a rebate on their fixed charges.

⁹⁶ The actual amount of the rebate may vary as rebates are capped at a certain amount.

⁹⁷ Pensioner Concession, State Concession, WA Senior or both a WA Senior and Commonwealth Senior Health Card.

⁹⁸ For example, regulation 34 of the *Water Services (Water Corporations Charges) Regulations 2014* provides that customers of the Water Corporation are entitled to a rebate on their consumption charges if they meet certain conditions. One of those conditions is that they are not in arrears. A similar condition does not apply to customers of Aqwest and Busselton Water.

⁹⁹ Section 40(2) of the *Rates and Charges (Rebates and Deferments) Act 1992*.

¹⁰⁰ The ERA recognises that the Water Corporation currently only enforces this rule for fixed charges.

¹⁰¹ Water Corporation, Busselton Water and Aqwest.

232. The Water Corporation has advised that customers who cannot pay their bill by the due date are given more time to pay their fixed charges. The Water Corporation will extend the due date of the bill from about 20 days to 50 days. Customers who have not paid their fixed charges after 50 days may defer, or enter into a payment plan, for the outstanding amount. However, if they do so, they will lose their rebate for that bill.
233. In the Draft Decision, the ERA expressed concern that the default payment arrangement (the extension of the bill due date from about 20 days to 50 days) offered by the Water Corporation to customers who are entitled to a rebate for fixed charges does not take account of the customer's capacity to pay or consumption history. The ERA considered it unlikely that the additional 30 days offered by the Water Corporation would be sufficient for customers who are experiencing payment difficulties or financial hardship.
234. The ERA therefore asked, in the Draft Decision, if the Code should be amended to ensure that licensees must take into account a customer's capacity to pay and consumption history when setting the conditions of a payment plan or other arrangement. Such an amendment would ensure that any payment plan offered to a customer who is experiencing payment difficulties or financial hardship takes account of the customer's individual circumstances. This will make it more likely that customers will be able to meet the conditions of their plan and, in turn, keep their rebate.
235. Since the publication of the draft decision, the ERA has become aware that the *Rates and Charges (Rebates and Deferments) Act 1992 (Rebates and Deferments Act)* limits how much additional time the Water Corporation may give customers to pay their bill while keeping their rebate for that bill.¹⁰²
236. Under the Rebates and Deferments Act, a Water Corporation customer is no longer entitled to a rebate if the customer does not pay the bill¹⁰³ within 50 days of the date the bill was issued or by a day determined by the Water Corporation. If the Water Corporation determines a final payment day other than the 50th day, that day may not be more than 70 days after the 50th day. This means that the Water Corporation can give customers up to 120 days to pay their bill without losing their rebate for that bill.
237. A customer who does not pay their bill on time will not only lose their rebate for the current bill but also their entitlement to rebates for future bills.¹⁰⁴ The customer can retain their entitlement to rebates for future bills by entering into a payment plan or other arrangement for the outstanding amount with the Water Corporation.¹⁰⁵ This option is, however, not available to customers who hold only a senior's card.
238. Customers who hold only a senior's card will, by law, lose their rebate for future bills if they are in arrears. The ERA notes that the rebate that is available to these customers is limited to 25% of their bill and capped at \$100 per year.

¹⁰² Section 40 of the Rebates and Deferments Act.

¹⁰³ For the 'rebated amount' which consists of the full amount due minus the rebate.

¹⁰⁴ Section 33(3) of the Rebates and Deferments Act.

¹⁰⁵ Section 33(6) of the Rebates and Deferments Act.

239. As customers' entitlements to a rebate are prescribed in other legislation, the ERA cannot change them through amendment of the Code.
240. However, the ERA considers that the question it raised in the Draft Decision is still relevant.
241. By requiring licensees to take into account a customer's capacity to pay and consumption history when setting the conditions of a payment plan, the customer will be offered a payment plan that meets their needs. This will make it more likely that the customer will be able to meet the conditions of their plan and avoid the loss of future rebates or restriction of their water supply.
242. Also, the ERA expects that applying the capacity-to-pay test will increase the likelihood of the Water Corporation giving eligible customers up to 120 days to pay their bill, and keep their rebate for that bill. From the information provided by the Water Corporation, it appears that it is currently not giving customers who are experiencing payment difficulties or financial hardship any extension beyond the default maximum of 50 days after the date the bill was issued (paragraph 232).
243. In response to the question raised in the Draft Decision, the ERA received submissions from WACOSS, MIDLAS and Rio Tinto. WACOSS strongly supported including an obligation on licensees to consider a customer's individual circumstances when setting the conditions of a payment plan or other arrangement. WACOSS advised that when considering a customer's individual circumstances, the licensee should have to take account of the customer's capacity to pay and their water usage behaviour. According to WACOSS, it is "critical in ensuring water remains affordable and equitable for everyone that during financial hardship the customer must not be penalised while complying with their agreed plan, and remain entitled to a rebate for both fixed and water usage charges".
244. MIDLAS also agreed that licensees should have to take into account a customer's capacity to pay and consumption history when setting the conditions of a payment plan or other arrangement. According to MIDLAS, the "alternative of not doing so puts the customer at risk of a 'doomed to fail' arrangement and worsening their situation".
245. MIDLAS recognised that repaying arrears is likely to take much longer than, for example 50 days, if the payment plan takes account of a customer's capacity to pay and consumption history. MIDLAS therefore proposed "that the Code also require licensees not to penalise these customers, within reason, for broken arrangements".
246. Rio Tinto proposed to include additional requirements in the Code for setting the conditions of a customer's payment plan. This could standardise the treatment of customers across all licensees. Rio Tinto also encouraged the development of further guidelines to standardise the conditions of customers' payment plans.
247. The WCCC agreed that licensees should have to consider a customer's capacity to pay and consumption history when setting the conditions of a payment plan.
248. **The ERA notes WACOSS, MIDLAS, Rio Tinto and the WCCC's support for requiring licensees to consider a customer's capacity to pay and consumption history when they set the conditions of a payment plan.**

249. The ERA also notes Rio Tinto's proposal to include additional requirements in the Code for setting the conditions of a customer's payment plan, but does not propose any amendments in addition to those set out in paragraph 253.
250. The ERA considers that the ERA's *Financial Hardship Policy Guidelines for Water Services* already provide guidance on the matters licensees should take into account when setting a payment plan. The guidelines encourage licensees to take account of a customer's capacity to pay and future water usage. They recommend that licensees ensure that customers do not under- or overcommit themselves, and that they involve customers in setting the terms and conditions of the payment plan. The guidelines also encourage licensees to consider assessments provided by financial counsellors.
251. Standardising the conditions, or prescribing detailed conditions, in the Code or guidelines may result in conditions becoming too inflexible. As needs differ between customers, it is important that licensees (and customers) retain a certain amount of freedom to determine what the terms and conditions of a payment plan should be.
252. The ERA notes MIDLAS' proposal that licensees should not be allowed to penalise customers experiencing payment difficulties or financial hardship for broken arrangements. The ERA considers that the new obligation on licensees to take account of a customer's capacity to pay and consumption history should reduce the risk of customers not being able to meet the conditions of their payment plans. Customers will also be able to request a review of the conditions of their payment plan (see paragraphs 305 to 310).
253. The ERA will insert the following new clauses in the Code:
- 28(3) When formulating a payment plan or other arrangement for a customer the licensee must take into account –
 - (a) the customer's capacity to pay the bill; and
 - (b) in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.
 - 30(3) When formulating a payment plan or other arrangement for a customer the licensee must take into account –
 - (a) the customer's capacity to pay the bill; and
 - (b) in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.

Minimum contents of a financial hardship policy

[clause 26 of the 2013 Code; clause 29 of the revised Code]

254. Whilst the Code requires licensees to have a hardship policy,¹⁰⁶ it does not prescribe what matters must be addressed in a hardship policy.
255. To assist licensees, the ERA has published the *Financial Hardship Policy Guidelines for Water Services*. The guidelines explain what matters the ERA expects to be addressed in a hardship policy.

¹⁰⁶ Clause 26(1) of the 2013 Code.

256. In the Consultation Paper, the ERA asked:
- if the content requirements for hardship policies should remain in the guidelines, or be moved to the Code;¹⁰⁷
 - if only a sub-set of the requirements should be moved to the Code; and¹⁰⁸
 - if the Code should include any information in addition to what is currently required under the guidelines.¹⁰⁹
257. Stakeholders and the WCCC considered that the guidelines should continue to set out what matters must be addressed in a hardship policy. They did not want this prescribed in the Code. The WCCC commented that it considers the current framework to be working satisfactorily.
258. In the Draft Decision, the ERA did not propose any amendments to the Code.
259. The ERA did not receive any submissions on this matter. The WCCC supported the ERA's proposal not to amend the Code.
260. **The ERA will not amend the Code. The guidelines will continue to set out what matters must be addressed in a hardship policy. Keeping the requirements in the guidelines will provide the flexibility to change the requirements without having to go through a formal Code amendment process.**¹¹⁰

Complying with the ERA's financial hardship policy guidelines

[clause 29(3) of the revised Code]

261. Clause 5.4 of the template water licence requires a licensee to comply with the ERA's *Financial Hardship Policy Guidelines for Water Services*.¹¹¹
262. In the Consultation Paper, the ERA proposed to move this requirement from the template water licence to the Code.¹¹² Moving the requirement would allow the ERA to delete clause 5.4 from all water licences. It would also ensure that all relevant obligations for hardship policies are included in one place; clause 26 of the Code.
263. Stakeholder responses to this proposal were mixed. The WCCC agreed with the ERA's proposal.
264. In the Draft Decision, the ERA proposed that a licensee's financial hardship policy should have to comply with the guidelines. It also proposed that the ERA should be able to approve a hardship policy that does not comply with all the requirements of the guidelines.

¹⁰⁷ Issue 28A of the Consultation Paper.

¹⁰⁸ Issue 28B of the Consultation Paper.

¹⁰⁹ Issue 28C of the Consultation Paper.

¹¹⁰ The ERA has invited public comments each time it has amended its *Financial Hardship Policy Guidelines – Electricity & Gas Licences*. The guidelines for water services have, to date, not been amended.

¹¹¹ For licensees who do not have to comply with the guidelines (for example, because they do not supply residential customers), clause 5.4 is marked 'not used'.

¹¹² Issue 29 of the Consultation Paper.

265. The ERA did not receive any submissions on its proposals. The WCCC supported the ERA's proposals.
266. **The ERA will insert the following new clause in the Code:**
- 29(3) Unless the Authority approves otherwise, a licensee's financial hardship policy must comply with the Authority's guidelines (if any) in relation to financial hardship policies.
267. **Once the obligation takes effect, the ERA will remove clause 5.4 from all water licences.**

Amending a financial hardship policy

[clause 29(4) of the revised Code]

268. Clause 26(2) of the 2013 Code provides that a licensee's hardship policy does not have effect unless it is approved by the ERA. This implies that any amendments to the hardship policy must be approved by the ERA.
269. In the Consultation Paper, the ERA proposed to clarify in the Code that any amendments to a hardship policy must be approved by the ERA.¹¹³
270. Stakeholders and the WCCC agreed with the ERA's proposal.
271. In the Draft Decision, the ERA proposed to amend the Code as suggested in the Consultation Paper. Any amendments to a hardship policy would only have effect once approved by the ERA. Licensees would also have to comply with the ERA's *Financial Hardship Policy Guidelines for Water Services* when amending their hardship policies.
272. The ERA did not receive any submissions on its proposals. The WCCC supported the ERA's proposals.
273. **The ERA will insert the following new clause in the Code:**
- 29(4) Subclauses (2) and (3) also apply to amendments to a licensee's financial hardship policy.

Directing a licensee to review their financial hardship policy

[clause 29(8) of the revised Code]

274. The ERA cannot direct a water licensee to review their financial hardship policy.
275. Electricity and gas licensees can be directed to review their hardship policies. The ERA, for example, usually directs a review following changes to the legislative framework for energy hardship policies.¹¹⁴
276. In the Consultation Paper, the ERA asked if licensees should have to review their hardship policies if directed to do so by the ERA.¹¹⁵

¹¹³ Issue 27 of the Consultation Paper.

¹¹⁴ Part 6 of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016* and the *Compendium of Gas Customer Licence Obligations*; the *Financial Hardship Policy Guidelines – Electricity & Gas Licences*.

¹¹⁵ Issue 25 of the Consultation Paper.

277. Stakeholders and the WCCC agreed that the ERA should be able to direct licensees to review their hardship policies.
278. In the Draft Decision, the ERA proposed to require licensees to review their hardship policy if directed to do so by the ERA.
279. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
280. **The ERA will insert the following new clause in the Code:**
- 29(8) In addition to any review under subclause (7), a licensee must review its financial hardship policy if directed to do so by the Authority.

Consulting consumer organisations on a financial hardship policy

[clause 26(6) of the 2013 Code; clause 29(9) of the revised Code]

281. Licensees must review their hardship policies every five years. As part of the review process, they must consult with relevant consumer organisations (clause 26(6) of the 2013 Code). Licensees do not have to consult with relevant consumer organisations when they develop their initial policy.
282. In the Consultation Paper, the ERA proposed that licensees should also have to consult with relevant consumer organisations when developing their initial hardship policy.¹¹⁶
283. Stakeholders and the WCCC agreed with the ERA's proposal.
284. In the Draft Decision, the ERA proposed that licensees would have to consult with relevant consumer organisations when formulating their initial hardship policy.¹¹⁷
285. The ERA did not receive any submissions on its proposals. The WCCC supported the ERA's proposals.
286. **The ERA will insert the following new clause in the Code:**
- 29(9) When formulating or reviewing its financial hardship policy, a licensee must consult with relevant consumer organisations.
287. **The ERA will also amend clause 26(6) of the 2013 Code:**¹¹⁸
- 26(6) A licensee must review its financial hardship policy at least once in every 5 year period ~~and, as part of the review process, consult with relevant consumer organisations.~~

¹¹⁶ Issue 26 of the Consultation Paper.

¹¹⁷ Licensees must also still consult with relevant consumer organisations when they review their hardship policy (clause 26(8) of the revised Code).

¹¹⁸ Clause 29(7) of the revised Code.

Assistance for customers experiencing financial hardship

[clause 27 of the 2013 Code; clause 30 of the revised Code]

288. Customers who have been assessed by a licensee as experiencing financial hardship may pay their bill under a payment plan (clause 27 of the 2013 Code). The Code provides little guidance on the process licensees must follow when assessing if a customer is experiencing financial hardship.
289. In the Consultation Paper, the ERA asked if the Code should include additional requirements for the assessment process.¹¹⁹ The ERA also asked if licensees should have to offer more assistance than what is currently required.¹²⁰ For example, should licensees have to give customers a choice between a payment plan and another arrangement, and should they have to take certain matters into account when setting a payment plan?
290. Stakeholder responses to this question were mixed. The WCCC considered that the Code should not contain any additional requirements regarding the assessment of customers experiencing financial hardship. According to the WCCC, the current framework is working satisfactorily.
291. In the Draft Decision, the ERA did not propose any amendments to the Code. The ERA noted that it was not aware of any systematic concerns about the way licensees currently assess if customers are experiencing financial hardship.
292. The ERA received a submission from Rio Tinto on this matter. Rio Tinto proposed to include additional requirements in the Code for setting the conditions of a customer's payment plan. This could standardise the treatment of customers across all licensees. Rio Tinto also encouraged the development of further guidelines to standardise the conditions of customer's payment plans.
293. The WCCC supported the ERA's proposal.
294. **The ERA notes Rio Tinto's proposal to include additional requirements in the Code for setting the conditions of a customer's payment plan.**
295. **As discussed in paragraphs 249 to 251, the ERA will not be making any amendments to clause 25(2) and 27(2) in addition to those set out in paragraph 253. The ERA's *Financial Hardship Policy Guidelines for Water Services* already provide guidance on the matters licensees should take into account when setting a payment plan.**
296. **Standardising the conditions, or prescribing detailed conditions, in the Code may result in conditions becoming too inflexible. As needs differ between customers, it is important that licensees (and customers) retain a certain amount of freedom to determine what the terms and conditions of a payment plan should be.**
297. **The ERA will not include any additional requirements in the Code for the process licensees must follow when they assess if a customer is experiencing payment difficulties.**

¹¹⁹ Issue 30A of the Consultation Paper.

¹²⁰ Issue 30B of the Consultation Paper.

Offering a payment plan to customers in financial hardship

[clause 27(2) of the 2013 Code; clause 30(2) of the revised Code]

298. Clause 27(2) of the 2013 Code provides that a licensee ‘must allow’ a customer experiencing financial hardship to pay a bill under a payment plan. Licensees do not have to inform their customers that they are entitled to a payment plan.
299. In the Consultation Paper, the ERA proposed that licensees should have to offer a customer experiencing financial hardship a payment plan.¹²¹ The amendment aimed to ensure that all customers experiencing financial hardship are aware that they are entitled to a payment plan.
300. Stakeholder responses to this proposal were mixed. The WCCC agreed with the ERA’s proposal.
301. In the Draft Decision, the ERA proposed that licensees should have to advise customers who are experiencing financial hardship that they have the right to pay their bill under a payment plan. Licensees should also have to offer to enter into an appropriate payment plan with the customer.
302. The ERA received a submission from WACOSS on this proposal. WACOSS strongly supported the proposed amendment to clause 27(2).
303. The WCCC also supported the ERA’s proposal.
304. **The ERA will amend clause 27(2) of the 2013 Code¹²² as follows:**
- (2) The A-licensee must —
 - (a) advise the customer that the ~~allow a~~ customer has a right to pay the a bill under an interest-free and fee-free payment plan or other arrangement under which the customer is given more time to pay the bill or to pay arrears; and
 - (b) offer to enter into an appropriate plan or arrangement with the customer.

Revising a payment plan

[clause 27(3)(b) of the 2013 Code; clause 30(4)(b) of the revised Code]

305. Clause 27(3)(b) of the 2013 Code provides that a licensee must review and revise, if appropriate, how a customer is paying a bill under a payment plan. The term ‘if appropriate’ provides little guidance on when a payment plan must be reviewed and revised.
306. In the Consultation Paper, the ERA proposed that a payment plan should be reviewed upon a customer’s request.¹²³ If the review shows that the customer is unable to meet their obligations under the plan, a licensee should have to revise the plan. The proposed amendment aimed to clarify the licensee’s obligations under clause 27(3)(b).

¹²¹ Issue 31 of the Consultation Paper.

¹²² Clause 30(2) of the revised Code.

¹²³ Issue 32 of the Consultation Paper.

307. Most stakeholders considered that the proposed amendments were unnecessary. They argued that the current framework is working satisfactorily. The WCCC, however, agreed with the ERA's proposal. It pointed out that the Water Corporation, Aqwest and Busselton Water already review payment plans a customer's request.
308. In the Draft Decision, the ERA proposed that licensees should have to review a payment plan upon a customer's request. If the review shows that the customer is unable to meet their obligations under the plan, the licensee must revise the plan.
309. The ERA did not receive any submission on its proposal to clarify the licensee's obligations under clause 27(3)(b). The WCCC supported the ERA's proposal.
310. **The ERA will amend clause 27(3)(b) of the 2013 Code¹²⁴ as follows:**
- (3) In addition to the requirements of subclauses (2) ~~and (3)~~, ~~the a~~-licensee must —
 - (b) at the customer's request, review ~~and revise, if appropriate,~~ how ~~the a~~ customer is paying ~~the a~~-bill under a payment plan or other arrangement entered into under subclause (2) and, if the review indicates that the customer is unable to meet obligations under the plan or arrangement, revise it; and

Advising the owner of the land of a payment plan

[clause 28(1) of the 2013 Code]

311. As discussed in paragraphs 24 to 29, the ERA will delete clause 4(1) of the 2013 Code. Clause 4(1) currently includes a definition of 'customer' which is likely wider than the definition included in the Act. Deleting clause 4(1) will clarify that the Code only applies to persons who meet the definition of 'customer' included in the Act.
312. Persons who do not have a direct relationship with a licensee, such as most tenants, do not meet the definition of 'customer' included in the Act. They are therefore not covered by the Code. There is currently one provision in the 2013 Code that refers directly to these persons: clause 28(1).
313. Clause 28(1) provides that, before a licensee enters into a payment plan with a customer who is not the owner of the land, the licensee must ensure that the owner of the land is aware of the proposed plan.
314. The obligation was probably included to protect land owners as, under the current legislative framework, land owners will always remain liable for any outstanding debt to a licensee.
315. In the Draft Decision, the ERA proposed to delete clause 28(1) as it, incorrectly, implies that the Code applies to tenants. Deleting clause 28(1) would be consistent with the ERA's proposal to delete clause 4(1).
316. The ERA received a submission from WACOSS on its proposal to delete clause 28(1). WACOSS endorsed the ERA's proposal. According to WACOSS, deletion of clause 28(1) would "protect the confidentiality of a tenant who enters a payment

¹²⁴ Clause 30(4)(b) of the revised Code.

plan with the licensee and ensures that the landlord not be made aware of their personal financial circumstances”.

317. The WCCC supported the ERA's proposal.
318. **The ERA notes WACOSS' endorsement of the ERA's proposal to delete clause 28(1). Although the ERA shares WACOSS' concerns that clause 28(1) may interfere with a tenant's privacy, this is not the reason for deleting clause 28(1). The amendment was proposed as clause 28(1), incorrectly, implies that the Code applies to tenants. As explained in paragraphs 24 to 29, the Code does not apply to tenants who do not have a contractual relationship with their licensee.**
319. **The ERA will delete clause 28(1) of the 2013 Code.**

No interest or charges for late payments in certain cases

[clause 32 of the revised Code]

320. Currently, licensees may charge interest or late payment fees whenever a bill is overdue.
321. In the Consultation Paper, the ERA asked if the Code should include restrictions on when a licensee can charge interest and/or late payment fees.¹²⁵ The ERA also asked stakeholders what those restrictions should be.¹²⁶
322. Most stakeholders considered that the Code should not include any restrictions. The Department of Water suggested that it would be appropriate to impose some restrictions, consistent with those that apply to energy licensees.
323. The WCCC recommended that licensees should not be able to charge interest and/or late payment fees when:
- a customer has been assessed by the licensee as being in financial hardship; or
 - a customer has made a complaint directly related to the non-payment of the bill to the licensee or the Energy and Water Ombudsman WA, and the complaint remains unresolved.
324. In the Draft Decision, the ERA accepted the WCCC's recommendation.
325. WACOSS supported the ERA's proposal to limit the circumstances under which interest and/or late payment fees may be charged. According to WACOSS, customers who experience hardship should not be penalised further for essential services. Collecting debts and charging interest or late payment fees for overdue bills simply exacerbates the customer's hardship experience and creates more difficulty in repaying the initial debt.
326. The WCCC also supported the ERA's proposal.
327. **The ERA will insert the following new clause in the Code:**

¹²⁵ Issue 56A of the Consultation Paper.

¹²⁶ Issue 56B of the Consultation Paper.

32. No interest or charges for late payment in certain cases

- (1) A licensee must not charge interest or fees for late payment of a bill by a customer —
 - (a) if the licensee has assessed, under its financial hardship policy, that the customer is experiencing financial hardship; or
 - (b) if a complaint made by the customer to the licensee that directly relates to the non-payment of the bill is not resolved; or
 - (c) if a complaint made by the customer to the water services ombudsman that directly relates to the non-payment of the bill is not determined or is upheld by the water services ombudsman.
- (2) Subclause (1)(c) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

No debt collection in certain cases

[clause 29(b) and (c) of the 2013 Code; clause 33(1)(b) and (c) of the revised Code]

328. Clause 29(b) and (c) of the 2013 Code read as follows:

A licensee must not commence or continue proceedings to recover a debt from a customer –

- (a) [...]
- (b) who is being assessed by the licensee as to whether or not the customer is experiencing payment difficulties; or
- (c) who is being assessed under the licensee's hardship policy as a customer who is experiencing financial hardship

329. In the Consultation Paper, the ERA proposed to include the words 'as to whether or not' in clause 29(c) so it would be consistent with the wording of clause 29(b).¹²⁷

330. Stakeholders and the WCCC agreed with the ERA's proposal.

331. In the Draft Decision, the ERA proposed amendments to clause 29 to provide for consistency between both subclauses.

332. The ERA did not receive any submissions on its proposal to provide for consistency between subclause 29(b) and 29(c). The WCCC supported the ERA's proposal.

333. **The ERA will amend clause 29(b) and (c) of the 2013 Code¹²⁸ as follows:**

- (1) A licensee must not commence or continue proceedings to recover a debt from a customer if —
 - (b) ~~who is being assessed by~~ the licensee is assessing ~~as to~~ whether or not the customer is experiencing payment difficulties; or
 - (c) ~~who is being assessed~~ the licensee is assessing, under its ~~the licensee's~~ financial hardship policy, ~~as a~~ whether or not the customer ~~who is~~ experiencing financial hardship; ~~or~~.

¹²⁷ Issue 33 of the Consultation Paper.

¹²⁸ Clause 33(1)(b) and (c) of the revised Code.

No debt collection if a complaint is outstanding

[clause 33(1)(d) and (e) and 33(2) of the revised Code]

334. Currently, licensees may recover an outstanding amount even if the customer has disputed the amount.
335. In the Consultation Paper, the ERA asked if licensees should be prevented from recovering an amount of money that is in dispute until such time that the dispute has been resolved.¹²⁹
336. Stakeholder responses to this question were mixed. Aqwest and the Department of Water argued that licensees should not be able to recover an outstanding amount which is the subject of a complaint. Busselton Water considered that the current regulatory framework is satisfactory. The Water Corporation pointed out that there “may be situations where recovery of the debt is the only action available for final resolution of the dispute”.
337. The WCCC recommended that licensees should be able to recover an amount of money that is in dispute. According to the WCCC, it may be difficult to determine when a dispute has been resolved, and this should not preclude a licensee from recovering an outstanding amount.
338. In the Draft Decision, the ERA proposed to amend the Code to preclude licensees from recovering an outstanding amount that is in dispute.
339. The ERA explained that it considered it reasonable that licensees should not be allowed to recover a debt if the customer has disputed the debt. This would be consistent with water codes of other jurisdictions, including Victoria¹³⁰ and Tasmania.¹³¹
340. The ERA also noted the WCCC’s concern that it may sometimes be difficult to determine when a dispute has been resolved. Although the ERA did not propose to define the term ‘resolve’ (see paragraphs 462 to 469), it considered that a complaint is generally resolved if the licensee has followed its own complaints procedures in dealing with the complaint, and made a final determination. If the customer subsequently raises the complaint with the Energy and Water Ombudsman WA and the Ombudsman decides further investigation is warranted, the complaint will be considered unresolved again and will not be resolved until the Ombudsman has made its decision.¹³²
341. The ERA received a submission from WACOSS on the proposal. WACOSS endorsed the amendments as licensees would no longer be able to collect an outstanding debt while a complaint from the customer about the debt or charges remains unresolved.
342. The WCCC also supported the ERA’s proposal.

¹²⁹ Issue 47 of the Consultation Paper.

¹³⁰ Clause 3.1(e) of the *Victorian Customer Service Code: Urban Water Businesses* (April 2017) and clause 2.1(e) of the *Victorian Rural Water Customer Service Code* (April 2017).

¹³¹ Clause 4.1.2(h) of the *Tasmanian Water and Sewerage Industry Customer Service Code* (July 2015).

¹³² The Energy and Water Ombudsman WA may make an order or determination, give a direction, or decline to deal with a matter on any ground (section 68(2) of the Act).

343. The ERA will insert the following new clauses in the Code:

- 33(1) A licensee must not commence or continue proceedings to recover a debt from a customer if —
 - (d) a complaint made by the customer to the licensee that directly relates to the water service charge to which the debt relates is not resolved; or
 - (e) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge to which the debt relates is not determined or is upheld by the water services ombudsman.
- 33(2) Subclause (1)(e) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

Part 5 of the Code – Restricting the flow of water

Cutting off supply

[clause 34 of the revised Code]

344. Section 95 of the Act provides that a licensee may cut off or reduce the rate of flow of water to land.
345. Part 5 of the Code provides several protections for customers who are about to have, or have had, their water flow reduced. The protections of Part 5 apply regardless of whether the water is supplied to an occupied dwelling, unoccupied dwelling, a place other than a dwelling (for example, a business) or unoccupied land.¹³³
346. The protections of Part 5 are not available to customers who are about to have their water supply cut off.
347. Under section 95(3) of the Act, a water supply may not be cut off to an occupied dwelling without the occupier's agreement. However, owners of unoccupied dwellings, of places other than dwellings and of unoccupied land are not entitled to any protections if their supply is about to be cut off. This, for example, means that business customers currently do not have to be given prior notice if their water supply is about to be cut off. They are also not entitled to have their water supply reconnected within the same timeframes as customers whose supply is about to be reduced.
348. The ERA considers this to be inequitable. Also, the consequences of having a water supply cut off are more serious than having supply reduced. There are no compelling reasons for not extending the protections of Part 5 to customers who are about to have, or have had, their supply cut off.
349. In the Draft Decision, the ERA proposed to provide that Part 5 applies both to reducing and cutting off supply.
350. The ERA did not receive any submissions on its proposal to extend the application of Part 5 to the cutting off of a water supply. The WCCC supported the ERA's proposal.
351. **The ERA will extend the application of Part 5 to the cutting off of a water supply by defining the term 'water supply restriction' to mean both reducing and cutting off supply. New clause 34 reads as follows:**

34. Term used: water supply restriction

In this Part —

water supply restriction means —

- (a) a reduction, under section 95(1)(b), in the rate of flow of a supply of water to a customer because of an unpaid water service charge; or
- (b) the cutting off, under section 95(1)(b), of a supply of water to a customer because of an unpaid water service charge.

¹³³ Part 5 does not include any provisions that limit its application to one or more of these situations.

Note: Under section 95(3) a licensee cannot cut off the supply of water to an occupied dwelling unless the occupier agrees to that.

Reminder notices

[clause 35 of the revised Code]

352. Although licensees have to try to contact a customer before they restrict a customer's water supply,¹³⁴ they do not have to send the customer a reminder notice.
353. In the Consultation Paper, the ERA proposed that licensees should have to give their customers a reminder notice before taking action for non-payment.¹³⁵ The reminder notice should have to include:¹³⁶
- the licensee's telephone number for account, payment and general enquiries; and
 - advice that the licensee may assist if the customer is experiencing payment difficulties or financial hardship.
354. Stakeholders and the WCCC agreed with the ERA's proposal.
355. In the Draft Decision, the ERA proposed to amend the Code as suggested in the Consultation Paper.
356. The ERA received a submission from Rio Tinto supporting the ERA's proposal to require licensees to give customers a reminder notice before taking action for non-payment.
357. The WCCC also supported the ERA's proposal.
358. **The ERA will delete clause 31 of the 2013 Code and replace it with the following new clause:**
- 35. Reminder notice**
- If a water service charge has become due and has not been paid in full, the licensee may give the customer a written reminder notice advising the customer —
- (a) of the amount of the unpaid water service charge and the date on which it became due; and
 - (b) of the licensee's telephone number for account, payment and general enquiries; and
 - (c) that the licensee can be contacted for assistance if the customer is experiencing problems paying the bill for the unpaid water service charge.

¹³⁴ Clause 31 of the 2013 Code.

¹³⁵ Issue 34A of the Consultation Paper.

¹³⁶ Issue 34B of the Consultation Paper.

Restriction notices

[clause 36 of the revised Code]

359. Currently, licensees do not have to advise customers in writing of an impending reduction of supply.
360. In the Consultation Paper, the ERA proposed that a licensee should have to give a customer a written notice of its intention to reduce the customer's water supply.¹³⁷ The notice should have to be given at least 7 days before the reduction¹³⁸ and include:¹³⁹
- the matter giving rise to the impending reduction;
 - the earliest date the licensee may reduce the customer's water supply;
 - the existence and operation of the licensee's complaint handling process;
 - the existence and operation of the water ombudsman, including the Freecall telephone number for the water ombudsman; and
 - the applicable restoration procedures, including any costs for restoring the customer's water supply.
361. Stakeholders and the WCCC agreed with the ERA's proposal.
362. In the Draft Decision, the ERA proposed to amend the Code as suggested in the Consultation Paper.
363. The ERA received submissions from WACOSS and Rio Tinto on its proposal to require licensees to give customers a written notice of its intention to reduce the customer's water supply. Both WACOSS and Rio Tinto supported the ERA's proposal.
364. The WCCC also supported the ERA's proposal.
365. **The ERA will insert the following new clause in the Code:**
- 36. Notice of water supply restriction**
- (1) A licensee must not start a water supply restriction unless —
 - (a) the licensee has given the customer a reminder notice under clause 35; and
 - (b) the water service charge (including any interest or fees charged for late payment) has still not been paid in full; and
 - (c) the licensee has given written notice of the proposed water supply restriction (a **restriction notice**) to the customer.
 - (2) A restriction notice must not be given less than 7 days before the day on which the water supply restriction is proposed to start.
 - (3) A restriction notice must, in addition to anything else —
 - (a) explain the reason for the proposed water supply restriction; and
 - (b) advise the customer of the earliest date on which the water supply restriction may start; and

¹³⁷ Issue 35A of the Consultation Paper.

¹³⁸ Issue 35B of the Consultation Paper.

¹³⁹ Issue 35C of the Consultation Paper.

- (c) inform the customer of the existence and operation of the licensee's complaints procedure mentioned in clause 46; and
- (d) inform the customer of the procedures available to the customer under the Act as to applying to the water services ombudsman under a scheme approved under section 65 and provide a Freecall telephone number for the office of the water services ombudsman; and
- (e) inform the customer of the applicable procedures, including any costs, for the restoration of the water supply if the water supply restriction is started.

No reduction in certain circumstances

[clause 32(b) and (c) of the 2013 Code; clause 37(1)(b) and (c) of the revised Code]

366. Clause 32(b) and (c) of the 2013 Code read as follows:

A licensee must not, under section 95(1)(b), reduce the rate of flow of a supply of drinking water to a customer in the following cases –

- (a) [...]
- (b) the customer is being assessed by the licensee as to whether or not the customer is experiencing payment difficulties; or
- (c) the customer is being assessed under the licensee's hardship policy as a customer who is experiencing financial hardship.

367. In the Consultation Paper, the ERA proposed to amend the wording of clause 32(c) so it would be consistent with the wording of clause 32(b).¹⁴⁰

368. Stakeholders and the WCCC agreed with the ERA's proposal.

369. In the Draft Decision, the ERA proposed amendments to clause 32 to provide for consistency between both subclauses.

370. The ERA did not receive any submissions on its proposal to provide for consistency between subclause 32(b) and 32(c). The WCCC supported the ERA's proposal.

371. **The ERA will amend clause 32(b) and (c) of the 2013 Code¹⁴¹ as follows:**

- (1) A licensee must not; ~~start a water supply restriction if under section 95(1)(b), reduce the rate of flow of a supply of drinking water to a customer in the following cases —~~
- (b) the ~~customer is being assessed by the~~ licensee ~~is assessing as to~~ whether or not the customer is experiencing payment difficulties; ~~or~~
 - (c) the ~~customer is being assessed~~ ~~licensee is assessing,~~ under ~~its the licensee's~~ financial hardship policy, ~~whether or not the~~ ~~as a~~ customer ~~who~~ is experiencing financial hardship; ~~or~~

¹⁴⁰ Issue 36 of the Consultation Paper.

¹⁴¹ Clause 37(1)(b) and (c) of the revised Code.

No reduction if a customer has applied for a concession

[clause 37(1)(g) of the revised Code]

372. Nothing in the Code prevents a licensee from reducing supply to a customer who has applied for a concession.
373. WA energy licensees may not disconnect a customer who has not paid their bill but who has applied for a concession and is still waiting for a decision on their application.¹⁴² Similar conditions apply to water licensees in South Australia¹⁴³ and Victoria.¹⁴⁴
374. In the Consultation Paper, the ERA asked if licensees should be prevented from reducing the rate of flow of drinking water if a customer has applied for a concession or grant and the licensee has not yet made its decision.¹⁴⁵
375. Both stakeholders and the WCCC agreed that supply should not be reduced in these circumstances.
376. In the Draft Decision, the ERA proposed that a customer's water supply should not be restricted for non-payment of a bill if the customer has applied for a concession or other financial relief and a decision on the application has not yet been made.
377. The ERA received a submission from MIDLAS on its proposal. MIDLAS queried whether the term concession only included concessions granted by the licensee or also concessions granted by the Australian Government. And, if it includes concessions granted by the Australian Government, "what are the guidelines of length of time to wait / burden of proof?"
378. The WCCC supported the ERA's proposal.
379. **The ERA considers it is clear from the context that the term concession only includes concessions related to the bill, such as the rebates for water charges that are available to pensioners.**
380. **The ERA will insert the following new clause in the Code:**
- 37(1) A licensee must not start a water supply restriction if —
- (g) the customer has applied for a concession or other financial assistance to which the customer may be entitled and a decision on the application has not yet been made; or

¹⁴² Clause 7.2(1)(d) of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016* (WA); clause 7.2(1)(d) of the *Compendium of Gas Customer Licence Obligations*.

¹⁴³ Clause 26.2.1(f) of the *South Australian Water Retail Code: Major Retailers* (WRC-MR/02); clause 6.2.1(e) of the *South Australian Water Retail Code: Minor and Intermediate Retailers* (WRC-MIR/02).

¹⁴⁴ Clause 7.2(b) of the *Victorian Customer Service Code: Urban Water Businesses* (April 2017); clause 6.3(b) of the *South Australian Rural Water Customer Service Code* (April 2017).

¹⁴⁵ Issue 41 of the Consultation Paper.

No reduction if a complaint has been made

[clause 32(e) of the 2013 Code; clause 37(1)(e) and (f) of the revised Code]

381. Licensees may not reduce a customer's water supply whilst a customer's complaint remains unresolved (clause 32(e) of the 2013 Code). Although it is likely that clause 32(e) applies to complaints made to a licensee as well as the Energy and Water Ombudsman WA, this is not explicitly stated.
382. In the Consultation Paper, the ERA asked if the term 'complaints' should only capture complaints made to a licensee, or also complaints to an external dispute resolution body (such as the Energy and Water Ombudsman WA).¹⁴⁶ In the latter case, should the licensee only be precluded from reducing a customer's water supply if the external dispute resolution body has notified the licensee that the customer has made a complaint?¹⁴⁷
383. Stakeholders and the WCCC agreed that the term 'complaints' should capture complaints made to a licensee as well as to an external dispute resolution body. If the complaint is made to an external dispute resolution body, reduction of supply should only not be allowed if the licensee has been informed by the external dispute resolution body that the customer has made a complaint.
384. In the Draft Decision, the ERA proposed to amend the Code as suggested by stakeholders and the WCCC.
385. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
386. **The ERA will amend clause 32 of the 2013 Code¹⁴⁸ as follows:**
- (1) A licensee must not, ~~start a water supply restriction if under section 95(1)(b), reduce the rate of flow of a supply of drinking water to a customer in the following cases~~ — [...]
- (e) a complaint made by the customer to the licensee that directly relates in relation to the water service charges is not resolved; or
- (f) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge is not determined or is upheld by the water services ombudsman; or

No reduction after 3pm or on Fridays, weekends and public holidays

[clause 32(f) of the 2013 Code; clause 38(a) and (c) of the revised Code]

387. Clause 32(f) of the 2013 Code precludes licensees from reducing a customer's water supply 'after 3 p.m. on a Friday, Saturday, Sunday, public holiday or day before a public holiday'. This implies that a customer's water supply may be reduced before 3 p.m. on any of these days. It is unlikely that this was the intent behind clause 32(f). It is more likely that the intent was that supply should not be reduced before

¹⁴⁶ Issue 38A of the Consultation Paper.

¹⁴⁷ Issue 38B of the Consultation Paper.

¹⁴⁸ Clause 37(1) of the revised Code.

- 3pm on Fridays and any time on weekends, public holidays and the days before a public holiday.¹⁴⁹
388. In the Consultation Paper, the ERA proposed to amend clause 32(f) to clarify that a customer's water supply may not be reduced at any time on weekends, public holidays and days before a public holiday.¹⁵⁰ The ERA also asked if licensees should be precluded from reducing a customer's water supply any time on a Friday,¹⁵¹ and after 3 p.m. on Mondays to Thursdays.¹⁵²
389. Stakeholders and the WCCC agreed with the proposed amendments.
390. In the Draft Decision, the ERA proposed to amend the Code as suggested in the Consultation Paper.
391. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
392. **The ERA will delete clause 32(f) from the 2013 Code and insert the following new clause:**
- 38. No water supply restriction at certain times**
A licensee must not start a water supply restriction —
- (a) on a Friday, Saturday, Sunday or public holiday or on the day before a public holiday; or
 - (b) [...]
 - (c) after 3 p.m. on any day.

No reduction on the day of a total fire ban

[clause 38(b) of the revised Code]

393. The Code currently does not preclude licensees from reducing a customer's water supply on a day a fire ban has been declared in the area where the customer's property is located. Most other Australian jurisdictions do include such a restriction in their water codes.¹⁵³
394. In the Consultation Paper, the ERA asked if licensees should not be allowed to reduce a customer's water supply on a day there is a total fire ban in the local government area in which the customer is located.¹⁵⁴

¹⁴⁹ Paragraph 6.4 of the Consultation Paper explains why the ERA considers it unlikely that this was the intent behind clause 32(f).

¹⁵⁰ Issue 37 of the Consultation Paper.

¹⁵¹ Issue 37A of the Consultation Paper.

¹⁵² Issue 37B of the Consultation Paper.

¹⁵³ Clause 26.2.1(j) of the *South Australian Water Retail Code: Major Retailers* (WRC-MR/02); clause 6.2.1(i) of the *South Australian Water Retail Code: Minor and Intermediate Retailers* (WRC-MIR/02); clause 7.3(d) of the *Victorian Customer Service Code: Urban Water Businesses* (April 2017); clause 6.4(b) of the *Victorian Rural Water Customer Service Code* (April 2017); clause 12 of the *South East Queensland Customer Water and Wastewater Code* (April 2017); clause 8.3.1(d) of the *Tasmanian Water Sewerage Industry Customer Service Code* (July 2015).

¹⁵⁴ Issue 40 of the Consultation Paper.

395. Stakeholders and the WCCC agreed that supply should not be reduced in these circumstances.
396. In the Draft Decision, the ERA proposed to preclude licensees from restricting a customer's water supply on a day on which a total fire ban has effect¹⁵⁵ in the area of the State in which the place at which water is supplied to the customer is located.
397. The ERA proposed to refer to 'the area of the State in which', rather than local government area, as this is the term used in the *Bush Fires Act 1954*. In practice, the Department of Fire and Emergency Services declares fire bans by reference to one or more local government area(s).¹⁵⁶
398. The ERA received a submission from MIDLAS on its proposal to preclude licensees from restricting a customer's water supply on total fire ban days. MIDLAS queried whether customers whose supply was restricted before a total fire ban day should have their supply restored on a total fire ban day.
399. The WCCC supported the ERA's proposal.
400. **Licensees restrict a customer's water supply by installing a flow restrictor. This is a manual process; it requires the licensee to visit the customer's property to install the device. The ERA considers it impracticable for licensees to remove all flow restrictors on a total fire ban day at properties that are located in the total fire ban area. Therefore, the ERA will not require licensees to restore supply, on the day of a total fire ban, to all customers who have previously been restricted.**
401. **The ERA will insert the following new clause in the Code:**
- 38. No water supply restriction at certain times**
A licensee must not start a water supply restriction —
- (b) on a day on which a total fire ban has effect under the *Bush Fires Act 1954* in the area of the State in which the place at which water is supplied to the customer is located; or

Minimum flow rate

[clause 33 of the 2013 Code; clause 39 of the revised Code]

402. Licensees may not reduce the rate of flow of a supply of water to a customer to below 2.3 litres each minute (clause 33 of the 2013 Code).
403. Unlike clause 31 and 32, clause 33 does not specifically state that it only applies if the customer's water supply has been reduced for non-payment.¹⁵⁷ The ERA therefore considers that clause 33 also applies if a customer's supply of water has been reduced for another reason under the Act.

¹⁵⁵ Under the *Bush Fires Act 1954*.

¹⁵⁶ <https://www.dfes.wa.gov.au/totalfirebans/Documents/TFB-Declarations-2010-11-to-2015-16.pdf>

¹⁵⁷ Clause 31 and 32 refer to section 95(1)(b) of the Act. Section 95(1)(b) provides that a licensee may cut off or reduce the rate of flow of water to land if 'water service charges [...] remain unpaid for 30 days after they become due'.

404. Section 95(2) of the Act allows licensees to reduce a customer's water supply 'to prevent the waste of water on or associated with land'.
405. In the Draft Decision, the ERA proposed to amend the Code to clarify that the minimum flow rate of 2.3 litres per minute applies regardless of whether a customer's water supply is reduced for non-payment of a bill or for water wastage.
406. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
407. **The ERA will amend clause 33 of the 2013 Code¹⁵⁸ as follows:**
- A licensee must not [under section 95\(1\)\(b\) or \(2\)](#), reduce the rate of flow of a supply of water to a customer to below 2.3 litres each minute.

¹⁵⁸ Clause 39 of the revised Code.

Part 6 of the revised Code – Faults, emergencies and interruptions affecting water services

Notifying customers of planned interruptions

[clause 43 of the revised Code]

408. Section 77 of the Act provides that licensees may interrupt, suspend or restrict the provision of a water service for maintenance or repair. There is no obligation on licensees to notify their customers in advance of a planned interruption. WA electricity distributors¹⁵⁹ and water licensees in some other Australian jurisdictions¹⁶⁰ must give their customers advance notice of planned interruptions.
409. In the Consultation Paper, the ERA proposed that licensees should have to give at least 48 hours' notice of a planned interruption.¹⁶¹ Notice could be given by post, television, radio, in a newspaper circulating in the affected area, or via electronic means.¹⁶²
410. Most stakeholders agreed with the ERA's proposal. Busselton Water noted that it may not always be practicable to give 48 hours' notice, and this may delay works. The Water Corporation advised that it already gives at least 24 hours' notice, and tries to exceed this when possible.
411. The WCCC agreed with the ERA's proposal.
412. In the Draft Decision, the ERA proposed to require licensees to notify each customer who will be affected by a planned interruption. Notice would have to be given at least 48 hours in advance, unless it is not reasonably practicable to do so. In that case, notice would have to be given at the earliest practicable time.
413. Allowing licensees to give less notice aimed to address Busselton Water's and the Water Corporation's concerns that it may not always be possible to give 48 hours' notice. It would also be consistent with the regulatory requirements for electricity distributors, who must give at least 72 hours' notice unless this 'is not reasonably practicable'.¹⁶³
414. The ERA also proposed that notice could be given by post, by television or radio, in a newspaper, or by electronic means.
415. The ERA did not receive any submissions on its proposals. The WCCC supported the ERA's proposals.

¹⁵⁹ Clause 11(1)(b) of the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*.

¹⁶⁰ Clause 9.4 of the *Victorian Customer Service Code: Urban Water Businesses* (April 2017); clause 10.3 of the *South East Queensland Customer Water and Wastewater Code* (April 2017); clause 19.2(1) of the *ACT Utilities (Consumer Protection Code) Determination 2012* (July 2012).

¹⁶¹ Issue 52A of the Consultation Paper.

¹⁶² Issue 52B of the Consultation Paper.

¹⁶³ Clause 11(1)(b)(ii) of the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*.

416. **The ERA will insert the following new clause in the Code:**

43. Notice of matters that will affect a water supply service

- (1) A licensee must give notice of any planned service interruption to each customer that will be affected by the service interruption.
- (2) The notice must be given —
 - (a) not less than 48 hours before the start of the service interruption; or
 - (b) if it is not reasonably practicable to comply with paragraph (a), at the earliest practicable time before the start of the service interruption.
- (3) The notice may be —
 - (a) sent by post or delivered to the place at which bills are sent under clause 12, or to the place in respect of which the water supply service is provided; or
 - (b) given by broadcast on a television or radio station broadcasting to the supply area; or
 - (c) given by publication in a newspaper circulating in the supply area; or
 - (d) given by electronic means.

Bursts, leaks, blockages and spills

[clause 44 of the revised Code]

417. Most Australian jurisdictions require water licensees to have a policy that deals with minimising the impact of bursts, leaks, blockages and spills.¹⁶⁴ WA licensees currently do not have to have such a policy.
418. In the Consultation Paper, the ERA asked if licensees should have to have a policy that deals with minimising the impact of bursts, leaks, blockages and spills.¹⁶⁵
419. Most stakeholders considered that licensees should be required to have such a policy. The Water Corporation pointed out that issues such as response times to faults and minimising impact to customers, are already addressed in other regulations. It considered that an obligation to have a policy will not drive any process changes or improvements, and is therefore unnecessary.
420. The WCCC considered that licensees should have to have a policy that deals with minimising the impact of bursts, leaks, blockages and spills. The WCCC considered that the policy should inform customers of their rights and responsibilities in the event of a burst, leak, blockage or spill. According to the WCCC, the Code should not prescribe the content of the policy or require licensees to comply with their policy.
421. In the Draft Decision, the ERA agreed with the WCCC that licensees should have to have a policy that deals with minimising the impact of a burst, leak or blockage in its water supply or sewerage works. The ERA considered that the Code should generally prescribe what should be addressed in the policy, but not set any specific standards. The ERA also agreed that licensees should not have to comply with their

¹⁶⁴ Clause 16.2 of the South Australian *Water Retail Code: Major Retailers* (WRC-MR/02); clause 9.3 of the Victorian *Customer Service Code: Urban Water Businesses* (April 2017); clause 10.5 of the *South East Queensland Customer Water and Wastewater Code* (April 2017); clause 11.4 of the *Tasmanian Water and Sewerage Industry Customer Service Code* (July 2015).

¹⁶⁵ Issue 51 of the Consultation Paper.

policy. The purpose of the policy is to inform customers of their rights and responsibilities, and ensure licensees have considered what they will do if a burst, leak or blockage occurs.

422. The ERA received a submission from MIDLAS on its proposal. MIDLAS queried the purpose of the policy:

What is the purpose of 'a policy to inform customers of their rights' if those customers don't actually have any rights because the licensee is not obliged to comply with their own policy?

MIDLAS suggested licensees should be required to 'make every reasonable effort' to comply with their own policies.

423. The WCCC supported the ERA's proposal.

424. **The ERA will include the following new clause in the Code:**

44. Bursts, leaks, blockages and spills

- (1) A licensee must have policies, practices and procedures for dealing with and minimising the impact of a burst, leak or blockage in its water supply works or sewerage works.
- (2) The policies, practices and procedures under subclause (1) must deal with at least the following matters —
 - (a) prompt attendance at a site after becoming aware of the existence of a burst, leak or blockage;
 - (b) the action or actions that must be taken to rectify a burst, leak or blockage, taking into account the potential or actual impact on —
 - (i) customers; and
 - (ii) other persons or entities affected by the burst, leak or blockage; and
 - (iii) property; and
 - (iv) the environment;
 - (c) the action or actions that must be taken to ensure that, in the event of a wastewater spill from the sewerage works of the licensee onto a customer's property, damage and inconvenience to the customer and other persons or entities are minimised;
 - (d) the action or actions that must be taken to ensure that, in the event of a wastewater spill from the sewerage works of the licensee, the spill is promptly cleaned and the affected area is disinfected.
- (3) The policies, practices and procedures under subclause (1) may be set out in one or more documents.

425. **If licensees would be obliged to comply with their policy, they would be more likely to only include minimum standards in their policies. The ERA will not oblige licensees to comply with their policy on bursts, leaks and blockages, but it does expect licensees to comply with their policy unless there are exceptional reasons for not complying.**

426. **The ERA notes that the proposed obligation is similar to the obligation on water licensees to develop a financial hardship policy. The Code also does not require water licensees to comply with their financial hardship policy.**

427. **If the ERA becomes aware that licensees systematically fail to comply with their policies on bursts, leaks and blockages, it will revisit the issue as part of the next Code review.**

24 hour information line

[clause 45 of the revised Code]

428. Licensees currently are not required to have a 24 hour telephone emergency telephone service. Some other Australian jurisdictions do require water licensees to have a 24 hour emergency telephone service.¹⁶⁶
429. In the Consultation Paper, the ERA asked if licensees should have to establish a 24 hour telephone number for faults and emergencies.¹⁶⁷
430. Stakeholders and the WCCC agreed that licensees should have to provide this service.
431. In the Draft Decision, the ERA proposed that licensees should have to provide a 24 hour information line that allows customers to notify a licensee of emergencies and faults, and to get information about the reason and expected duration of any unplanned interruption. The telephone service would have to be provided at the cost of a local call (except for calls from mobile phones).
432. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
433. **The ERA will include the following new clause in the Code:**
- 45. Licensee to have 24 hour information line**
- A licensee must provide a 24 hour information line by means of which, at the cost of a local telephone call (excluding mobile telephones), a customer can —
- (a) notify the licensee of emergencies and faults; and
 - (b) get information about the reason for, and the expected duration of, any unplanned service interruption.

¹⁶⁶ Clause 16.3.1 of the South Australian *Water Retail Code: Major Retailers* (WRC-MR/02); clause 19.3(1) of the ACT *Utilities (Consumer Protection Code) Determination 2012* (July 2012). Indirectly, other water codes also require licensees to have a 24 hour information line. For example, the Victorian and Tasmanian water codes require licensees to include a 24 hour emergency telephone number on their bills: clause 4.5(i) of the Victorian *Customer Service Code: Urban Water Business* (April 2017); clause 3.5(i) of the Victorian *Rural Water Customer Service Code* (April 2017); clause 5.4.1(i) of the *Tasmanian Water and Sewerage Industry Customer Service Code* (July 2015).

¹⁶⁷ Issue 53 of the Consultation Paper.

Part 7 of the revised Code – Complaints about water services

Updating the reference to the complaints standard

[clause 35(2)(a) of the 2013 Code; clause 46(2)(a) of the revised Code]

434. Clause 35(2)(a) of the 2013 Code includes a reference to complaints standard AS ISO 10002:2006. This standard was replaced with AS/NZS 10002-2014 in 2014.
435. In the Consultation Paper, the ERA proposed to replace the reference to AS ISO 10002:2006 in clause 35(2)(a) with AS/NZS 10002-2014.¹⁶⁸
436. Stakeholders and the WCCC agreed with the ERA's proposal.
437. In the Draft Decision, the ERA proposed to amend the Code as suggested in the Consultation Paper.
438. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
439. **The ERA will amend clause 35(2)(a) of the 2013 Code¹⁶⁹ as follows:**

The A-complaints procedure must be developed using as minimum standards the relevant provisions of —

- (a) ~~the AS/NZS 10002-2014~~~~AS ISO 10002-2006~~; and

Referring complaints to the water ombudsman

[clause 35(4)(a) and (c) of the 2013 Code]

440. A licensee's complaints procedure must state that a customer may, but does not have to, use the licensee's complaints procedure before applying to the Energy and Water Ombudsman WA (clause 35(4)(a) of the 2013 Code). It must also explain the benefits of raising a complaint with the licensee before contacting the Ombudsman (clause 35(4)(c) of the 2013 Code).
441. Although the Code provides that a customer may raise their complaint directly with the Energy and Water Ombudsman WA, the Ombudsman will generally only consider a complaint if the customer has already raised the matter with the licensee. It is unhelpful to advise customers of a right that, in practice, they do not have.
442. In the Consultation Paper, the ERA proposed to delete clauses 35(4)(a) and (c).¹⁷⁰
443. Stakeholders and the WCCC agreed with the ERA's proposal.
444. In the Draft Decision, the ERA proposed to delete clauses 35(4)(a) and (c).
445. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.

¹⁶⁸ Issue 42 of the Consultation Paper.

¹⁶⁹ Clause 46(2)(a) of the revised Code.

¹⁷⁰ Issue 43A and B of the Consultation Paper.

446. **The ERA will delete clauses 35(4)(a) and (c) from the 2013 Code.**

Advising customers of the existence of the water ombudsman

[clause 47 of the revised Code]

447. Licensees currently do not have to advise customers that they may raise their complaint with the Energy and Water Ombudsman WA if they are not happy with the outcome of the licensee's complaint process.
448. In the Consultation Paper, the ERA asked if licensees should have to advise customers of their right to raise their complaint with the Energy and Water Ombudsman WA if the customer is not satisfied with the outcome of the licensee's process.¹⁷¹ And, if so, should licensees have to give customers the Ombudsman's Freecall telephone number.¹⁷²
449. Stakeholders and the WCCC agreed that customers should be told that they can raise their complaint with the Energy and Water Ombudsman WA. They should also be given the water Ombudsman's Freecall telephone number.
450. In the Draft Decision, the ERA proposed to include a new clause in the revised Code. The clause ensured that when a licensee considers that a customer's complaint has been resolved, the licensee would have to advise the customer accordingly. The licensee would also have to inform the customer of their right to have their complaint reviewed by the Energy and Water Ombudsman WA, and provide the customer with the Ombudsman's Freecall telephone number.
451. The obligation proposed in the Draft Decision differed from the suggestion in the Consultation Paper. In the Consultation Paper the ERA asked if the information should be given 'if the customer is not satisfied with the outcome of the licensee's process'. As it will not always be clear whether a customer is satisfied with the outcome, the ERA considered it preferable that the information is provided whenever the licensee considers a customer's complaint is resolved.
452. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
453. **The ERA will include the following new clause in the Code:**
47. **Licensee to advise customer of right to apply to water services ombudsman for review of complaint**
When a licensee considers that a customer's complaint has been resolved the licensee must —
- (a) advise the customer accordingly; and
 - (b) inform the customer that the customer has a right to apply to the water services ombudsman under a scheme approved under section 65 for a review of the complaint; and
 - (c) provide a Freecall telephone number for the office of the water services ombudsman.

¹⁷¹ Issue 44A of the Consultation Paper.

¹⁷² Issue 44B of the Consultation Paper.

Complaints to be considered by a senior employee

454. Customers currently do not have the right to have their complaint considered by a senior employee of the licensee.
455. In the Consultation Paper, the ERA asked if licensees should have to have an escalation process that allows customers to ask for their complaint to be considered by a senior employee.¹⁷³ And, if so, if licensees should have to advise customers of their right to have their complaint considered by a senior employee.¹⁷⁴
456. Stakeholders and the WCCC considered that licensees should not have to have an internal escalation process for complaints.
457. Although the WCCC considered that licensees should not have to have an internal escalation process for complaints, it did want licensees to have to refer to their internal escalation process in their complaints handling process.
458. In the Draft Decision, the ERA proposed that licensees should not have to have an internal escalation process in place, or have to advise their customers of such a process.
459. The ERA did not propose to oblige licensees to refer to an internal escalation process in their complaints handling processes, as suggested by the WCCC. The ERA considered that licensees should not have to refer to a process that they do not have to have.
460. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal not to amend the Code.
461. **The ERA will not amend the Code. Licensees will not be required to have an internal escalation process, or to advise their customers of such a process.**

Defining when a complaint is resolved

462. Two clauses in the 2013 Code¹⁷⁵ refer to a complaint being 'resolved'. However, the term 'resolved' is not defined in the Code.
463. In the Consultation Paper, the ERA asked if the Code should specify when a complaint is considered to have been resolved.¹⁷⁶ And, if so, should it only relate to certain complaints (for example, complaints relating to non-payment).¹⁷⁷
464. Stakeholder responses to this question were mixed. Both Aqwest and Busselton Water agreed that there is no need to define the term 'resolved' in the Code. The Department of Water supported defining the term as it would improve clarity and

¹⁷³ Issue 45A of the Consultation Paper.

¹⁷⁴ Issue 45B of the Consultation Paper.

¹⁷⁵ Clause 32(e) and 35(3)(d) of the 2013 Code. The term is also used in clauses 32(1)(b), 33(1)(d) and 47 of the revised Code.

¹⁷⁶ Issue 46A of the Consultation Paper.

¹⁷⁷ Issue 46B of the Consultation Paper.

consistency across licensees. The Water Corporation considered that defining the term would be problematic as a customer may escalate the complaint at a later time.

465. The WCCC recommended that the Code should not contain a definition of the term 'resolved'.
466. In the Draft Decision, the ERA proposed not to amend the Code.¹⁷⁸
467. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal not to amend the Code.
468. **The ERA will not include a definition of the term 'resolved' in the Code.**
469. **The ERA notes that, even though the term 'resolved' will not be defined in the Code, licensees are required to demonstrate they have completed all of the applicable steps in their complaints handling process before they are permitted to declare a complaint has been resolved.**

¹⁷⁸ The ERA did explain in the Draft Decision when it considers a complaint to be resolved. Also see paragraph 340 of this Final Decision.

Part 8 of the revised Code – Information and communication services

Historical billing and usage data

[clause 36(2) of the 2013 Code; clause 48(2) of the revised Code]

470. Clause 36(2) of the 2013 Code requires licensees to make available to each customer the customer's personal account information. It is not clear if only information of a personal nature must be provided, such as contact details and date of birth, or also billing and usage data.
471. In the Consultation Paper, the ERA proposed to clarify that 'personal account information' includes a customer's billing and usage data.¹⁷⁹ The ERA also proposed to clarify that this information must be provided free of charge.¹⁸⁰
472. The ERA further asked if licensees should be allowed to charge for providing billing and usage data if the data is over two years old.¹⁸¹
473. Stakeholders and the WCCC agreed with the ERA's proposal to clarify what is meant by the phrase 'personal account information'. They also agreed that personal account information should be provided free of charge.
474. In response to the ERA's question if licensees should be allowed to charge for data that is over two years old, both Aqwest and Busselton Water considered that licensees should be allowed to do so. The Water Corporation pointed out that some charges are provided for in other regulations. The Water Corporation will impose those charges if providing the data requires considerable effort.
475. The WCCC considered it unnecessary for this issue to be addressed in the Code. According to the WCCC, the *Water Services (Water Corporations Charges) Regulations 2014* already specify how much Aqwest, Busselton Water and the Water Corporation can charge for providing certain information.
476. In the Draft Decision, the ERA proposed to amend the Code as suggested in the Consultation Paper. The ERA did not propose to amend the Code to allow licensees to charge for data that is over two years old.
477. The ERA did not receive any submissions on its proposals. The WCCC supported the ERA's proposals.
478. **The ERA will amend clause 36(2) of the 2013 Code¹⁸² as follows:**
- (2) A licensee must make available to each customer, at no charge, the customer's personal account information including information about bills previously issued to the customer and about the quantity of water supplied to, or wastewater discharged by, the customer in previous billing periods.

¹⁷⁹ Issue 48A of the Consultation Paper.

¹⁸⁰ Issue 48B of the Consultation Paper.

¹⁸¹ Issue 48 (Comment sought) of the Consultation Paper.

¹⁸² Clause 48(2) of the revised Code.

Reducing or cutting off supply to customers who have been offered a payment plan

[clause 37(1)(h) of the 2013 Code; clause 49(1)(h) of the revised Code]

479. Clause 37(1) of the 2013 Code sets out what information licensees must make publicly available. This includes information that the licensee may reduce or cut off a customer's water supply even if the customer has been offered a payment plan.
480. In the Consultation Paper, the ERA proposed to clarify that customers who have been offered a payment plan should only have their water supply reduced if they have failed to accept the terms of the plan.¹⁸³ The ERA also asked within how many days customers should have to inform licensees whether or not they accept the plan.¹⁸⁴
481. Stakeholders generally agreed with the ERA's proposal. The WCCC considered that clause 37(1)(h)(i) should only apply when a customer has failed to accept a payment within a prescribed timeframe.
482. Stakeholder responses were mixed to the question of how many days customers should have to accept a plan. Aqwest suggested 7 days, whilst Busselton Water proposed 5 business days. The Water Corporation did not suggest a specific timeframe, but noted that payment plans are generally accepted at the time they are established. The WCCC recommended that customers be given 7 days to inform a licensee whether or not they accept a payment plan.
483. In the Draft Decision, the ERA proposed that the information made available, under clause 37(1)(h), must explain that a licensee can only reduce or cut off supply if a customer has not accepted a payment plan within 7 days.
484. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
485. **The ERA will amend clause 37(1)(h) of the 2013 Code¹⁸⁵ as follows:**
- A licensee must make information about the following matters publicly available —
- (h) that if the customer is offered a payment plan or other arrangement giving the customer more time to pay the bill or to pay arrears, the licensee's power as mentioned in paragraph (g) can only ~~may~~ be exercised ~~even~~ if —
 - (i) the customer has not accepted the offer within the period of 7 days after the day on which it was made; or
 - ~~(i) the customer is offered a payment plan or other arrangement under which the customer has been given more time to pay the bill or to pay arrears; or~~
 - (ii) having entered such a plan or other arrangement, the customer does not comply with it;

¹⁸³ Issue 49 (Proposal) of the Consultation Paper.

¹⁸⁴ Issue 49 (Comment sought) of the Consultation Paper.

¹⁸⁵ Clause 49(1)(h) of the revised Code.

Access to the Code

[clause 49(3) of the revised Code]

486. Licensees currently do not have to publish a copy of the Code on their website.
487. In the Consultation Paper, the ERA asked if licensees should have to make an electronic copy of the Code available on their website.¹⁸⁶
488. Stakeholder responses to this question were mixed.
489. The WCCC considered that licensees should only have to include a hyperlink to the Code on their website. Providing a hyperlink will minimise the risk of licensees having an out-of-date copy of the Code on their website.
490. In the Draft Decision, the ERA proposed that licensees should have to include a hyperlink to the Code on their website.
491. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
492. **The ERA will include the following new clause in the Code:**
- 49(3) A licensee must ensure that its website contains a link that provides access to the current version of this code appearing on the website that is maintained by or on behalf of the Western Australian Government and that provides public access to electronic versions of Western Australian legislation.
493. **The website 'that is maintained by or on behalf of the Western Australian Government and that provides public access to electronic versions of Western Australian legislation' is currently the State Law Publisher's website.**

¹⁸⁶ Issue 50 of the Consultation Paper.

Part 9 of the revised Code – Requirements for supply of water to persons with special requirements or needs

Persons other than customers

[clause 32(h) of the 2013 Code; clause 51 of the revised Code]

494. Clause 32(h) of the 2013 Code precludes a licensee from reducing a customer's water supply if the customer needs water to operate a life support machine or needs water for a special need.
495. The wording of clause 32(h) implies that the prohibition on reducing a water supply only applies if the customer (that is, the account holder) has special needs. If a person other than the account holder resides at the supply address and has special needs, the protections of the Code do not apply.
496. In the Consultation Paper, the ERA asked if the Code should also include protections for persons, other than customers, who reside at the customer's address and require water to operate a life support machine.¹⁸⁷
497. Stakeholders and the WCCC agreed that the protections in the Code should also apply these persons.
498. In the Draft Decision, the ERA proposed that the protections of the Code should apply if a person living at the supply address needs water to operate a life support machine or for a special need of another kind (collectively referred to in this Final Decision as *persons with special needs*).
499. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
500. **The ERA considers that the protections of the Code should apply to any person with special needs. New clause 51(2) therefore refers to a 'person who resides at a supply address' (rather than a 'customer who resides at a supply address').**

Preserved supply register

[clause 51 of the revised Code]

501. Licensees currently do not have to keep a register of persons with special needs.
502. In the Consultation Paper, the ERA asked if licensees should have to register persons with special needs.¹⁸⁸ And, if so, should the Code provide for a deregistration process.¹⁸⁹
503. Stakeholders and the WCCC agreed that licensees should have to maintain a current register of these persons.

¹⁸⁷ Issue 39F of the Consultation Paper.

¹⁸⁸ Issue 39B of the Consultation Paper. The Consultation Paper used the term 'customers who require a life support machine' rather than 'persons with special needs'.

¹⁸⁹ Issue 39C of the Consultation Paper.

504. In the Draft Decision, the ERA proposed that licensees should have to maintain an up-to-date 'preserved supply register'. The register should contain the name and supply address of persons with special needs.

505. The ERA received a submission from WACOSS on its proposal. WACOSS supported the ERA's proposal:

For customers who have special requirements (for example, use of a dialysis machine, life-support equipment etc.), water is an even more important service that must not incur a loss of supply due because of the consequent and grave risk to health. Listing these customers on a register ensures the licensee guarantees to appropriately notify them of any service interruptions and cannot restrict their supply.

WACOSS welcomes the introduction of clauses 38-41 (Part 8 of the Code) to ensure customers with these particular needs are protected, especially if faced with hardship, by the preserved supply register.

506. The WCCC also supported the ERA's proposal.

507. **The ERA will include the following new clause in the Code:**

51. Preserved supply register

- (1) A licensee must maintain an up to date register for the purposes of this Part.
- (2) This subclause applies if a licensee —
 - (a) receives notice or otherwise becomes aware that a person who resides at a supply address requires water for the operation of a dialysis machine or other life support equipment; or
 - (b) assesses and determines that a person who resides at a supply address requires water for a special need of another kind.
- (3) If subclause (2) applies, the licensee must record on the preserved supply register —
 - (a) the name of the person; and
 - (b) the supply address.

Notifying a licensee that a person has special needs

[clause 51(2)(a) of the revised Code]

508. Under clause 32(h)(i) of the 2013 Code, licensees are not allowed to reduce the supply of water to a customer who needs water to operate a life support machine or for a special need. The obligation applies regardless of whether the licensee is aware of the customer's needs or not.

509. In the Consultation Paper, the ERA asked if licensees should only be prevented from reducing a customer's water supply if the customer has notified the licensee that the person has special needs.¹⁹⁰

510. Stakeholders and the WCCC agreed that licensees should only be prevented from reducing a customer's rate of flow of drinking water if the licensee has been notified that the person has special needs. The Water Corporation advised that it currently receives monthly notifications from WA Home Therapies for all persons on haemodialysis. It argued that licensees should be able to rely on information given

¹⁹⁰ Issue 39A of the Consultation Paper. The Consultation Paper used the term 'customer [who] requires water to operate a life support machine' rather than a 'person with special needs'.

by the customer as well as other relevant organisations, such as WA Home Therapies.

511. In the Draft Decision, the ERA proposed that the protections of the Code should only apply if a licensee has received advice that a person with special needs resides at the supply address. The advice can be given by the customer as well as other organisations.
512. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
513. **The ERA considers that the protections of the Code should only apply if a licensee has received advice that a person with special needs resides at the supply address. Clause 51(2)(a) of the revised Code therefore provides that a licensee only has to record a person on the preserved supply register if the licensee 'receives notice or otherwise becomes aware' that a person who resides at the supply address requires water for the operation of a dialysis machine or other life support equipment.**

Notice of planned interruptions

[clause 53 of the revised Code]

514. Licensees currently do not have to give persons with special needs notice of planned interruptions.
515. In the Consultation Paper, the ERA asked if licensees should have to give persons with special needs written notice of planned interruptions.¹⁹¹ And, if so, how much notice should be provided.¹⁹²
516. Stakeholders and the WCCC considered that licensees should have to give 48 hours' written notice of a planned interruption if a person with special needs resides at the supply address. This is the same amount of notice proposed to be given to all other customers.¹⁹³ The difference was that for persons with special needs notices had to be given in writing, and may not, for example, be broadcast on radio only.
517. In the Draft Decision, the ERA proposed that licensees have to give written notice of a planned interruption if a person with special needs resides at the supply address. The ERA considered a 48 hour notice period to be reasonable.
518. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
519. **The ERA will include the following new clause in the Code:**
- 53. Notice under clause 43 must be sent by post or delivered**
Despite clause 43(3), in the case of a service interruption that will affect a supply address recorded on the preserved supply register, the notice

¹⁹¹ Issue 39G of the Consultation Paper. The Consultation Paper used the term 'customers who require a life support machine' rather than 'persons with special needs'.

¹⁹² Issue 39H of the Consultation Paper.

¹⁹³ See proposed clause 34B of the revised Code.

required by clause 43(1) must be sent by post or delivered to that supply address.

520. **New clause 53 ensures that persons with special needs receive a notice of a planned interruption in writing.**

Notice of unplanned interruptions

521. Licensees do not have to contact persons with special needs as soon as possible in the event of an unplanned interruption.
522. In the Consultation Paper, the ERA asked if licensees should have to contact persons with special needs in the event of an unplanned interruption.¹⁹⁴
523. Stakeholder responses to this question were mixed. Busselton Water argued that customers should not have to be contacted, whereas Aqwest argued they should. The Water Corporation advised that its current processes would already be compliant.
524. The WCCC considered that licensees should not have to contact persons with special needs¹⁹⁵ as soon as possible in the event of an unplanned interruption. The WCCC pointed out that such a requirement may be difficult to implement for licensees who do not have a 24 hour call centre. The WCCC suggested that the ERA revisit this issue during the next Code review. When revisiting the issue, the ERA may wish to clarify for what purpose contact must be made (e.g. is it to advise when water supply will be restored?).
525. In the Draft Decision, the ERA proposed not to amend the Code.
526. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
527. **The ERA will not amend the Code. Therefore, the Code will not require licensees to contact persons with special needs in the event of an unplanned interruption.**
528. **The ERA will revisit this matter as part of the next Code review.**

Definition of life support machine

529. The Code does not define the term 'life support machine'.
530. In the Consultation Paper, the ERA asked if the Code should include a definition of life support machine.¹⁹⁶ And, if so, what that definition should be.¹⁹⁷

¹⁹⁴ Issue 39I of the Consultation Paper. The Consultation Paper used the term 'customers who require a life support machine' rather than 'persons with special needs'.

¹⁹⁵ The WCCC advice used the term 'customers who require a life support machine' rather than 'persons with special needs'.

¹⁹⁶ Issue 39D of the Consultation Paper.

¹⁹⁷ Issue 39E of the Consultation Paper.

531. Stakeholder responses to this question were mixed. Aqwest and Busselton Water supported including a definition in the Code, whilst the Water Corporation considered the generic term of 'life support machine' to be adequate.
532. The WCCC considered there is no need for the Code to include a definition of a life support machine. The only equipment that is generally recognised as a life support machine, which requires water, is a dialysis machine.
533. In the Draft Decision, the ERA proposed not to amend the Code.
534. The ERA did not receive any submissions on its proposal. The WCCC supported the ERA's proposal.
535. **The ERA will not include a definition of life support equipment in the Code. However, new clause 51(2)(a) does include a reference to 'a dialysis machine', in addition to 'other life support equipment', to clarify that a dialysis machine is considered to be a type of life support equipment.**

Part 10 of the revised Code – Repeal

536. As set out in paragraph 1, the ERA will repeal the 2013 Code and replace it with the revised Code.
537. **The ERA will insert the following clause in the Code:**
54. **Repeal of previous code of conduct**
The *Water Services Code of Conduct (Customer Service Standards) 2013* published in the *Gazette* on 26 July 2013 at p. 3375-406 is repealed.

Other issues

Service standard payments

538. Electricity licensees in WA¹⁹⁸, and water licensees in Victoria¹⁹⁹ and the ACT²⁰⁰ must pay their customers a prescribed amount if they fail to meet certain service standards. Service standard breaches for which payment typically must be made include, for example, failure to give notice of a planned interruption and failure to restore supply within a prescribed timeframe. These payments are often referred to as ‘service standard payments’ or ‘guaranteed service level rebates’.
539. In the Consultation Paper, the ERA asked if service standard payments should be introduced into the Code.²⁰¹ And, if so, for which service standards.²⁰²
540. Stakeholder responses to this question were mixed. The Department of Water and Horizon Power supported the introduction of service standard payments into the Code. Aqwest, Busselton Water, the Water Corporation and the Joint Utilities group all opposed the introduction of service standard payments into the Code.
541. The WCCC did not support the introduction of service standards payments into the Code.
542. In the Draft Decision, the ERA proposed not to amend the Code. The ERA noted it was not aware of any ongoing issues with licensees not meeting service standards and considered there were insufficient grounds for introducing service standard payments at present. The ERA did undertake to revisit the matter as part of the next Code review.
543. The ERA received a submission from WACOSS on its proposal. WACOSS considered that:
- the policy experiences from Victoria and the ACT should be reflected in our State, where customers can be fairly compensated for the licensee breaching the service standards.
544. WACOSS further argued that it is equitable if customers, who are paying increasingly more for their water service, are compensated if their service fails to meet prescribed standards. According to WACOSS, the introduction of service standard payments would:
- ultimately not cause regulatory burden and would incentivise licensees to consistently achieve satisfactory levels of performance, whilst resolving customer complaints and reducing referrals to the Ombudsman.
545. The WCCC supported the ERA’s proposal not to introduce service standard payments in the Code at present. It also supported the ERA’s proposal to revisit the matter as part of the next Code review.

¹⁹⁸ Part 14 of the *Code of the Conduct for the Supply of Electricity to Small Use Customers 2016*.

¹⁹⁹ Schedule 1 of the *Victorian Customer Service Code: Urban Water Businesses* (April 2017).

²⁰⁰ Schedule 1 of the *ACT Utilities (Consumer Protection Code) Determination 2012* (July 2012).

²⁰¹ Issue 55A of the Consultation Paper.

²⁰² Issue 55B of the Consultation Paper.

546. **As noted in the Draft Decision, the ERA is not aware of any ongoing issues with licensees not meeting service standards. In the absence of such ongoing issues, the ERA considers that the costs of introducing service standard payments do not outweigh the benefits. Therefore, the ERA will not introduce service standard payments in the Code.**
547. **However, the ERA will revisit this matter as part of the next Code review.**

Pre-payment metering

548. In response to its Consultation Paper, the ERA received submissions from Horizon Power and the Regional Services Reform Unit (**Reform Unit**)²⁰³ on the use of prepayment water meters in regional and remote Aboriginal communities.
549. At the moment, most regional and remote Aboriginal communities are assumed to 'self-provide' their water and electricity services.²⁰⁴ There are several disadvantages associated with the 'self-provide' model, such as difficulties funding capital and operating costs, and that most infrastructure does not meet the minimum standards applying to licensed service providers. In 2016, the Aboriginal Affairs Cabinet Sub-Committee²⁰⁵ made a number of recommendations to address these issues. One of the recommendations was to make licensed providers responsible for the delivery of water and electricity services. The Reform Unit is currently working towards implementing the Sub-Committee's recommendations.
550. In its submission, the Reform Unit noted that several Aboriginal communities have expressed a wish for prepayment meters when water consumption charges are introduced.²⁰⁶ Prepayment water meters require a customer to pay for a water service before it is provided, similar to, for example, prepayment mobile phones. Horizon Power already offers prepayment meters for electricity in a number of Aboriginal communities.
551. Both the Reform Unit's and Horizon Power's submissions argued that the option should exist for licensees to use prepayment metering to deliver water services to regional and remote Aboriginal communities.
552. The introduction of prepayment meters would have implications for the Code. As noted in both submissions, certain provisions of the Code are not compatible with the operation of prepayment meters. This includes the requirement on licensees to issue a bill and limitations on when a customer's water supply may not be restricted. Some of the proposed changes to the Code would also affect pre-payment meters.

²⁰³ The Reform Unit was established by State Government to improve the lives of Aboriginal people in regional and remote Western Australia by driving reform of regional services.

²⁰⁴ Regional Services Reform Unit, *Resilient Families, Strong Communities: A roadmap for regional and remote Aboriginal communities*, July 2016, pg 8. Available at: http://regionalservicesreform.wa.gov.au/sites/regionalservicesreform.wa.gov.au/files/pdfs/CS671_RSRU_RoadMapDocument_Web_v4.pdf

²⁰⁵ The Aboriginal Affairs Cabinet Sub-Committee was established by the Cabinet of Western Australia in April 2013 to set policy direction and drive better coordination across government in Aboriginal affairs. More information about the Sub-Committee is available at: https://www.daa.wa.gov.au/about-the-department/boards_and_committees/Aboriginal-Affairs-Cabinet-Sub-Committee/

²⁰⁶ At present, charges for water supply and sewerage services are generally paid by the community, rather than individuals.

- For example, the newly proposed obligations to issue reminder and restriction notices.
553. To facilitate the introduction of prepayment meters, these sections of the Code would need to be amended or a whole new part would need to be added (similar to Part 9 of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016*).
554. Water prepayment meters are not widely used. The ERA is not aware of their use in other Australian states, and in the United Kingdom they are banned altogether.
555. Neither the Reform Unit nor Horizon Power specified in their submissions the type of prepayment water meter(s) they consider suitable for use in regional and remote Aboriginal communities. To be able to provide adequate safeguards for customers, it is important to know the technical capabilities of prepayment water meters. As a minimum, the meter should be able to reduce supply, rather than simply cut off supply, if credit has run out. Other minimum standards could also be considered. For example, prepayment electricity meters must be able to inform a licensee how often, and for how long, a customer has been disconnected;²⁰⁷ must allow a customer to access emergency credit outside normal business hours;²⁰⁸ and must be able to provide certain information to customers (such as the outstanding balance and whether the meter is operating on normal or emergency credit).²⁰⁹
556. Prescribing safeguards that technically cannot be met is not in anyone's interest. In the Draft Decision, the ERA therefore advised that it would not consider any amendments to the Code until there is considerable certainty about the type of prepayment water meters that are available and their technical capabilities and reliability.
557. The ERA also commented that it was mindful that there is currently no federal or State regulatory framework that deals with prepayment water meters. This means that the ERA will not be able to draw upon the experience of other State or federal regulators when regulating prepayment water meters.
558. Prescribing acceptable safeguards for the use of prepayment water meters is a complex issue and requires significant consideration. In the Draft Decision, the ERA expressed concern that the current review process does not provide the ERA and stakeholders with sufficient time to consider all of the issues involved. The ERA would like to consult more widely, including with persons living in regional and remote Aboriginal communities and/or their representatives before progressing amendments to the Code that permit the use of prepayment water meters.
559. The ERA proposed that it would not amend the Code to facilitate the use of prepayment water meters in regional or remote Aboriginal communities. However, the ERA invited the Reform Unit and Horizon Power to apply to the ERA for a separate Code amendment process on prepayment water meters. The ERA noted that, to assist the ERA in considering the application, the application should include details about the type of prepayment water meter(s) that are likely to be used, including: their technical capabilities, the management of the meters and how

²⁰⁷ Clause 9.6(b)(i) of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016*.

²⁰⁸ Clause 9.6(a) of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016*.

²⁰⁹ Clause 9.3(3) of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2016*.

information about disconnections and use of emergency credit will be collected and stored.

560. In its letter of advice on the ERA's Consultation Paper, the WCCC expressed a similar opinion:

The committee suggests that the ERA hold off on amending the Water Code until more certainty exists regarding the type of prepayment meters that will be used and their technical capabilities. The committee also considers that, given the complexity of the issue, the use of prepayment meters is better considered as part of a separate code amendment process rather than the current general review process.

561. The ERA did not receive any submissions on its proposal in the Draft Decision not to facilitate the use of prepayment water meters in regional or remote Aboriginal communities. The WCCC supported the ERA's proposal.

562. **The ERA will not amend the Code to facilitate the use of prepayment water meters in regional and remote Aboriginal communities.**

563. **However, the ERA reminds the Reform Unit and Horizon Power that it can apply to the ERA for a separate Code amendment process on prepayment water meters.**

Appendix 1 Water Services Code of Conduct 2018 – clean version

Water Services Code of Conduct (Customer Service Standards) 2018

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Water Services Code of Conduct (Customer Service Standards) 2018

Made under section 27 by the Economic Regulation Authority in consultation with the consultative committee established under section 28.

Part 1 — Preliminary

1. Citation

This code is the *Water Services Code of Conduct (Customer Service Standards) 2018*.

2. Commencement

This code comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this code is published in the *Gazette*;
- (b) the rest of the code — on 1 July 2018.

3. Terms used

In this code —

AS, followed by a number and year, means a document so referred to published by Standards Australia;

AS/NZS, followed by a number and year, means a document so referred to published jointly by —

- (a) Standards Australia; and
- (b) the Standards Council of New Zealand;

bill means a bill for a water service charge;

cl. 3

bill for usage has the meaning given in clause 11(2);

business day means a day that is not a Saturday, Sunday or public holiday;

concession includes an exemption, discount or rebate;

connection means a connection of a water service to land;

estimate includes a calculation based on an estimate;

National Interpreter Symbol means the national public information symbol “Interpreter Symbol” (with text) developed by Victoria in partnership with the Commonwealth, State and Territory governments in accordance with AS 2342-1992;

publicly available, in relation to a document of a licensee, means that —

- (a) any person may view the document on, and download the document from, the licensee’s website; and
- (b) a hard copy of the document is provided to a customer on request and at no charge;

residential customer means a customer who uses the place in respect of which a water service is provided solely or primarily as the customer’s dwelling;

section means section of the Act;

water services ombudsman means the Energy and Water Ombudsman Western Australia performing the functions of water services ombudsman under a scheme approved under Part 4 of the Act and an agreement under the *Parliamentary Commissioner Act 1971* section 34.

Note:

Other words and expressions used in this code have the same respective meanings as in the *Water Services Act 2012*. See the *Water Services Act 2012* sections 26(5) and 27(5) and the *Interpretation Act 1984* section 44.

4. Application of code

- (1) In this clause —
drinking water means —
- (a) potable water; and
 - (b) water that is not potable but that is supplied on the basis that the customer is responsible for treating the water to make it fit for humans to drink.
- (2) This code applies to —
- (a) each licensee that provides a water supply service, but only in respect of the supply of drinking water, and each of the licensee's customers; and
 - (b) each licensee that provides a sewerage service and each of the licensee's customers.
- (3) If charges do not apply for the provision of a water service to a customer by a licensee the application of this code to the provision of the water service is modified as follows —
- (a) Parts 3 and 4, clauses 34 to 38, clause 40(1), clause 49(1)(a), (b), (c), (g) and (h) and (2)(a) to (e) and clause 52 do not apply;
 - (b) clause 39 does not apply except to the extent that it applies to the reduction, under section 95(2), of the rate of flow of a supply of water;
 - (c) clause 41 does not apply except to the extent that it applies to the restoration of a supply of water which has been cut off, or the rate of flow of which has been reduced, under section 95(1)(a), (c), (d) or (e);
 - (d) clause 48(1) does not apply to the extent that it refers to account or payment enquiries;
 - (e) clause 48(2) does not apply to the extent that it refers to bills previously issued or previous billing periods;

cl. 5

- (f) clause 49(4) does not apply to the extent that it refers to a requirement under clause 49(1)(a), (b), (c), (g) and (h) and (2)(a) to (e).

5. Contracting out

- (1) Nothing in this code prevents a licensee and a customer who is not a residential customer from entering into an agreement that varies or displaces the requirements of this code in relation to the licensee or customer.
- (2) Subclause (3) applies if the licence of a licensee (the *licensee*) is one to which Schedule 1 clause 10(1) of the Act applies.
- (3) If an agreement between the licensee and a customer that was in effect on 18 November 2013 and remains in effect has provisions that are inconsistent with this code in relation to the licensee or customer, the provisions of the agreement prevail to the extent of the inconsistency.

6. Local government laws prevail if inconsistent with code

- (1) If the *Local Government Act 1995* has provisions that are inconsistent with this code in relation to a licensee that is a local government or a customer of a licensee that is a local government, the provisions of the *Local Government Act 1995* prevail to the extent of the inconsistency.
- (2) In subclause (1) a reference to the *Local Government Act 1995* includes a reference to regulations and local laws under that Act.

7. Notes and examples not part of code

Notes and examples in this code are provided to assist understanding and do not form part of the code.

Part 2 — Connection of water services to land

8. Information about connections

- (1) A licensee must have written information for customers about connections.
- (2) The information must deal with each of the following —
 - (a) entitlements under section 73 to the provision of —
 - (i) water supply services; and
 - (ii) sewerage services;
 - (b) licensee functions under section 21 concerning the provision of —
 - (i) water supply services; and
 - (ii) sewerage services;
 - (c) the regulations that prescribe requirements for the purpose of section 21(2)(c) or (3)(c);
 - (d) how to apply for a connection;
 - (e) the things that a customer must do, and the things that must be complied with, before a connection is made;
 - (f) the fees that apply in relation to connections and when the fees are payable;
 - (g) the period mentioned in clause 9(2) in which standard supply connections as defined in clause 9(1) are required to be completed.
- (3) The information must be publicly available.

9. Minimum performance standards for standard supply connections

- (1) A connection is a *standard supply connection* if it —
 - (a) connects a metered water supply service to an existing main; and
 - (b) comprises 20 mm water supply pipes.

cl. 9

- (2) A standard supply connection must be completed before the end of the period of 10 business days starting on the day on which both of these things have been complied with —
 - (a) the customer has done, or complied with, all the things, that the customer must do and comply with before a standard supply connection is made; and
 - (b) the fees that apply in relation to the standard supply connection have been paid.
- (3) Subclause (2) does not apply if the licensee and customer expressly agree otherwise.
- (4) A licensee must ensure that there is a 90% compliance rate with subclause (2) in any 12 month period ending on 30 June.

Part 3 — Billing for water services

10. Bills other than for quantities supplied or discharged

- (1) In this clause —
fixed charge means a water service charge that is not a quantity charge as defined in clause 11(1).
- (2) If fixed charges apply for the provision of a water service to a customer by a licensee, the licensee must, at least once in every 12 month period, issue a bill for a fixed charge to the customer.

11. Bills for quantities supplied or discharged

- (1) In this clause —
quantity charge means a water service charge based on the quantity of water supplied or wastewater discharged.
- (2) If quantity charges apply for the provision of a water service to a customer by a licensee, the licensee must, at least once in every 4 month period, issue a bill for a quantity charge (a *bill for usage*) to the customer.
- (3) A bill for usage must be based on a meter reading to ascertain the quantity supplied or discharged.
- (4) If an accurate meter reading is not possible, a bill for usage must be based on an estimate, in accordance with regulations mentioned in section 222(2)(h) (if any), of the quantity of water supplied or wastewater discharged.
- (5) If an accurate meter reading is not possible and there are no applicable regulations, a bill for usage must be based on a reasonable estimate of supply or discharge —
 - (a) by referring to a daily average quantity of water supplied, or wastewater discharged, in a previous period; or
 - (b) by adjusting the quantity as measured by a faulty meter to take into account the effects of the fault; or

cl. 12

- (c) on a basis agreed with the customer.
- (6) Despite subclauses (4) and (5), at least once in every 12 month period a bill for usage based on a meter reading must be issued.

12. Sending bills

A licensee must send a bill —

- (a) to the address of the place in respect of which the water service is provided; or
- (b) if the customer nominates another address, to the nominated address.

Note:

Note the *Electronic Transactions Act 2011* in relation to electronic communications.

13. Information on bills

- (1) Each bill must contain the following information —
 - (a) the customer's name;
 - (b) the account number;
 - (c) the address of the place in respect of which the water service is provided;
 - (d) any other address nominated by the customer for sending of bills;
 - (e) the day on which the bill is issued;
 - (f) the charge payable;
 - (g) the water service for which the charge is payable;
 - (h) the date when payment is due;
 - (i) the nature and amount of any applicable concession;
 - (j) the amount of any interest or fees charged for late payment of amounts outstanding from previous bills;
 - (k) the amount of any arrears or credit standing to the customer's name;

- (l) the options for payment that are available to the customer;
 - (m) if applicable, a statement advising the customer that interest or fees may be charged for late payment of the bill;
 - (n) a statement advising the customer that the licensee can be contacted for assistance if the customer is experiencing problems paying the bill.
- (2) A bill may be issued for 2 or more water services whether the water services are provided in respect of the same place or in respect of different places.
- (3) A bill issued for 2 or more water services must specify the charge payable for each water service.
- (4) Each bill for usage for a metered water service must also contain the following information —
- (a) whether the bill was based on —
 - (i) a meter reading; or
 - (ii) an estimate of the quantity of water supplied or the quantity of wastewater discharged;
 - (b) the billing period;
 - (c) the number of days to which the bill applies;
 - (d) the 2 most recent dates on which the quantity of water supplied or the quantity of wastewater discharged was ascertained, whether by a meter reading or an estimate;
 - (e) if the bill was based on a meter reading —
 - (i) the actual meter reading; and
 - (ii) the total quantity of water supplied or the quantity of wastewater discharged according to the meter reading;

cl. 13

- (f) if the bill was based on an estimate, the total quantity of water supplied or the quantity of wastewater discharged according to the estimate;
 - (g) information, if available, about the customer's water usage in the billing period compared with the customer's water usage —
 - (i) in the previous billing period; and
 - (ii) in the corresponding billing period in the previous year.
- (5) If a bill for usage for a metered water service was based on an estimate, the bill must inform the customer that the licensee will tell the customer on request —
- (a) the basis of the estimate; and
 - (b) the reason for the estimate.
- (6) Each bill must contain the following general information —
- (a) the licensee's website address;
 - (b) a telephone number for account, payment and general enquiries;
 - (c) a telephone number for complaints;
 - (d) a Freecall telephone number for the office of the water services ombudsman;
 - (e) the telephone number of the 24 hour information line provided in accordance with clause 45;
 - (f) contact details for account, payment and general enquiries for use by customers with hearing or speech impairment;
 - (g) for a residential customer, the telephone number for interpreter services together with the National Interpreter Symbol and the words "Interpreter Services";
 - (h) a statement that the website contains information about estimates, meter reading and testing, complaints and review;

- (i) a statement that the bill can be reviewed in accordance with the licensee's review procedure mentioned in clause 20.

14. Estimates: licensee's obligations

- (1) If a bill is based on an estimate, the licensee must tell the customer, on request —
 - (a) the basis of the estimate; and
 - (b) the reason for the estimate.
- (2) If a bill is based on an estimate, the licensee must make any necessary adjustments to the next bill to take into account the extent to which the estimate was not reasonable having regard to a subsequent and accurate meter reading.

15. Information on bills if charge per kL varies depending on volume supplied

- (1) In this clause —
 - consumption year* for a customer means —
 - (a) if the *Water Services (Water Corporations Charges) Regulations 2014* apply to the licensee — the period determined under those regulations as the consumption year for the land where the place at which water is supplied to the customer is located; or
 - (b) in any other case — the period notified by the licensee to the customer as the customer's consumption year;
 - tariff* means charge per kL of water supplied.
- (2) This clause applies to a bill for usage if —
 - (a) the amount of water supplied to a customer during a consumption year is divided for charging purposes into 2 or more volumetric ranges (*e.g. up to 150 kL; over 150 kL but not over 350 kL; etc.*); and

cl. 16

- (b) tariffs differ for water supplied within different volumetric ranges (*e.g. \$0.94 per kL for water supplied within the range up to 150 kL; \$1.74 per kL for water supplied within the range over 150 kL but not over 350 kL; etc.*).
- (3) Each bill for usage to which this clause applies must, in addition to the requirements of clause 13, contain the following information —
 - (a) the tariff for each volumetric range within which water has been supplied to the customer;
 - (b) how much more water the customer can be supplied with before supply will start to be in the next volumetric range;
 - (c) the tariff for the next volumetric range;
 - (d) the day on which the tariff for water supplied to the customer will revert to the lowest tariff (*i.e. the day on which the customer's next consumption year starts*).

16. Requested meter readings, revised bills: licensee's obligations

- (1) In the case of a metered water service, the licensee must provide to the customer on request any of the following —
 - (a) a meter reading and bill to determine the outstanding charge for a period that is not the same as the usual billing cycle;
 - (b) if the customer disputes an estimate on which a bill is based, a meter reading and revised bill.
- (2) A licensee does not have to provide, under subclause (1)(a) or (b), a meter reading, bill or revised bill if —
 - (a) the meter is not operable; or
 - (b) a fee that applies to providing the reading or bill has not been paid.

17. Leaks

- (1) In this clause —
customer's system means any fitting, fixture or pipe for which a customer, or the occupier of land owned by a customer, is responsible for the purposes of section 92(1).
- (2) A licensee must have a written policy, standard or set of guidelines in relation to the granting of a discount to a customer whose meter reading indicates a water usage that is higher than normal for the customer but is likely to have been wasted because of a leak from the customer's system.
- (3) The policy, standard or guidelines must be publicly available.

18. Undercharging in bills

- (1) A licensee may recover from a customer an amount that has not been, but could have been, the subject of a bill (the *undercharged amount*).
- (2) The undercharged amount cannot be recovered from the customer unless it is for water services provided in the 12 month period ending on the day on which the licensee informed the customer that the customer has not been charged for the undercharged amount.
- (3) The undercharged amount must be the subject of, and explained in —
 - (a) a special bill for the undercharged amount; or
 - (b) a separate item in the next bill.
- (4) The licensee must not charge interest or late payment fees on the undercharged amount.
- (5) The licensee must allow the customer to pay the undercharged amount by way of a repayment plan that has effect for the shorter of the following periods starting on the day on which the

cl. 19

bill mentioned in subclause (3)(a) or (b) is issued, as is applicable in the case —

- (a) a period for the same amount of time in which the undercharging occurred;
 - (b) a period of 12 months.
- (6) Subclauses (2), (4) and (5) do not apply if the undercharging occurred as a result of the fraudulent or illegal conduct of the customer.

19. Overcharging in bills

- (1) This clause applies if —
- (a) a licensee has overcharged a customer by including an amount in a bill that should not have been included in the bill (the *overcharged amount*); and
 - (b) the customer has paid the bill, including the overcharged amount.
- (2) The licensee must, before the end of the period of 15 business days starting on the day the licensee became aware of the overcharging —
- (a) credit the overcharged amount to the customer's account; or
 - (b) send the customer a notice (an *overcharging notice*) informing the customer of the overcharging and recommending options for how the overcharged amount may be refunded to the customer or credited to the customer's account.
- (3) If the licensee sends the customer an overcharging notice and receives instructions from the customer about the refunding or crediting of the overcharged amount, the licensee must, in accordance with the instructions, refund the overcharged amount, or credit the overcharged amount to the customer's account, before the end of the period of 15 business days starting on the day the licensee receives the instructions.

- (4) If instructions from the customer about the refunding or crediting of the overcharged amount have not been received by the licensee at the end of the period of 10 business days starting on the day an overcharging notice is sent, the licensee must credit the overcharged amount to the customer's account before the end of the period of the next 15 business days.
- (5) The licensee must notify the customer immediately after crediting the overcharged amount to the customer's account under subclause (2)(a), (3) or (4).

20. Review of bills

- (1) A licensee must review a bill on the customer's request.
- (2) A licensee must have a written procedure for the review of a bill on the customer's request (the *review procedure*).
- (3) The review procedure must include information about the following —
 - (a) requesting a meter reading or the testing of a meter as mentioned in clause 49(2)(c) and (d);
 - (b) what happens if, on review, it is found that the customer has been undercharged or overcharged;
 - (c) what the customer can do if unsatisfied with the outcome of the review.
- (4) In relation to subclause (3)(c), the review procedure must state that the customer may, but does not have to, use the licensee's complaints procedure mentioned in clause 46 before or instead of —
 - (a) applying to the water services ombudsman under a scheme approved under section 65 in respect of the complaint; or
 - (b) making an appeal from, or applying for a review of, the decision that gave rise to the customer's request for

cl. 21

review, if an appeal or review is available under regulations mentioned in section 222(2)(k).

- (5) The licensee must inform the customer of the outcome of a review of the customer's bill as soon as practicable or otherwise before the end of the period of 15 business days starting on the day the customer's request for review was received.
- (6) The review procedure must be publicly available.

21. Notice of alterations to charges

- (1) A licensee must notify each of its customers of any change to the amount or rate of a water service charge.
- (2) The notification —
 - (a) must be given not later than when the next bill for a water service charge of that kind is issued under clause 10(2) or 11(2), as the case may be, and sent to the customer under clause 12; and
 - (b) may be included in that next bill.

Part 4 — Payment for water services

22. Terms used

In this Part —

consumer organisation means an organisation that represents the interest of customers as consumers;

financial hardship means being in an ongoing state of financial disadvantage in which the ability of a customer who is a residential customer to meet the basic living needs of the customer or a dependant of the customer would be adversely affected if the customer were to pay an unpaid bill;

payment difficulties means being in a state of financial disadvantage that is not likely to be ongoing and in which the customer is unable to pay an unpaid bill.

23. When payment due

The time set by a licensee for the payment of a bill must be after the end of the period of 14 days starting on the day the bill is issued.

24. Payment methods

- (1) A licensee must allow a customer to pay a bill by any of the following methods selected by the customer —
 - (a) in the case of a residential customer — Centrepay (*i.e. the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments*);
 - (b) internet;
 - (c) telephone;
 - (d) post.
- (2) A licensee must, when offering bill payment method options, inform customers of the fees and charges (if any) associated with each bill payment method offered.

cl. 25

- (3) Nothing in subclause (1) prevents a licensee from providing another bill payment method in addition to those set out in that subclause.

25. Consent for direct debits

- (1) If under clause 24(3) a licensee allows a customer to pay a bill by direct debit, the licensee must, before receiving a bill payment by direct debit, obtain the express consent —
 - (a) of the customer; or
 - (b) of an adult person nominated by the customer to give consent.
- (2) A consent or nomination under subclause (1) can be oral or written.

26. Payment in advance

- (1) A licensee must accept payment in advance from a customer on the customer's request.
- (2) A licensee does not have to credit interest to an amount paid in advance.

27. Free redirection in case of absence or illness

A licensee must redirect a customer's bills to another person on the customer's request and at no charge if the customer is or will be unable to pay the bills because of the customer's absence or illness.

28. Assistance for customers experiencing payment difficulties

- (1) This clause applies if —
 - (a) a licensee has sent a bill to a customer; and
 - (b) the licensee has assessed that the customer is experiencing payment difficulties.

- (2) The licensee must —
 - (a) advise the customer that the customer has a right to pay the bill under a payment plan or other arrangement under which the customer is given more time to pay the bill or to pay arrears; and
 - (b) offer to enter into an appropriate plan or arrangement with the customer.
- (3) When formulating a payment plan or other arrangement for a customer the licensee must take into account —
 - (a) the customer's capacity to pay the bill; and
 - (b) in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.
- (4) The licensee must consider and decide whether or not the payment plan or other arrangement should be interest-free, or fee-free, or both.

29. Financial hardship policy

- (1) A licensee must have a written policy in relation to financial hardship.
- (2) A licensee's financial hardship policy does not have effect unless it is approved by the Authority.
- (3) Unless the Authority approves otherwise, a licensee's financial hardship policy must comply with the Authority's guidelines (if any) in relation to financial hardship policies.
- (4) Subclauses (2) and (3) also apply to amendments to a licensee's financial hardship policy.
- (5) A licensee's financial hardship policy must be in effect before the end of the 6 month period starting on the day of the grant of the licensee's licence.
- (6) The financial hardship policy must be publicly available.

cl. 30

- (7) A licensee must review its financial hardship policy at least once in every 5 year period.
- (8) In addition to any review under subclause (7), a licensee must review its financial hardship policy if directed to do so by the Authority.
- (9) When formulating or reviewing its financial hardship policy, a licensee must consult with relevant consumer organisations.

30. Assistance for customers experiencing financial hardship

- (1) This clause applies if —
 - (a) a licensee has sent a bill to a customer who is a residential customer; and
 - (b) the licensee has assessed, under its financial hardship policy, that the customer is experiencing financial hardship.
- (2) The licensee must —
 - (a) advise the customer that the customer has a right to pay the bill under an interest-free and fee-free payment plan or other arrangement under which the customer is given more time to pay the bill or to pay arrears; and
 - (b) offer to enter into an appropriate plan or arrangement with the customer.
- (3) When formulating a payment plan or other arrangement for a customer the licensee must take into account —
 - (a) the customer's capacity to pay the bill; and
 - (b) in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.

- (4) In addition to the requirements of subclauses (2) and (3), the licensee must —
- (a) consider reducing an amount owing by the customer to the licensee; and
 - (b) at the customer's request, review how the customer is paying the bill under a payment plan or other arrangement entered into under subclause (2) and, if the review indicates that the customer is unable to meet obligations under the plan or arrangement, revise it; and
 - (c) provide written information to the customer about —
 - (i) redirecting the bill free of charge under clause 27; and
 - (ii) the bill payment methods provided by the licensee; and
 - (iii) applying for concessions to which the customer may be entitled; and
 - (iv) seeking independent financial counselling or seeking advice from relevant consumer organisations; and
 - (v) applying for any other financial assistance to which the customer may be entitled including from Government-funded grant schemes.

31. Matters relating to customers experiencing payment difficulties or financial hardship

- (1) In this clause —
payment scheme means a payment plan or other arrangement mentioned in clause 28(2) or 30(2).
- (2) Nothing in clause 28 or 30 prevents a licensee from offering a payment arrangement or other kind of assistance in addition to a payment scheme.

cl. 32

- (3) Despite clause 28 or 30, a licensee does not have to, but may, offer a payment scheme to a customer who has had 2 payment schemes cancelled because they have not been complied with.
- (4) A licensee must have written information about the payment schemes and other assistance that it has available to customers for the purposes of clause 28 or 30.
- (5) The information must be publicly available.

32. No interest or charges for late payment in certain cases

- (1) A licensee must not charge interest or fees for late payment of a bill by a customer —
 - (a) if the licensee has assessed, under its financial hardship policy, that the customer is experiencing financial hardship; or
 - (b) if a complaint made by the customer to the licensee that directly relates to the non-payment of the bill is not resolved; or
 - (c) if a complaint made by the customer to the water services ombudsman that directly relates to the non-payment of the bill is not determined or is upheld by the water services ombudsman.
- (2) Subclause (1)(c) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

33. No debt collection in certain cases

- (1) A licensee must not commence or continue proceedings to recover a debt from a customer if —
 - (a) the customer is complying with a payment plan or other arrangement entered into under clause 28(2) or 30(2); or
 - (b) the licensee is assessing whether or not the customer is experiencing payment difficulties; or

- (c) the licensee is assessing, under its financial hardship policy, whether or not the customer is experiencing financial hardship; or
 - (d) a complaint made by the customer to the licensee that directly relates to the water service charge to which the debt relates is not resolved; or
 - (e) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge to which the debt relates is not determined or is upheld by the water services ombudsman.
- (2) Subclause (1)(e) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

Part 5 — Restricting the flow of water

34. Term used: water supply restriction

In this Part —

water supply restriction means —

- (a) a reduction, under section 95(1)(b), in the rate of flow of a supply of water to a customer because of an unpaid water service charge; or
- (b) the cutting off, under section 95(1)(b), of a supply of water to a customer because of an unpaid water service charge.

Note:

Under section 95(3) a licensee cannot cut off the supply of water to an occupied dwelling unless the occupier agrees to that.

35. Reminder notice

If a water service charge has become due and has not been paid in full, the licensee may give the customer a written reminder notice advising the customer —

- (a) of the amount of the unpaid water service charge and the date on which it became due; and
- (b) of the licensee's telephone number for account, payment and general enquiries; and
- (c) that the licensee can be contacted for assistance if the customer is experiencing problems paying the bill for the unpaid water service charge.

36. Notice of water supply restriction

- (1) A licensee must not start a water supply restriction unless —
 - (a) the licensee has given the customer a reminder notice under clause 35; and

- (b) the water service charge (including any interest or fees charged for late payment) has still not been paid in full; and
 - (c) the licensee has given written notice of the proposed water supply restriction (a *restriction notice*) to the customer.
- (2) A restriction notice must not be given less than 7 days before the day on which the water supply restriction is proposed to start.
- (3) A restriction notice must, in addition to anything else —
- (a) explain the reason for the proposed water supply restriction; and
 - (b) advise the customer of the earliest date on which the water supply restriction may start; and
 - (c) inform the customer of the existence and operation of the licensee's complaints procedure mentioned in clause 46; and
 - (d) inform the customer of the procedures available to the customer under the Act as to applying to the water services ombudsman under a scheme approved under section 65 and provide a Freecall telephone number for the office of the water services ombudsman; and
 - (e) inform the customer of the applicable procedures, including any costs, for the restoration of the water supply if the water supply restriction is started.

37. No water supply restriction in certain cases

- (1) A licensee must not start a water supply restriction if —
- (a) the amount owing is less than \$200; or
 - (b) the licensee is assessing whether or not the customer is experiencing payment difficulties; or

cl. 37

- (c) the licensee is assessing, under its financial hardship policy, whether or not the customer is experiencing financial hardship; or
 - (d) the customer is experiencing payment difficulties or financial hardship and is complying with a payment plan or other arrangement under which the customer has been given more time to pay the bill or to pay arrears; or
 - (e) a complaint made by the customer to the licensee that directly relates to the water service charge is not resolved; or
 - (f) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge is not determined or is upheld by the water services ombudsman; or
 - (g) the customer has applied for a concession or other financial assistance to which the customer may be entitled and a decision on the application has not yet been made; or
 - (h) the supply of water is to a place occupied by a tenant and the customer is liable to pay the amount owing.
- (2) Subclause (1)(f) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.
- (3) An agreement referred to in clause 5(1) does not vary or displace the operation of subclause (1)(h) if the tenant uses the place as a dwelling.

Note:

For more provisions about when water flow cannot be restricted see clauses 38 and 52.

38. No water supply restriction at certain times

A licensee must not start a water supply restriction —

- (a) on a Friday, Saturday, Sunday or public holiday or on the day before a public holiday; or
- (b) on a day on which a total fire ban has effect under the *Bush Fires Act 1954* in the area of the State in which the place at which water is supplied to the customer is located; or
- (c) after 3 pm on any day.

39. Water flow not to be reduced below minimum rate

A licensee must not, under section 95(1)(b) or (2), reduce the rate of flow of a supply of water to a customer to below 2.3 litres each minute.

40. Restoration of water supply

- (1) A licensee that has, under section 95(1)(b), cut off or reduced the rate of flow of a supply of water to land must restore the supply of water if —
 - (a) the amount owing is paid; or
 - (b) the customer enters into an arrangement satisfactory to the licensee to be made for the payment of the amount owing.
- (2) A licensee that has, under section 95(1)(a), (c), (d) or (e), cut off or reduced the rate of flow of a supply of water to land must restore the supply of water if the licensee is satisfied that the reason for the disconnection or reduction no longer applies.

41. Minimum performance standards for restoration of water supply

- (1) In this clause —
metropolitan region means the region described in the *Planning and Development Act 2005* Schedule 3;

cl. 41

restoration event means —

- (a) payment under clause 40(1)(a); or
- (b) entering into an arrangement under clause 40(1)(b); or
- (c) the licensee being satisfied under clause 40(2);

restore means to restore a supply of water to a customer, or the rate of flow of a supply of water to a customer, after —

- (a) a water supply restriction has started; or
- (b) a supply of water has been cut off, or the rate of flow of a supply of water has been reduced, under section 95(1)(a), (c), (d) or (e).

- (2) If the licensee is the Water Corporation and the land is in the metropolitan region, the Water Corporation must restore a water supply —
 - (a) if the restoration event occurs before 3 pm on a business day, by the next business day; or
 - (b) if the restoration event occurs at any other time, within the next 2 business days,

unless the licensee and customer expressly agree otherwise.

- (3) If the licensee is the Water Corporation and the land is outside the metropolitan region, the Water Corporation must restore a water supply —
 - (a) if the restoration event occurs before 3 pm on a business day, within the next 2 business days; and
 - (b) if the restoration event occurs at any other time, within the next 3 business days,

unless the licensee and customer expressly agree otherwise.

- (4) A licensee other than the Water Corporation must restore a water supply —
 - (a) if the restoration event occurs before 3 pm on a business day, by the next business day; and

- (b) if the restoration event occurs at any other time, within the next 2 business days,

unless the licensee and customer expressly agree otherwise.

- (5) The Water Corporation must ensure that there is a 90% compliance rate with both of subclauses (2) and (3) in any 12 month period ending on 30 June.
- (6) A licensee other than the Water Corporation must ensure that there is a 90% compliance rate with subclause (4) in any 12 month period ending on 30 June.

Part 6 — Faults, emergencies and interruptions affecting water services

42. Terms used

In this Part —

service interruption means the interruption, suspension or restriction of the provision of a water supply service under section 77;

supply area means the area in which a place in respect of which a water supply service is provided is located.

43. Notice of matters that will affect a water supply service

- (1) A licensee must give notice of any planned service interruption to each customer that will be affected by the service interruption.
- (2) The notice must be given —
 - (a) not less than 48 hours before the start of the service interruption; or
 - (b) if it is not reasonably practicable to comply with paragraph (a), at the earliest practicable time before the start of the service interruption.
- (3) The notice may be —
 - (a) sent by post or delivered to the place at which bills are sent under clause 12, or to the place in respect of which the water supply service is provided; or
 - (b) given by broadcast on a television or radio station broadcasting to the supply area; or
 - (c) given by publication in a newspaper circulating in the supply area; or
 - (d) given by electronic means.

44. Bursts, leaks, blockages and spills

- (1) A licensee must have policies, practices and procedures for dealing with and minimising the impact of a burst, leak or blockage in its water supply works or sewerage works.
- (2) The policies, practices and procedures under subclause (1) must deal with at least the following matters —
 - (a) prompt attendance at a site after becoming aware of the existence of a burst, leak or blockage;
 - (b) the action or actions that must be taken to rectify a burst, leak or blockage, taking into account the potential or actual impact on —
 - (i) customers; and
 - (ii) other persons or entities affected by the burst, leak or blockage; and
 - (iii) property; and
 - (iv) the environment;
 - (c) the action or actions that must be taken to ensure that, in the event of a wastewater spill from the sewerage works of the licensee onto a customer's property, damage and inconvenience to the customer and other persons or entities are minimised;
 - (d) the action or actions that must be taken to ensure that, in the event of a wastewater spill from the sewerage works of the licensee, the spill is promptly cleaned and the affected area is disinfected.
- (3) The policies, practices and procedures under subclause (1) may be set out in 1 or more documents.

cl. 45

45. Licensee to have 24 hour information line

A licensee must provide a 24 hour information line by means of which, at the cost of a local telephone call (excluding mobile telephones), a customer can —

- (a) notify the licensee of emergencies and faults; and
- (b) get information about the reason for, and the expected duration of, any unplanned service interruption.

Part 7 — Complaints about water services

46. Procedure for dealing with complaints about water services

- (1) A licensee must have a written procedure in relation to investigating and dealing with complaints of customers about the provision of a water service by the licensee or a failure by the licensee to provide a water service (the *complaints procedure*).
- (2) The complaints procedure must be developed using as minimum standards the relevant provisions of —
 - (a) AS/NZS 10002-2014; and
 - (b) the Authority's guidelines (if any).
- (3) The complaints procedure must provide for the following —
 - (a) how complaints are to be lodged and recorded;
 - (b) time limits and methods for responding to complaints;
 - (c) dispute resolution arrangements;
 - (d) resolving a complaint before the end of the period of 15 business days starting on the day the complaint was received.
- (4) The complaints procedure must list the procedures available to the customer under the Act as to —
 - (a) applying to the water services ombudsman under a scheme approved under section 65 in respect of the complaint; or
 - (b) making an appeal from, or applying for a review of, the decision that gave rise to the complaint, if an appeal or review is available under regulations mentioned in section 222(2)(k).
- (5) The complaints procedure must be publicly available.

cl. 47

47. Licensee to advise customer of right to apply to water services ombudsman for review of complaint

When a licensee considers that a customer's complaint has been resolved the licensee must —

- (a) advise the customer accordingly; and
- (b) inform the customer that the customer has a right to apply to the water services ombudsman under a scheme approved under section 65 for a review of the complaint; and
- (c) provide a Freecall telephone number for the office of the water services ombudsman.

Part 8 — Information and communication services

48. Services to be provided without charge

- (1) A licensee must provide a customer with the following on request and at no charge —
 - (a) services for account, payment and general enquiries for use by customers with hearing or speech impairment;
 - (b) interpreter services for account, payment and general enquiries;
 - (c) a large-print version of any of the licensee’s publicly available documents.
- (2) A licensee must make available to each customer, at no charge, the customer’s personal account information including information about bills previously issued to the customer and about the quantity of water supplied to, or wastewater discharged by, the customer in previous billing periods.

49. Information to be publicly available

- (1) A licensee must make information about the following matters publicly available —
 - (a) the fees and charges that will be imposed and collected by the licensee;
 - (b) the licensee’s bill payment method options and the fees and charges (if any) associated with each bill payment method offered;
 - (c) the concessions that are available to customers;
 - (d) the services provided by the licensee under clause 48;
 - (e) the power of a person authorised by a licensee under section 129 to enter a place without consent, notice or warrant to read a meter connected to the licensee’s water service works;

cl. 49

- (f) the obligations of customers under the regulations to ensure that access to a meter is available;
 - (g) that under section 95(1)(b), the licensee 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;
 - (h) that if the customer is offered a payment plan or other arrangement giving the customer more time to pay the bill or to pay arrears, the licensee's power as mentioned in paragraph (g) can only be exercised if —
 - (i) the customer has not accepted the offer within the period of 7 days after the day on which it was made; or
 - (ii) having entered such a plan or other arrangement, the customer does not comply with it;
 - (i) that under section 95(3), the supply of water cannot be cut off to an occupied dwelling unless the occupier agrees;
 - (j) the quality of water and its management;
 - (k) sustainable use of water;
 - (l) planned and unplanned interruptions of water supply or other incidents that may significantly affect the provision of water services to customers.
- (2) A licensee must ensure that the following information about bills may be obtained from its website —
- (a) if a bill is based on an estimate, that the licensee will tell a customer on request —
 - (i) the basis of the estimate; and
 - (ii) the reason for the estimate;
 - (b) that in the case of a metered water service, a customer may request a meter reading and bill to determine the outstanding charge for a period that is not the same as the usual billing cycle;

- (c) that in the case where a customer disputes an estimate on which a bill is based, the customer may request a meter reading (if the water service is metered and the meter is operable) and in any event a revised bill and that if the customer so requests, information about the fees that apply;
 - (d) that a customer may request, in accordance with the regulations mentioned in section 79(3)(b), the testing of a meter and that if the customer so requests, information about the fees that apply and when the fees may be reimbursed in accordance with the regulations mentioned in section 79(3)(c);
 - (e) that the bill can be reviewed in accordance with the licensee's review procedure mentioned in clause 20;
 - (f) that complaints about the provision of a water service by the licensee or a failure by the licensee to provide a water service can be made in accordance with the licensee's complaints procedure mentioned in clause 46.
- (3) A licensee must ensure that its website contains a link that provides access to the current version of this code appearing on the website that is maintained by or on behalf of the Western Australian Government and that provides public access to electronic versions of Western Australian legislation.
- (4) The requirements under this clause are in addition to the requirements under clauses 8(3), 17(3), 20(6), 29(6), 31(5) and 46(5).

Part 9 — Requirements for supply of water to persons with special requirements or needs

50. Terms used

In this Part —

preserved supply register means the register maintained under clause 51(1);

service interruption has the meaning given in clause 42;

supply address means the address of a place at which water is supplied by a licensee to a customer.

51. Preserved supply register

- (1) A licensee must maintain an up-to-date register for the purposes of this Part.
- (2) This subclause applies if a licensee —
 - (a) receives notice or otherwise becomes aware that a person who resides at a supply address requires water for the operation of a dialysis machine or other life support equipment; or
 - (b) assesses and determines that a person who resides at a supply address requires water for a special need of another kind.
- (3) If subclause (2) applies, the licensee must record on the preserved supply register —
 - (a) the name of the person; and
 - (b) the supply address.

52. No reduction of supply

A licensee must not, under section 95(1)(b), reduce the rate of flow of a supply of water to a supply address recorded on the preserved supply register.

53. Notice under clause 43 must be sent by post or delivered

Despite clause 43(3), in the case of a service interruption that will affect a supply address recorded on the preserved supply register, the notice required by clause 43(1) must be sent by post or delivered to that supply address.

Part 10 — Repeal

54. Repeal of previous code of conduct

The *Water Services Code of Conduct (Customer Service Standards) 2013* published in the *Gazette* on 26 July 2013 at p. 3375-406 is repealed.

Appendix 2 Water Services Code of Conduct 2018 – marked-up version

Water Services Code of Conduct (Customer Service Standards) 2018

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Water Services Act 2012

Water Services Code of Conduct (Customer Service Standards) 2018

Made under section 27 by the Economic Regulation Authority in consultation with the consultative committee established under section 28.

The following text is the Water Services Code of Conduct (Customer Service Standards) 2013 showing proposed amendments in track changes.

A formal instrument to make the Water Services Code of Conduct (Customer Service Standards) 2018 will be drafted at a later stage.

Part 1 — Preliminary

1. Citation

This code is the ~~Water Services Code of Conduct (Customer Service Standards) 2013~~ Water Services Code of Conduct (Customer Service Standards) 2018.

2. Commencement

This code comes into operation as follows —

(a) clauses 1 and 2 — on the day on which this code is published in the *Gazette*;

(b) the rest of this code — on 1 July 2018.

~~(b) clauses 12 and 37(2) — at the end of the 2-year period starting on the day on which the *Water Services Act 2012* section 27 comes into operation;~~

~~(c) the rest of the code — on the day on which the *Water Services Act 2012* section 27 comes into operation.~~

3. Terms used

In this code —

AS, followed by a number and year, means a document so referred to published by Standards Australia;

AS/NZS, followed by a number and year, means a document so referred to published jointly by —

(a) Standards Australia; and

(b) the Standards Council of New Zealand;

bill means a bill for a water service charge;

bill for usage has the meaning given in clause 11(2);

business day means a day that is not a Saturday, Sunday or public holiday;

concession includes an exemption, discount or rebate;

connection means a connection of a water service to land;

~~*drinking water*~~ means —

~~(a) potable water; and~~

~~(b) water that is not potable but that is supplied on the basis that the customer is responsible for treating the water to make it fit for humans to drink;~~

estimate includes a calculation based on an estimate;

National Interpreter Symbol means the national public information symbol “Interpreter Symbol” (with text) developed by Victoria in partnership with the Commonwealth, State and Territory governments in accordance with AS 2342-1992;

publicly available, in relation to a document of a licensee, means that —

- (a) any person may view the document on, and download the document from, the licensee’s website; and
- (b) a hard copy of the document is provided to a customer on request and at no charge;

residential customer means a customer who uses the place in respect of which a water service is provided solely or primarily as the customer’s dwelling;

section means section of the Act;:-

water services ombudsman means the Energy and Water Ombudsman Western Australia performing the functions of water services ombudsman under a scheme approved under Part 4 of the Act and an agreement under the *Parliamentary Commissioner Act 1971* section 34.

Note:

Other words and expressions used in this code have the same respective meanings as in the *Water Services Act 2012*. See the *Water Services Act 2012* sections 26(5) and 27(5) and the *Interpretation Act 1984* section 44.

4. Application of code

(1) In this clause —

drinking water means —

(a) potable water; and

(b) water that is not potable but that is supplied on the basis that the customer is responsible for treating the water to make it fit for humans to drink.

~~*customer*, of a licensee, means a customer as defined in section 3(1) who is —~~

~~(a) an owner of the land in respect of which the water services are provided; or~~

~~(b) an occupier of the land in respect of which the water services are provided who is authorised by an owner to receive bills for the water services;~~

~~and includes any other person who is authorised by an owner of the land in respect of which the water services are provided to receive bills for the water services.~~

(2) This code applies to —

(a) each licensee that provides a water supply service, but only in respect of the supply of drinking water, and each of the licensee's customers; and

(b) each licensee that provides a sewerage service and each of the licensee's customers; ~~and~~

~~(c) each licensee that provides an irrigation service and each of the licensee's customers; and~~

~~(d) each licensee that provides a drainage service and each of the licensee's customers.~~

(3) If charges do not apply for the provision of a water service to a customer by a licensee the application of this code to the provision of the water service is modified as follows —

- ~~(a) Parts 3 and 4, clauses 34 to 38, clause 40(1), clause 49(1)(a), (b), (c), (g) and (h) and (2)(a) to (e) and clause 52 do not apply;~~
- ~~(b) clause 39 does not apply except to the extent that it applies to the reduction, under section 95(2), of the rate of flow of a supply of water;~~
- ~~(c) clause 41 does not apply except to the extent that it applies to the restoration of a supply of water which has been cut off, or the rate of flow of which has been reduced, under section 95(1)(a), (c), (d) or (e);~~
- ~~(d) clause 48(1) does not apply to the extent that it refers to account or payment enquiries;~~
- ~~(e) clause 48(2) does not apply to the extent that it refers to bills previously issued or previous billing periods;~~
- ~~(f) clause 49(4) does not apply to the extent that it refers to a requirement under clause 49(1)(a), (b), (c), (g) or (h) or (2)(a) to (e).~~

5. Contracting out

- (1) Nothing in this code prevents a licensee and a customer who is not a residential customer from entering into an agreement that varies or displaces the requirements of this code in relation to the licensee or customer.

~~(2) If~~

- ~~(a) a licensee's licence is one to which Schedule 1 clause 10(1) of the Act applies; and~~
 - ~~(b) on the day on which the *Water Services Act 2012* section 27 comes into operation an agreement between a licensee and a customer is in effect that has provisions that are inconsistent with the requirements of this code in relation to the licensee or customer;~~
- ~~the provisions of the agreement prevail to the extent of the inconsistency.~~

(2) Subclause (3) applies if the licence of a licensee (the *licensee*) is one to which Schedule 1 clause 10(1) of the Act applies.

(3) If an agreement between the licensee and a customer that was in effect on 18 November 2013 and remains in effect has provisions that are inconsistent with this code in relation to the licensee or customer, the provisions of the agreement prevail to the extent of the inconsistency.

6. Local government laws prevail if inconsistent with code

(1) If the *Local Government Act 1995* has provisions that are inconsistent with this code in relation to a licensee that is a local government or a customer of a licensee that is a local government, the provisions of the *Local Government Act 1995* prevail to the extent of the inconsistency.

(2) In subclause (1) a reference to the *Local Government Act 1995* includes a reference to regulations and local laws under that Act.

76. Notes and examples not part of code

Notes and examples in this code are provided to assist understanding and do not form part of the code.

Part 2 — Connection of water services to land

87. Information about connections

(1) A licensee must have written information for customers about connections.

~~(1) In this clause —~~

~~connection means a connection of a water service to land.~~

(2) ~~The A licensee must have written~~ information must deal with
~~for customers about~~ each of the following —

(a) entitlements under section 73 to the provision of —

(i) ~~drinking~~ water supply services; and

(ii) sewerage, ~~irrigation and drainage~~ services;

(b) licensee functions under section 21 concerning the provision of —

(i) ~~drinking~~ water supply services; and

(ii) sewerage, ~~irrigation and drainage~~ services;

(c) the regulations that prescribe requirements for the purpose of section 21(2)(c) or (3)(c);

(d) how to apply for a connection;

(e) the things that a customer must do, and the things that must be complied with, before a connection is made;

(f) the fees that apply in relation to connections and when the fees are payable;

(g) the period mentioned in clause 98(2) in which standard supply connections as defined in clause 9(1) are required to be completed.

(3) The information must be publicly available.

cl. 9

98. Minimum performance standards for standard ~~water~~ supply connections

(1) A connection is a *standard supply connection* if it —

(a) connects a metered water supply service to an existing main; and

(b) comprises 20 mm water supply pipes.

~~(1) In this clause —~~

~~*connection* means a connection of a metered water supply service to an existing main comprising 20 mm water supply pipes.~~

(2) A standard supply connection must be completed before the end of the period of 10 business days starting on the day on which both of these things have been complied with —

(a) the customer has done, or complied with, all the things, that the customer must do and comply with before a standard supply connection is made; and

(b) the fees that apply in relation to the standard supply connection have been paid.

(3) Subclause (2) does not apply if the licensee and customer expressly agree otherwise.

(4) A licensee must ensure that there is a 90% compliance rate with subclause (2) in any 12 month period ending on 30 June.

Part 3 — Billing for water services

109. Bills other than for quantities supplied ~~or~~, discharged

- (1) In this clause —

fixed charge means a water service charge that is not a quantity charge as defined in clause 11(1).

~~bill (non-quantity) charges~~ means a bill for a water service charge that is not determined by the quantity of water supplied, or the quantity of wastewater discharged.

- (2) If fixed charges apply for the provision of a water service to a customer by a licensee, the ~~A~~ licensee must, at least once in every 12 month period, issue a bill for a fixed charge ~~(non-quantity) charges~~ to the ~~each~~ customer ~~to whom the licensee provides water services.~~

110. Bills for quantities supplied ~~or~~, discharged

- (1) In this clause —

quantity charge means a water service charge based on the quantity of water supplied or wastewater discharged.

~~bill for usage~~ means a bill for a water service charge for the quantity of water supplied, or the quantity of wastewater discharged.

- (2) If quantity charges apply for the provision of a water service to a customer by a licensee, the ~~A~~ licensee must, at least once in every ~~4~~ 6 month period, issue a bill for a usage-quantity charge ~~(a bill for usage)~~ to ~~each~~ the customer ~~to whom the licensee provides water services.~~
- (3) A bill for usage must be based on a meter reading to ascertain the quantity supplied or discharged.
- (4) If an accurate meter reading is not possible, a bill for usage must be based on an estimate ~~estimation or calculation~~, in accordance

cl. 12

with regulations mentioned in section 222(2)(h) (if any), of the quantity of water supplied or wastewater discharged.

- (5) If an accurate meter reading is not possible and there are no applicable regulations, a bill for usage must be based on a reasonable estimate of supply or discharge —
- (a) by referring to a daily average quantity of water supplied, or wastewater discharged, in a previous period; or
 - (b) by adjusting the quantity as measured by a faulty meter to take into account the effects of the fault; or
 - (c) on a basis agreed with the customer.

(6) Despite subclauses (4) and (5), at least once in every 12 month period a bill for usage based on a meter reading must be issued.

12~~11~~. Sending bills

A licensee must send a bill —

- (a) to the address of the place in respect of which the water service is provided; or
- (b) if the customer nominates another address, to the nominated address.

Note:

Note the *Electronic Transactions Act 2011* in relation to electronic communications.

13~~12~~. Information on bills

- (1) Each bill must contain the following information —
- (a) the customer's name;
 - (b) the account number;
 - (c) the address of the place in respect of which the water service is provided;
 - (d) any other address nominated by the customer for sending of bills;

- (e) the day on which the bill is issued;
- (f) the charges payable;
- (g) the water service ~~or services~~ for which the charges ~~is~~are payable;
- (h) the date when payment is due;
- (i) the nature and amount of any applicable concession, ~~discount or rebate~~;
- (j) the amount of any interest or fees charged for late payment of ~~outstanding~~ amounts outstanding from previous bills;
- (k) the amount of any arrears or credit standing to the customer's name;
- (l) the options for payment that are available to the customer;

(m) if applicable, a statement advising the customer that interest or fees may be charged for late payment of the bill;

(n) a statement advising the customer that the licensee can be contacted for assistance if the customer is experiencing problems paying the bill.

~~(m) the licensee's website address;~~

~~(n) a telephone number for account, payment and general enquiries;~~

~~(o) contact details for account, payment and general enquiries for use by customers with hearing or speech impairment;~~

~~(p) a statement that the website contains information about estimates, meter reading and testing, complaints and review.~~

(2) A bill may be issued for 2 or more water services whether the water services are provided in respect of the same place or in respect of different places.

cl. 13

(3) A bill issued for 2 or more water services must specify the charge payable for each water service.

~~(4)~~ Each bill for usage for a metered water service must also, ~~in addition to the requirements of subclause (1)~~, contain the following information —

- (a) whether the bill was based on —
 - (i) a meter reading; or
 - (ii) an estimate of the quantity of water supplied or the quantity of wastewater discharged;
- (b) the billing period;
- (c) the number of days to which the bill applies;
- (d) the 2 most recent dates on which the quantity of water supplied or the quantity of wastewater discharged was ascertained, whether by a meter reading or an estimate;

(e) if the bill was based on a meter reading, —

(i) the actual meter reading; and

(ii) the total quantity of water supplied or the quantity of wastewater discharged according to the meter reading;

(f) if the bill was based on an estimate, the total quantity of water supplied or the quantity of wastewater discharged according to the estimate;

(g) information, if available, about the customer's water usage in the billing period compared with the customer's ~~water previous~~ usage, —

(i) in the previous billing period; and

(ii) in the corresponding billing period in the previous year.

(5) If a bill for usage for a metered water service was based on an estimate, the bill must inform the customer that the licensee will tell the customer on request —

-
- (a) the basis of the estimate; and
- (b) the reason for the estimate.
- ~~(3) Each bill must inform the customer of the following and where further details can be obtained—~~
- ~~(a) if the bill was based on an estimate, that the licensee will tell the customer on request—~~
- ~~(i) the basis of the estimate; and~~
- ~~(ii) the reason for the estimate;~~
- ~~(b) that the customer may request a meter reading and bill to determine outstanding charges for a period that is not the same as the usual billing cycle;~~
- ~~(c) that the customer may request a meter reading and revised bill if the customer disputes an estimate on which a bill is based and that if the customer so requests, information about the fees that apply;~~
- ~~(d) that the customer may request, in accordance with the regulations mentioned in section 79(3)(b), the testing of a meter and that if the customer so requests, information about the fees that apply and when the fees may be reimbursed in accordance with the regulations mentioned in section 79(3)(c);~~
- ~~(e) that the bill can be reviewed in accordance with the licensee's review procedure mentioned in clause 18;~~
- ~~(f) that complaints about the provision of a water service by the licensee or a failure by the licensee to provide a water service can be made in accordance with the licensee's complaints procedure mentioned in clause 35.~~
- (6) Each bill must contain the following general information —
- (a) the licensee's website address;
- (b) a telephone number for account, payment and general enquiries;
- (c) a telephone number for complaints;

cl. 14

- (d) a Freecall telephone number for the office of the water services ombudsman;
- (e) the telephone number of the 24 hour information line provided in accordance with clause 45;
- (f) contact details for account, payment and general enquiries for use by customers with hearing or speech impairment;
- (g) for a residential customer, the telephone number for interpreter services together with the National Interpreter Symbol and the words “Interpreter Services”;
- (h) a statement that the website contains information about estimates, meter reading and testing, complaints and review;
- (i) a statement that the bill can be reviewed in accordance with the licensee’s review procedure mentioned in clause 20.

~~Note:~~

~~Clause 2(b) applies to the commencement of this clause.~~

1413. Estimates: licensee’s obligations

- (1) If a bill is based on an estimate, the licensee must tell the customer, on request —
 - (a) the basis of the estimate; and
 - (b) the reason for the estimate.
- (2) If a bill is based on an estimate, the licensee must make any necessary adjustments to the next bill to take into account the extent to which the estimate was not reasonable having regard to a subsequent and accurate meter reading.

15. Information on bills if charge per kL varies depending on volume supplied

- (1) In this clause —

consumption year for a customer means —

- (a) if the *Water Services (Water Corporations Charges) Regulations 2014* apply to the licensee — the period determined under those regulations as the consumption year for the land where the place at which water is supplied to the customer is located; or
- (b) in any other case — the period notified by the licensee to the customer as the customer's consumption year;

tariff means charge per kL of water supplied.

(2) This clause applies to a bill for usage if —

- (a) the amount of water supplied to a customer during a consumption year is divided for charging purposes into 2 or more volumetric ranges (e.g. up to 150 kL; over 150 kL but not over 350 kL; etc.); and
- (b) tariffs differ for water supplied within different volumetric ranges (e.g. \$0.94 per kL for water supplied within the range up to 150 kL; \$1.74 per kL for water supplied within the range over 150 kL but not over 350 kL; etc.).

(3) Each bill for usage to which this clause applies must, in addition to the requirements of clause 13, contain the following information —

- (a) the tariff for each volumetric range within which water has been supplied to the customer;
- (b) how much more water the customer can be supplied with before supply will start to be in the next volumetric range;
- (c) the tariff for the next volumetric range;
- (d) the day on which the tariff for water supplied to the customer will revert to the lowest tariff (i.e. the day on which the customer's next consumption year starts).

cl. 16

1614. Requested meter readings, revised bills: licensee's obligations

- (1) In the case of a metered water service, the A-licensee must provide to the customer on request any of the following —
 - (a) ~~in the case of a metered water service,~~ a meter reading and bill to determine the outstanding charges for a period that is not the same as the usual billing cycle;
 - (b) ~~in the case where if~~ the customer disputes an estimate on which a bill is based, a meter reading and revised bill.
 - ~~(i) a meter reading (if the water service is metered and the meter is operable); and~~
 - ~~(ii) in any event, a revised bill.~~
- (2) A licensee does not have to provide, under subclause (1)(a) or (b), a meter reading, bill or revised bill if —
 - (a) the meter is not operable; or
 - (b) -a fee that applies to providing the reading or bill has not been paid.

1715. Leaks

- (1) In this clause —

customer's system leak means any a leak from a fitting, fixture or pipe for which a the customer, or the as an owner or occupier of land owned by a customer, is responsible for the purposes of ~~under~~ section 92(1).
- (2) A licensee must have a written policy, standard or set of guidelines in relation to the granting of a discount to a customer whose meter reading indicates a water usage that is higher than normal for the customer but is likely to have been wasted because of a leak from the customer's system.
- (3) The policy, standard or guidelines must be publicly available.

1816. Undercharging in bills

- (1) A licensee may recover from a customer an amount that has not been, but could have been, the subject of a bill (the *undercharged amount*).
- (2) ~~The An~~-undercharged amount cannot be recovered from ~~the a~~ customer unless it is for water services provided in the 12 month period ending on the day on which the licensee informed the customer that the customer has not been charged for the undercharged amount.
- (3) ~~The An~~-undercharged amount must be the subject of, and explained in —
 - (a) a special bill for the undercharged amount; or
 - (b) a separate item in the next bill.
- (4) ~~The A~~-licensee must not charge interest or late payment fees on ~~the an~~-undercharged amount.
- (5) ~~The A~~-licensee must allow ~~the a~~-customer to pay ~~the an~~ undercharged amount by way of a repayment plan that has effect for the shorter of the following periods starting on the day on which the bill mentioned in subclause (3)(a) or (b) is issued, as is applicable in the case —
 - (a) a period for the same amount of time in which the undercharging occurred;
 - (b) a period of 12 months.
- (6) Subclauses (2), (4) and (5) do not apply if the undercharging occurred as a result of the fraudulent or illegal conduct of the customer.

1917. Overcharging in bills

- (1) This clause applies if —

cl. 19

- (a) a licensee has overcharged a customer by including an amount in a bill that should not have been included in the bill (the *overcharged amount*); and
 - (b) the customer has paid the bill, including the overcharged amount.
- ~~(2)~~ (1) ~~The A~~ licensee ~~that overcharges a customer~~ must, before the end of the period of 15 business days starting on the day the licensee became aware of the overcharging error —
- (a) credit the overcharged amount to the customer's account ~~and immediately afterwards notify the customer~~; or
 - (b) send the customer a notice (an *overcharging notice*) informing the customer of the overcharging and recommending options for how the overcharged amount ~~overcharged~~ may be refunded to the customer or credited to the customer's account.
- ~~(2) A licensee must, in accordance with the instructions of a customer who has been overcharged, refund the amount or credit the amount to the customer's account before the end of the period of 15 business days starting on the day the licensee receives the instructions.~~
- (3) If the licensee sends the customer an overcharging notice and receives instructions from the customer about the refunding or crediting of the overcharged amount, the licensee must, in accordance with the instructions, refund the overcharged amount, or credit the overcharged amount to the customer's account, before the end of the period of 15 business days starting on the day the licensee receives the instructions.
- (4) If instructions from the customer about the refunding or crediting of the overcharged amount have not been received by the licensee at the end of the period of 10 business days starting on the day an overcharging notice is sent, the licensee must credit the overcharged amount to the customer's account before the end of the period of the next 15 business days.

(5) The licensee must notify the customer immediately after crediting the overcharged amount to the customer's account under subclause (2)(a), (3) or (4).

2018. Review of bills

- (1) A licensee must review a bill on the customer's request.
- (2) A licensee must have a written procedure for the review of a bill on the customer's request (the review procedure).
- (3) The review procedure must include information about the following —
 - (a) requesting a meter reading or the testing of a meter as mentioned in clause ~~4912(23)~~(c) and (d);
 - (b) what happens if, on review, it is found that the customer has been undercharged or overcharged;
 - (c) what the customer can do if unsatisfied with the outcome of the review.
- (4) In relation to subclause (3)(c), the review procedure must state that the customer may, but does not have to, use the licensee's complaints procedure mentioned in clause ~~4635~~ before or instead of —
 - (a) applying to the water services ombudsman under a scheme approved under section 65 in respect of the complaint ~~(if any)~~; or
 - (b) making an appeal from, or applying for a review of, the decision that gave rise to the customer's request for review-complaint, if an appeal or review is available under regulations mentioned in section 222(2)(k).
- (5) ~~The A~~ licensee must inform the customer of the outcome of a review of the customer's bill as soon as practicable or otherwise before the end of the period of 15 business days starting on the day the customer's request for review was received.
- (6) The review procedure must be publicly available.

cl. 21

21. Notice of alterations to charges

(1) A licensee must notify each of its customers of any change to the amount or rate of a water service charge.

(2) The notification —

(a) must be given not later than when the next bill for a water service charge of that kind is issued under clause 10(2) or 11(2), as the case may be, and sent to the customer under clause 12; and

(b) may be included in that next bill.

Part 4 — Payment for water services

22~~19~~. Terms used

In this Part —

consumer organisation means an organisation that represents the interest of customers as consumers;

financial hardship means being in an ongoing state of financial disadvantage in which the [ability of a customer who is a residential customer's ability](#) to meet the basic living needs of the customer or a dependant of the customer would be adversely affected if the customer were to pay an unpaid bill ~~for a water service supplied in respect of the place used solely or primarily as the customer's dwelling;~~

payment difficulties means being in a state of financial disadvantage that is not likely to be ongoing and in which the customer is unable to pay an unpaid bill.

23~~20~~. When payment due ~~if not set under regulations~~

The time set by a licensee for the payment of a bill must be after the end of the period of 14 days starting on the day the bill is issued.

24~~21~~. Payment methods

- (1) A licensee must allow a customer to pay a bill by any of the following methods selected by the customer —

~~(a) direct debit;~~

(a) in the case of a residential customer — Centrepay (i.e. the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments);

~~(b) Centrepay (the facility that allows Centrelink customers to have automatic deductions taken from Centrelink payments);~~

(b)(e) internet;

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~~(c)~~(d) telephone;

(d)~~(e)~~ post.

- (2) A licensee must, when offering bill payment method options, inform customers of the fees and charges (if any) associated with each bill payment method offered.
- (3) Nothing in subclause (1) prevents a licensee from providing another bill payment method in addition to those set out in that subclause.

25~~22~~. Consent for direct debits

(1) If under clause 24(3) a licensee allows a customer to pay a bill by direct debit, the licensee must, before receiving a bill payment by direct debit, obtain the express consent —

(a) of the customer; or

(b) of an adult person nominated by the customer to give consent.

(2) A consent or nomination under subclause (1) can be oral or written.

~~Before receiving a bill payment by direct debit a licensee must obtain the express consent, either orally or in writing —~~

~~(a) of the holder of the account to be debited; and~~

~~(b) of the customer or an adult person nominated by the customer, to do so.~~

26~~23~~. Payment in advance

- (1) A licensee must accept payment in advance from a customer on the customer's request.
- (2) A licensee does not have to credit interest to an amount paid in advance.

2724. Free redirection in case of absence, or illness

A licensee must redirect a customer's bills to another person on the customer's request and at no charge if the customer is or will be unable to pay the bills because of the customer's absence or illness.

2825. Assistance for customers experiencing payment difficulties

(1) This clause applies if —

(a) a licensee has sent a bill to a customer; and

(b) the licensee has assessed that the customer is experiencing payment difficulties.

~~(1) In this clause —~~

~~customer means a customer who has been assessed by the licensee as a customer who is experiencing payment difficulties.~~

(2) TheA licensee must —

(a) advise the customer that ~~allow a~~ the customer has a right to pay ~~the a~~ bill under a payment plan or other arrangement under which the customer is given more time to pay the bill or to pay arrears; and

(b) offer to enter into an appropriate plan or arrangement with the customer.

(3) When formulating a payment plan or other arrangement for a customer the licensee must take into account —

(a) the customer's capacity to pay the bill; and

(b) in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.

(4) The licensee must consider and decide whether or not the payment plan or other arrangement should be interest-free, or fee-free, or both.

cl. 29

29~~26~~. Financial hardship policy

- (1) A licensee must have a written policy in relation to financial hardship.
- (2) A licensee's financial hardship policy does not have effect unless it is approved by the Authority.

(3) Unless the Authority approves otherwise, a licensee's financial hardship policy must comply with the Authority's guidelines (if any) in relation to financial hardship policies.

~~(3) If a licensee's licence is one to which Schedule 1 clause 10(1) of the Act applies, the licensee's financial hardship policy must be in effect before the end of the 6 month period starting on the day on which the Water Services Act 2012 section 27 comes into operation.~~

(4) Subclauses (2) and (3) also apply to amendments to a licensee's financial hardship policy.

~~(4)~~ A ~~If subclause (3) does not apply, a~~ licensee's financial hardship policy must be in effect before the end of the 6 month period starting on the day of the grant of the licensee's licence.

~~(5)~~ (6) The financial hardship policy must be publicly available.

~~(6)~~ (7) A licensee must review its financial hardship policy at least once in every 5 year period ~~and, as part of the review process, consult with relevant consumer organisations.~~

(8) In addition to any review under subclause (7), a licensee must review its financial hardship policy if directed to do so by the Authority.

(9) When formulating or reviewing its financial hardship policy, a licensee must consult with relevant consumer organisations.

30~~27~~. Assistance for customers experiencing financial hardship

- (1) ~~In T~~his clause applies if —

- (a) ~~bill means a licensee has sent a bill to a customer who is a residential customer; and for a water service supplied in respect of the place used solely or primarily as the customer's dwelling;~~
- (b) ~~customer means the licensee a customer who has been assessed, under its a licensee's financial hardship policy, that the as a customer who is experiencing financial hardship.~~
- (2) The ~~A~~ licensee must —
- (a) ~~advise the customer that allow a the customer has a right to pay the a-bill under an interest-free and fee-free payment plan or other arrangement under which the customer is given more time to pay the bill or to pay arrears; and~~
- (b) ~~offer to enter into an appropriate plan or arrangement with the customer.~~
- (3) When formulating a payment plan or other arrangement for a customer the licensee must take into account —
- (a) ~~the customer's capacity to pay the bill; and~~
- (b) ~~in the case of a bill for usage, how much water has been supplied or wastewater has been discharged in previous billing periods.~~
- (4)(3) In addition to the requirements of subclauses (2) and (3), the ~~a~~ licensee must —
- (a) ~~consider reducing an amount owing by the a customer to the licensee; and~~
- (b) ~~at the customer's request, review and revise, if appropriate, how the a customer is paying the a bill under a payment plan or other arrangement entered into under subclause (2) and, if the review indicates that the customer is unable to meet obligations under the plan or arrangement, revise it; and~~
- (c) ~~provide written information to the a customer about —~~

cl. 31

- (i) redirecting the bill free of charge under clause ~~27~~²⁴; and
- (ii) the bill payment methods provided by the licensee; and
- (iii) applying for concessions ~~or other financial relief~~ to which the customer may be entitled ~~under the Act~~; and
- (iv) seeking independent financial counselling or seeking advice from relevant consumer organisations; and
- (v) applying for any other financial assistance to which the customer may be entitled including from Government-funded grant schemes.

31~~28~~. Matters relating to customers experiencing payment difficulties or financial hardship

(1) In this clause —

payment scheme means a payment plan or other arrangement mentioned in clause 28(2) or 30(2).

~~(1) Before a licensee enters into a payment plan or other arrangement under clause 25(2) or 27(2) with a customer who is not the owner of the land in respect of which the water service is provided, the licensee must ensure that the owner is aware of the proposed plan or arrangement.~~

(2) Nothing in clause ~~28~~²⁵(2) or ~~30~~²⁷(2) ~~or (3)~~ prevents a licensee from offering ~~another~~ a payment arrangement or other kind of assistance in addition to a payment scheme.

(3) Despite clause ~~28~~²⁵(2) or ~~30~~²⁷(2) ~~or (3)~~, a licensee does not have to, but may, offer a payment scheme ~~plan~~ to a customer who has had 2 payment schemes ~~plans~~ cancelled because they have not been complied with ~~of non-payment~~.

- (4) A licensee must have written information about the payment ~~schemes~~ ~~plans, arrangements~~ and other assistance that it has available to customers for the purposes of clause ~~2825~~ or ~~3027~~.
- (5) The information must be publicly available.

32. No interest or charges for late payment in certain cases

(1) A licensee must not charge interest or fees for late payment of a bill by a customer —

(a) if the licensee has assessed, under its financial hardship policy, that the customer is experiencing financial hardship; or

(b) if a complaint made by the customer to the licensee that directly relates to the non-payment of the bill is not resolved; or

(c) if a complaint made by the customer to the water services ombudsman that directly relates to the non-payment of the bill is not determined or is upheld by the water services ombudsman.

(2) Subclause (1)(c) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

3329. No debt collection in certain cases

(1) A licensee must not commence or continue proceedings to recover a debt from a customer if —

(a) ~~the customer who~~ is complying with a payment plan or other arrangement entered into under clause ~~2825~~(2) or ~~3027~~(2); or

(b) ~~who is being assessed by~~ the licensee is assessing as to whether or not the customer is experiencing payment difficulties; or

(c) ~~who is being assessed~~ the licensee is assessing, under its ~~the licensee's~~ financial hardship policy, ~~as~~ whether or

cl. 30

~~not the a~~-customer ~~who~~ is experiencing financial hardship; ~~or~~;

~~(d) a complaint made by the customer to the licensee that directly relates to the water service charge to which the debt relates is not resolved; or~~

~~(e) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge to which the debt relates is not determined or is upheld by the water services ombudsman.~~

~~(2) Subclause (1)(e) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.~~

~~**30. — Restoration of drinking water supply**~~

~~(1) A licensee that has, under section 95(1)(b), reduced the rate of flow of a supply of drinking water to land must restore the supply of water if —~~

~~(a) the amount owing is paid; or~~

~~(b) the customer enters into an arrangement satisfactory to the licensee to be made for the payment of the amount owing.~~

~~(2) A licensee that has, under section 95(1)(a), (e), (d) or (e), cut off or reduced the rate of flow of a supply of drinking water to land must restore the supply of water if the licensee is satisfied that the reason for the disconnection or reduction no longer applies.~~

[For previous clause 30, see now clause 40]

Part 5 — Restricting the flow of water ~~Reducing the rate of~~

34. Term used: water supply restriction

In this Part —

water supply restriction means —

- (a) a reduction, under section 95(1)(b), in the rate of flow of a supply of water to a customer because of an unpaid water service charge; or
- (b) the cutting off, under section 95(1)(b), of a supply of water to a customer because of an unpaid water service charge.

Note:

Under section 95(3) a licensee cannot cut off the supply of water to an occupied dwelling unless the occupier agrees to that.

35~~31~~. Reminder notice ~~Preliminary action~~

If a water service charge has become due and has not been paid in full, the licensee may give the customer a written reminder notice advising the customer —

- (a) of the amount of the unpaid water service charge and the date on which it became due; and
- (b) of the licensee's telephone number for account, payment and general enquiries; and
- (c) that the licensee can be contacted for assistance if the customer is experiencing problems paying the bill for the unpaid water service charge.

~~A licensee must not, under section 95(1)(b), reduce the rate of flow of a supply of drinking water to a customer without having first used its best endeavours to inform the customer in person, by telephone or electronic means, of its intention to do so if the amount owing is not paid.~~

cl. 36

36. Notice of water supply restriction

- (1) A licensee must not start a water supply restriction unless —
- (a) the licensee has given the customer a reminder notice under clause 35; and
 - (b) the water service charge (including any interest or fees charged for late payment) has still not been paid in full; and
 - (c) the licensee has given written notice of the proposed water supply restriction (a **restriction notice**) to the customer.
- (2) A restriction notice must not be given less than 7 days before the day on which the water supply restriction is proposed to start.
- (3) A restriction notice must, in addition to anything else —
- (a) explain the reason for the proposed water supply restriction; and
 - (b) advise the customer of the earliest date on which the water supply restriction may start; and
 - (c) inform the customer of the existence and operation of the licensee's complaints procedure mentioned in clause 46; and
 - (d) inform the customer of the procedures available to the customer under the Act as to applying to the water services ombudsman under a scheme approved under section 65 and provide a Freecall telephone number for the office of the water services ombudsman; and
 - (e) inform the customer of the applicable procedures, including any costs, for the restoration of the water supply if the water supply restriction is started.

37~~32~~. No water supply restriction ~~reduction~~ in certain cases

- (1) A licensee must not; ~~start a water supply restriction if under section 95(1)(b), reduce the rate of flow of a supply of drinking water to a customer in the following cases~~ —
- (a) the amount owing is less than \$200; or
 - (b) the ~~customer is being assessed by the~~ licensee is assessing as to whether or not the customer is experiencing payment difficulties; or
 - (c) the ~~customer is being assessed~~ licensee is assessing, under its the licensee's financial hardship policy, whether or not the as a customer ~~who~~ is experiencing financial hardship; or
 - (d) the customer is experiencing payment difficulties or financial hardship and is complying with a payment plan or other arrangement under which the customer has been given more time to pay the bill or to pay arrears; or
 - (e) a complaint made by the customer to the licensee that directly relates in relation to the water service charges is not resolved; or
 - (f) a complaint made by the customer to the water services ombudsman that directly relates to the water service charge is not determined or is upheld by the water services ombudsman; or
 - (g) the customer has applied for a concession or other financial assistance to which the customer may be entitled and a decision on the application has not yet been made; or
 - ~~(f) after 3 p.m. on a Friday, Saturday, Sunday, public holiday or day before a public holiday;~~
 - (h)(g) the supply of water is to a place occupied by occupier is a tenant and the customer-owner is liable to pay the amount owing;
 - ~~(h) the customer~~

cl. 38

- ~~(i) requires water to operate a life support machine;
or~~
- ~~(ii) has been assessed and determined by the licensee
as requiring water for a special need.~~

(2) Subclause (1)(f) does not apply unless the licensee has been advised by the water services ombudsman that the customer has made the complaint.

(3) An agreement referred to in clause 5(1) does not vary or displace the operation of subclause (1)(h) if the tenant uses the place as a dwelling.

Note:

For more provisions about when water flow cannot be restricted see clauses 38 and 52.

38. No water supply restriction at certain times

A licensee must not start a water supply restriction —

- (a) on a Friday, Saturday, Sunday or public holiday or on the day before a public holiday; or
- (b) on a day on which a total fire ban has effect under the *Bush Fires Act 1954* in the area of the State in which the place at which water is supplied to the customer is located; or
- (c) after 3 p.m. on any day.

3933. Water flow not to be reduced below minimum rate

A licensee must not, under section 95(1)(b) or (2), reduce the rate of flow of a supply of water to a customer to below 2.3 litres each minute.

4030. Restoration of ~~drinking~~-water supply

- (1) A licensee that has, under section 95(1)(b), cut off or reduced the rate of flow of a supply of ~~drinking~~-water to land must restore the supply of water if —

- (a) the amount owing is paid; or
 - (b) the customer enters into an arrangement satisfactory to the licensee to be made for the payment of the amount owing.
- (2) A licensee that has, under section 95(1)(a), (c), (d) or (e), cut off or reduced the rate of flow of a supply of ~~drinking~~ water to land must restore the supply of water if the licensee is satisfied that the reason for the disconnection or reduction no longer applies.

4134. Minimum performance standards for restoration of water supply

- (1) In this clause —

metropolitan region means the region described in the *Planning and Development Act 2005* Schedule 3;

restoration event means —

- (a) payment under clause ~~4030~~(1)(a); or
- (b) entering into an arrangement under clause ~~4030~~(1)(b); or
- (c) the licensee being satisfied under clause ~~4030~~(2);

restore means to restore a supply of water to a customer, or the rate of flow of a supply of water to a customer, after —

- (a) a water supply restriction has started; or
- (b) a supply of water has been cut off, or the rate of flow of a supply of water has been reduced, under section 95(1)(a), (c), (d) or (e).

- (2) If the licensee is the Water Corporation and the land is in the metropolitan region, the Water Corporation must restore a water supply —
- (a) if the restoration event occurs before 3 p.m. on a business day, by the next business day; or
 - (b) if the restoration event occurs at any other time, within the next 2 business days,

cl. 41

unless the licensee and customer expressly agree otherwise.

- (3) If the licensee is the Water Corporation and the land is outside the metropolitan region, the Water Corporation must restore a water supply —
- (a) if the restoration event occurs before 3 p.m. on a business day, within the next 2 business days; and
 - (b) if the restoration event occurs at any other time, within the next 3 business days,

unless the licensee and customer expressly agree otherwise.

- (4) A licensee other than the Water Corporation must restore a water supply —
- (a) if the restoration event occurs before 3 p.m. on a business day, by the next business day; and
 - (b) if the restoration event occurs at any other time, within the next 2 business days,

unless the licensee and customer expressly agree otherwise.

- (5) The Water Corporation must ensure that there is a 90% compliance rate with both of subclauses (2) and (3) in any 12 month period ending on 30 June.
- (6) A licensee other than the Water Corporation must ensure that there is a 90% compliance rate with subclause (4) in any 12 month period ending on 30 June.

Part 6 — Faults, emergencies and interruptions affecting water services

42. Terms used

In this Part —

service interruption means the interruption, suspension or restriction of the provision of a water supply service under section 77;

supply area means the area in which a place in respect of which a water supply service is provided is located.

43. Notice of matters that will affect a water supply service

(1) A licensee must give notice of any planned service interruption to each customer that will be affected by the service interruption.

(2) The notice must be given —

(a) not less than 48 hours before the start of the service interruption; or

(b) if it is not reasonably practicable to comply with paragraph (a), at the earliest practicable time before the start of the service interruption.

(3) The notice may be —

(a) sent by post or delivered to the place at which bills are sent under clause 12, or to the place in respect of which the water supply service is provided; or

(b) given by broadcast on a television or radio station broadcasting to the supply area; or

(c) given by publication in a newspaper circulating in the supply area; or

(d) given by electronic means.

cl. 44

44. Bursts, leaks, blockages and spills

(1) A licensee must have policies, practices and procedures for dealing with and minimising the impact of a burst, leak or blockage in its water supply works or sewerage works.

(2) The policies, practices and procedures under subclause (1) must deal with at least the following matters —

(a) prompt attendance at a site after becoming aware of the existence of a burst, leak or blockage;

(b) the action or actions that must be taken to rectify a burst, leak or blockage, taking into account the potential or actual impact on —

(i) customers; and

(ii) other persons or entities affected by the burst, leak or blockage; and

(iii) property; and

(iv) the environment;

(c) the action or actions that must be taken to ensure that, in the event of a wastewater spill from the sewerage works of the licensee onto a customer's property, damage and inconvenience to the customer and other persons or entities are minimised;

(d) the action or actions that must be taken to ensure that, in the event of a wastewater spill from the sewerage works of the licensee, the spill is promptly cleaned and the affected area is disinfected.

(3) The policies, practices and procedures under subclause (1) may be set out in one or more documents.

45. Licensee to have 24 hour information line

A licensee must provide a 24 hour information line by means of which, at the cost of a local telephone call (excluding mobile telephones), a customer can —

- (a) notify the licensee of emergencies and faults; and
- (b) get information about the reason for, and the expected duration of, any unplanned service interruption.

Part 76 — Complaints about water services

4635. Procedure for dealing with complaints about water services

- (1) A licensee must have a written procedure in relation to investigating and dealing with complaints of customers about the provision of a water service by the licensee or a failure by the licensee to provide a water service (the complaints procedure).
- (2) ~~The A~~-complaints procedure must be developed using as minimum standards the relevant provisions of —
 - (a) ~~the AS/NZS 10002-2014~~~~AS ISO 10002-2006~~; and
 - (b) the Authority's guidelines (if any).
- (3) ~~The A~~-complaints procedure must provide for the following —
 - (a) how complaints are to be lodged and recorded;
 - (b) time limits and methods for responding to complaints;
 - (c) dispute resolution arrangements;
 - (d) resolving a complaint before the end of the period of 15 business days starting on the day the complaint was received.
- (4) ~~The A~~-complaints procedure must list the procedures available to the customer under the Act as to —
 - ~~(a) state that a customer may, but does not have to, use the complaints procedure before or instead of the procedures under the Act; and~~
 - ~~(b) list the procedures under the Act available to the customer; and~~
 - ~~(c) set out the benefits to the customer, in relation to time and costs, if the customer chooses to use the complaints procedure before or instead of the procedures under the Act.~~
 - ~~(5) In subclause (4) —~~

~~procedures under the Act means~~

- (a) applying to the water services ombudsman under a scheme approved under section 65 in respect of the complaint ~~(if any)~~; or
 - (b) making an appeal from, or applying for a review of, the decision that gave rise to the complaint, if an appeal or review is available under regulations mentioned in section 222(2)(k).
- (5)~~(6)~~ The complaints procedure must be publicly available.

47. Licensee to advise customer of right to apply to water services ombudsman for review of complaint

When a licensee considers that a customer's complaint has been resolved the licensee must —

- (a) advise the customer accordingly; and
- (b) inform the customer that the customer has a right to apply to the water services ombudsman under a scheme approved under section 65 for a review of the complaint; and
- (c) provide a Freecall telephone number for the office of the water services ombudsman.

Part ~~8~~7 — Information and communication services

~~4836~~. Services to be provided without charge

- (1) A licensee must provide a customer with the following on request and at no charge —
 - (a) services for account, payment and general enquiries for use by customers with hearing or speech impairment;
 - (b) interpreter services for account, payment and general enquiries;
 - (c) a large-print version of any of the licensee's publicly available documents.

- (2) A licensee must make available to each customer, at no charge, the customer's personal account information including information about bills previously issued to the customer and about the quantity of water supplied to, or wastewater discharged by, the customer in previous billing periods.

~~4937~~. Information to be publicly available

- (1) A licensee must make information about the following matters publicly available —
 - (a) the fees and charges that will be imposed and collected by the licensee;
 - (b) the licensee's bill payment method options and the fees and charges (if any) associated with each bill payment method offered;
 - (c) the ~~exemptions, discounts, rebates and~~ concessions that are available to customers;
 - (d) the services provided by the licensee under clause ~~4836~~;
 - (e) the power of a person authorised by a licensee under section 129 to enter a place without consent, notice or warrant to read a meter connected to the licensee's water service works;

- (f) the obligations of customers under the regulations to ensure that access to a meter is available;
 - (g) that under section 95(1)(b), the licensee may cut off, or reduce the rate of flow of, a supply of water if a water service charges remains unpaid for 30 days after ~~it they~~ becomes due;
 - (h) that if the customer is offered a payment plan or other arrangement giving the customer more time to pay the bill or to pay arrears, the licensee's power as mentioned in paragraph (g) can only ~~may~~ be exercised ~~even~~ if —
 - (i) the customer has not accepted the offer within the period of 7 days after the day on which it was made; or
 - ~~(i) the customer is offered a payment plan or other arrangement under which the customer has been given more time to pay the bill or to pay arrears; or~~
 - (ii) having entered such a plan or other arrangement, the customer does not comply with it;
 - (i) that under section 95(3), the supply of water cannot be cut off to an occupied dwelling unless the occupier agrees;
 - (j) the quality of water and its management;
 - (k) sustainable use of water;
 - (l) planned and unplanned interruptions of water supply or other incidents that may significantly affect the provision of water services to customers.
- (2) A licensee must ensure that the following information about bills may be obtained from its website —
- (a) if a bill is based on an estimate, that the licensee will tell a customer on request —
 - (i) the basis of the estimate; and
 - (ii) the reason for the estimate;

cl. 49

- (b) that in the case of a metered water service, a customer may request a meter reading and bill to determine the outstanding charges for a period that is not the same as the usual billing cycle;
- (c) that in the case where a customer disputes an estimate on which a bill is based, the customer may request a meter reading (if the water service is metered and the meter is operable) and in any event a revised bill and that if the customer so requests, information about the fees that apply;
- (d) that a customer may request, in accordance with the regulations mentioned in section 79(3)(b), the testing of a meter and that if the customer so requests, information about the fees that apply and when the fees may be reimbursed in accordance with the regulations mentioned in section 79(3)(c);
- (e) that the bill can be reviewed in accordance with the licensee's review procedure mentioned in clause 2018;
- (f) that complaints about the provision of a water service by the licensee or a failure by the licensee to provide a water service can be made in accordance with the licensee's complaints procedure mentioned in clause 4635.

~~Note:~~

~~Clause 2(b) applies to the commencement of this subclause.~~

(3) A licensee must ensure that its website contains a link that provides access to the current version of this code appearing on the website that is maintained by or on behalf of the Western Australian Government and that provides public access to electronic versions of Western Australian legislation.

~~(4)(3)~~ The requirements under this clause are in addition to the requirements under clauses 87(3), 1715(3), 2018(6), 29(6)26(5), 3128(5) and 46(5)35(6).

Part 9 — Requirements for supply of water to persons with special requirements or needs

50. Terms used

In this Part —

preserved supply register means the register maintained under clause 51(1);

service interruption has the meaning given in clause 42;

supply address means the address of a place at which water is supplied by a licensee to a customer.

51. Preserved supply register

(1) A licensee must maintain an up to date register for the purposes of this Part.

(2) This subclause applies if a licensee —

(a) receives notice or otherwise becomes aware that a person who resides at a supply address requires water for the operation of a dialysis machine or other life support equipment; or

(b) assesses and determines that a person who resides at a supply address requires water for a special need of another kind.

(3) If subclause (2) applies, the licensee must record on the preserved supply register —

(a) the name of the person; and

(b) the supply address.

52. No reduction of supply

A licensee must not, under section 95(1)(b), reduce the rate of flow of a supply of water to a supply address recorded on the preserved supply register.

cl. 53

53. Notice under clause 43 must be sent by post or delivered

Despite clause 43(3), in the case of a service interruption that will affect a supply address recorded on the preserved supply register, the notice required by clause 43(1) must be sent by post or delivered to that supply address.

Part 10 — Repeal

54. Repeal of previous code of conduct

The *Water Services Code of Conduct (Customer Service Standards) 2013* published in the *Gazette* on 26 July 2013 at p. 3375-406 is repealed.

Appendix 3 Public submission: Aqwest



17 October 2017

Our Ref: TW: W614

Your Ref:

Enquiries: Joe Smith

 (08) 9780 9510

Ms Nicky Cusworth
Chairman
Economic Regulation Authority
PO Box 6849
PERTH BC WA 6849

Dear Ms Cusworth,

RE: REVIEW OF THE WATER SERVICES CODE OF CONDUCT (CUSTOMER SERVICE STANDARDS) 2013

Aqwest is supportive of the amendments the ERA proposes to make to the Code.

Thank you for the invitation to provide feedback during the review.

Yours faithfully


Joe Smith
MANAGER CORPORATE SERVICES

Appendix 4 Public submission: Busselton Water Corporation



BUSSELTON WATER

PO Box 57
Busselton WA 6280

Tel 61 (8) 9781 0500
Fax 61 (8) 9754 1075
admin@busseltonwater.wa.gov.au
busseltonwater.wa.gov.au

ABN 79 306 761 595

Our ref : OL6-04
Your ref :
Enquiries : Jason Rice

17 October 2017

Ms Nicola Cusworth
Chair
PO Box 8469
Perth BC WA 6849

Dear Ms Cusworth

**DRAFT DECISION REVIEW OF THE WATER SERVICES CODE OF CONDUCT
(CUSTOMER SERVICE STANDARDS) 2013**

Busselton Water would like to take the opportunity to convey its satisfaction with the process undertaken for the review of the *Water Services Code of Conduct (Customer Service Standards) 2013*.

Our organization has already recognized that some of the identified proposed changes have significant merit for the customer and have undertaken remedial software systems changes to ensure compliance with the new codes. While Busselton Water supports the current draft document, it requests the right to provide future comments for any additional amendments.

We look forward to participating in the remainder of the review process and I request you direct any queries regarding Busselton Water's responses to the Water Tariff/ System Administrator, Mr Jason Rice on 9781 0510.

Yours faithfully,

Chris Elliott
Chief Executive Officer



Appendix 5 Public submission: MIDLAS

From: Siobhan Meerman [REDACTED]
Sent: Tuesday, 17 October 2017 2:34 PM
To: publicsubmissions
Subject: Submission for Draft Decision - 2016-17 Review of the Water Services Code of Conduct (Customer Service Standards) 2013

Good afternoon,

The Financial Counsellors of Midlas reviewed the Draft Decision for the review of Water Services Code of Conduct and wished to make the following submission:

Payment plans for concession customers

P. 176: We firmly agree that licensees must take into account the customer's capacity to pay and consumption history when setting the conditions of a payment plan or other arrangement. The alternative of not doing so puts the customer at risk of a 'doomed to fail' arrangement and worsening their situation.

We support maintaining the rebate when a payment plan is in place as often those most in need of the rebate will have the least money and the most instability in their finances. This also means that repairing arrears is likely to take much longer than, for eg, 50 days. In support of this, we urge that the Code also require licensees to not penalise these customers, within reason, for broken arrangements.

Inconsistencies with the Local Government Act 1995

p. 50: With regard to the delivery of notice to the address of the owner, we agree that the Local Government Act should prevail.

With regard to the ability to *not* offer a payment arrangement while an amount is outstanding from the previous year, we strongly object. This seems to run counter to p.176 above. People's financial health does not maintain itself neatly to either side of the financial year, particularly for those receiving concessions. We respect the need to protect licensees from serial non-payment but foresee this proposal to disproportionately and negatively affect concessional customers.

Maximum billing cycle for bills for usage charges: clause 10(2)

p. 65: We support the reduction of the billing cycle for usage charges from 6 to 4 months. We recommend the consideration by licensees to consider low to no-cost ways to increase usage billing cycles such as digital bills, estimated usage between 4 month periods, etc. We share the concern of the ERA that problematic leaks are often detected only when a bill is issued but respect the costs facing licensees. We propose a compromise whereby longer billing cycles are offset by leak allowances based on historical usage for affected customers.

Charging fees or interest on a payment plan

p. 147: We are concerned that a 'default position' of fees/ interest will put vulnerable customers in a worse position. We are also concerned that not all such customers are detected, as they will pay for water at the cost of their mortgage or food etc. We urge that the Code consider such language as 'customers identified as being in financial hardship must have fees and/or interest waived'.

No reduction if a customer has applied for a concession

p. 257: Language is unclear. Is it for concessions within the licensee’s power to grant only or does it include the waiting period when customers have applied for concession cards as issued by the Australian Government? If the latter, what are the guidelines of length of time to wait/burden of proof?

No reduction on day of a total fire ban

p. 269: We raise the issue that clients who have already been restricted prior to a total fire ban face the same issue of those being actively restricted on that day. We therefore raise the question of whether those previously restricted are to be unrestricted on those days?

Looking to prevent reduction for those applying for concessions or other financial relief with no decision made yet.

Bursts, leaks, blockages and spills

p. 286: What is the purpose of a ‘policy to inform customers of their rights’ if those customers don’t actually have any rights because the licensee is not obliged to comply with their own policy? We suggest revising the wording to include an obligation of the licensee to ‘make every reasonable effort’ to comply with their own policies.

All others matters:

Anything not specifically addressed above was generally supported. Thank you to all involved for your time and hard work.

Kind regards,



Siobhan Meerman
Financial Counsellor
Registration # FC1260



Midlas

Building Resilient Communities



Midland Information Debt and Legal Advocacy Service Inc.
23 Old Great Northern Highway, MIDLAND, WA 6056
Mailing address: PO Box 5002 Centrepoint Post Office, MIDLAND WA 6056
P: 08 9250 2123 | F: 08 9274 4115 |

Visit our website: <http://www.midlas.org.au>

I acknowledge I am working in Whadjuk country and pay respect to Elders and all Noongar people, past and present.

Appendix 6 Public submission: Rio Tinto

Iron ore
152-158 St Georges Terrace
Perth 6000
Western Australia
T + 61 (8) 9327 2000

Private and confidential

Att: Paul Reid
A/Executive Director, Licensing Monitoring and Customer Protection
Economic Regulation Authority
PO Box 8469
PERTH WA 6849

13 October 2017

Our reference: RTIO-AM-0187165

Dear Paul

Rio Tinto Iron Ore submission to Draft Decision of the 2016-17 Review of the *Water Services Code of Conduct (Customer Service Standards) 2013*

Thank you for the opportunity to provide a submission on the above Draft Decision.

Rio Tinto (through Hamersley Iron Pty Ltd and Robe River) is a licensed Water Service provider under the *Water Services Act 2012*, providing potable water and wastewater services to Dampier, Tom Price, Paraburdoo and Pannawonica.

In this capacity, Rio Tinto is directly affected by proposed changes to the *Water Services Code of Conduct (Customer Service Standards) 2013 (Code)* and this submission outlines our position on issues of key importance.

Key Issues

Part 1 of the Code - Preliminary

1. *Clause 4(3) - Provision of services without charge*

Rio Tinto strongly supports the removal of billing, payment, the restriction of supply following non-payment of a bill and the provision of billing and payment information obligations from licensees who do not charge for water services as they are not applicable in this instance.

Part 3 of the Code – Billing for water services

2. *Clause 10(2) – Maximum billing cycled for bills usage charges*

Rio Tinto would prefer that the maximum billing cycle for usage bills remains as six months and not be reduced to four months. This is due to Rio Tinto supplying water services in areas that are affected by extreme weather events. Due to this, there is a risk that the manual meters cannot be read and therefore a billing cycled could be extended beyond the proposed four month cycle.

3. *Including the price of water on bills*

Rio Tinto does not support the inclusion of information on when a customer will move to a higher tariff or revert back to the lowest tariff on bills as this will be of marginal benefit to the customer, and would result in additional information on bills, possibly making them overly complex.

Part 4 of the Code – Payment for water services

4. *Clause 21(1)(a) – Direct debit*

Currently a large proportion of Rio Tinto's customers are utilising direct debit and Rio Tinto would continue to provide these services on a voluntary basis.

5. *Deferred charges*

Rio Tinto supports additional requirements to be included in the Code that a licensee must follow when setting the conditions of a customer's payment plan or other arrangement, as this could standardise customer treatment across all licensees. Rio Tinto also encourages the development of further guidelines to standardise the conditions of customer's payment plans and arrangements. This additional requirement would be further supported by the amendment proposed in Clause 27, as below.

6. *Clause 27 – Assistance for customers experiencing financial hardship*

Rio Tinto supports additional requirements to be included in the Code that a licensee must take into account when setting the conditions of a payment plan or other arrangement for customers who are experiencing payment difficulties. Rio Tinto considers that the additional requirements for licensees could standardise customer treatment across all licensees. Rio Tinto also encourages the development of further guidelines to standardise the conditions of customer's payment plans and arrangements.

Part 5 of the Code – Restricting the flow of water

7. *Reminder Notices*

Rio Tinto would support the inclusion of the requirement for a licensee to send a customer a reminder notice before they restrict a customer's water supply. Rio Tinto considers that this would allow for clear and transparent communication between customers and Licensee's.

8. *Restriction Notices*

Rio Tinto would support the inclusion of the requirement for a licensee to send a customer a restriction notice seven days before they restrict a customer's water supply. Rio Tinto considers that this would allow for clear and transparent communication between customers and Licensee's.

I hope that you will give the above comments your full consideration in developing amendments to the *Water Services Code of Conduct (Customer Service Standards) 2013*.

For further information on this submission, please contact Karyn McDougall, Compliance Advisor on .

Yours sincerely

Theo Muller
General Manager, Acting
Core Services

Appendix 7 Public submission: WACOSS

Mr. Paul Kelly
Executive Director
Economic Regulation Authority
PO Box 8469
PERTH BC WA 6849



17 October 2017

Dear Mr. Kelly

WACOSS Submission to the 2016/17 Review of the Water Services Code of Conduct (Customer Service Standards)

The Western Australian Council of Social Service welcomes the opportunity to be a member of the Water Code Consultative Committee and to provide a submission regarding the Economic Regulation Authority's Draft Decision Paper released as part of the 2016/17 review of the *Water Services Code of Conduct (Customer Service Standards)*.

As the peak body for community services we advocate on behalf of West Australian consumers directly affected by the important changes proposed in the review's draft decision.

In preparing this submission, WACOSS undertook consultations across WA to gather input on the draft decision and its proposed amendments, to ensure customer's voices are represented. WACOSS looks forward to participating in the remainder of the review process.

Please contact Dr Jennie Gray or Jack Thornton on (08) 9420 7222 should you have any queries regarding this submission.

Yours sincerely

Louise Giolitto
Chief Executive Officer
Western Australian Council of Social Service

Western Australian Council
of Social Service Inc.
ABN 32 201 266 289

City West Lotteries House
2 Delhi Street
West Perth
Western Australia 6005

Phone 08 9420 7222
Fax 08 9486 7966
Email info@wacoss.org.au

WACOSS Submission Water Services Code of Conduct (Customer Service Standards)

The Water Services Code of Conduct (the Code) establishes a customer protection framework that outlines the minimum level of service standards that licensees must provide to customers. Since November 2013 the Code has been operating satisfactorily. It is important, however, that there are regular opportunities to improve and adjust it to varying or emerging customer needs.

At present, the cost of utilities is rising and customers are increasingly experiencing financial hardship. WACOSS commends the considered revisions to the Code, ensuring that customers are better protected and provided with a safety net when challenged with hardship. These improved safeguards for customers will help in guaranteeing the citizens of our State a good standard of essential basic services at an affordable cost with financial flexibility available when necessary.

Within this review, WACOSS particularly welcomes and supports:

Payment Plans & Water Charge Rebates

Many customers receiving some form of concession are already facing financial hardship. When they accrue outstanding bills, a short-term bill extension is not sufficient to resolve that hardship for the longer term. Customers who are experiencing payment difficulties can lose their water rebate support, requiring them to repay considerably more despite not being able to afford it, making them doubly disadvantaged.

WACOSS strongly supports the amendments to clauses 25(1)(2)(3) and 27(1)(2)(3) ensuring that the licensee must inform the customer of their rights and responsibilities when in hardship, such as the right to enter a payment plan. If a customer requires a payment plan or other arrangement, the licensee must meaningfully consider the customer's individual circumstances. This means the licensee must take into account the customer's capacity to make a payment and their water usage behaviour when setting out the plan to ensure customers are provided with a fair opportunity to pay their arrears and end their hardship.

Under section 33(6) of the *Rates and Charges (Rebates and Deferments) Act 1992*, the Water Corporation's offering of a payment plan or extension for assistance is defined as an 'arrangement for the payment of arrears'. Therefore relevant customers who enter either form of assistance are still entitled to their fixed or usage water charge rebate. WACOSS considers it critical in ensuring water remains affordable and equitable for everyone that during financial hardship the customer must not be penalised while complying with their agreed plan, and remain entitled to a rebate for both fixed and water usage charges.

Interest & Penalty Fees

Customers who experience hardship should not be penalised further for essential services, especially when their debt or charge issue with the licensee remains unresolved. Collecting debts and charging interest or late payment fees for overdue bills simply exacerbates the customer's hardship experience and creates more difficulty in repaying the initial debt. WACOSS recommends implementing clause 28A so that the licensees must offer customer assistance to minimise hardship and ensure debts will be settled.

Landlord-Tenant Relationship with Licensee

Through customer consultation and research, WACOSS found issues where customers who are tenants or occupiers of a rental property did not have a direct contact to the water service retailer and were instead required to go through their landlord.

Currently, the definition of a customer in the *Water Services Act 2012* (the Act) is different to the equivalent definition in the Code, as it excludes tenants and occupiers. The Code stipulates that tenants and occupiers do not have a direct contractual relationship with a licensee and are therefore not covered by the definition of a customer under the Act.

As the Code is made under section 27 of the Act 'to deal with the conduct of licensees with respect to customers and potential customers', it can only deal with "customers" as they are defined in the Act. The definition within the Act refers to persons to whom water services are provided, or who are entitled to the provision of water services, but does not specifically refer to occupiers or tenants.

With the Code not applicable to tenants, those who rent will not be entitled to concessions and other provisions if they are in financial hardship. In relation to landlords, the State tenancy agreement (*Residential Tenancies Regulations 1989 – Schedule 4 – Forms – 1AA*) allows a landlord and tenant to agree that the tenant will pay some or all of the water consumption charges, however the Act (Section 126) specifies the landlord ultimately remains liable for any water consumption charges and debt.

In electricity and gas markets, tenants do have a direct relationship with their service provider. As a result, they are entitled to all the protections available under the electricity and gas customer service codes. There is no reason why tenants in the water market should not have the equivalent rights. WACOSS believes that the Code must apply to all tenants and supports the ERA's amendment to clause 4(1) in removing the Code's broader definition of a customer to make progress on this matter.

The Act includes a provision that it be reviewed as soon as practicable after every fifth anniversary of its commencement. As the Act came into effect on 18 November 2013, the first review for the Department of Water is due after November 2018. WACOSS strongly encourages all stakeholders to make a submission to this review recommending a legislative change to the definition of a customer within the Act to include tenants.

Minimum Service Standards

An integral part of customer protection is ensuring the minimum service standards of the Code are applicable to all residential customers in Western Australia. WACOSS understands there needs to be flexibility for non-standard service provisions between business customers and licensees to ensure practicality and efficiency in the commercial contract and overall market.

WACOSS supports the recommendation to amend clause 5(1), which will only allow non-residential customers to contract out of the Code and guarantees that the provision of services to residential customers is directed by the Code's customer safeguard mechanism at all times.

Restriction Reminders

WACOSS agrees with the introduction of clause 31A to require licensees to provide customers with appropriate (minimum 7 days) notice and information of their rights and responsibilities before reductions and restrictions to supply occur, as this will safeguard against the negative impact on public health.

Information on Customer Bills

A significant issue for residential customers are the details included on issued water bills. WACOSS strongly supports the multiple amendments made to clause 12 of the Code, enabling customers to appropriately understand their bill, available options and water usage behaviour.

Debts & Recovery

WACOSS endorses the amendments to clauses 28(1) and 29(1)(d)(e) to protect the confidentiality of a tenant who enters a payment plan with the licensee and ensures that the landlord not be made aware of their personal financial circumstances; and that licensees no longer be able to collect an outstanding debt while a complaint from the customer about the debt or charges remains unresolved.

Service Standard Payments

The proposed introduction of service standard payments has received mixed responses from stakeholders. WACOSS believes the policy experiences from Victoria and the ACT should be reflected in our State, where customers can be fairly compensated for the licensee breaching the service standards.

In a long period of increasing utility costs, WACOSS argues that it is equitable if customers are paying increasingly more for a service then if that service fails to meet the standards, the offset for customers should be compensation. An introduction of these payments would ultimately not cause regulatory burden and would incentivise licensees to consistently achieve satisfactory levels of performance, whilst resolving customer complaints and reducing referrals to the Ombudsman.

Customer Protection Register

For customers who have special requirements (for example, use of a dialysis machine, life-support equipment etc.), water is an even more important service that must not incur a loss of supply due because of the consequent and grave risk to health. Listing these customers on a register ensures the licensee guarantees to appropriately notify them of any service interruptions and cannot restrict their supply.

WACOSS welcomes the introduction of clauses 38-41 (Part 8 of the Code) to ensure customers with these particular needs are protected, especially if faced with hardship, by the preserved supply register.

Conclusion

WACOSS trusts that the above comments and recommendations will be fully considered in finalising the regulatory decisions for the Code.

As the cost of living for everyday households is rising and the energy market is transforming, there needs to be increased consumer advocacy to ensure those who are most vulnerable are safeguarded of their essential services.

This review will not resolve all issues and inefficiencies in the water market. Progress still needs to be made in future reviews to amalgamate a customer protection and utility hardship framework into the regulatory framework. This will ensure an inclusive and equitable market that will be effective in a systematic and sustainable way.

WACOSS considers the implementation of the Code amendments to be critical in guaranteeing the improved outcomes for both the licensees and customers. Ensuring the appropriate information is available online, frontline staff are well-trained regarding the changes and that customers are made aware of their new rights is vital in achieving optimal results.

WACOSS is overall supportive of the amendments proposed in the review and satisfied with the headway made in advancing customer protection for water services. WACOSS again appreciates the opportunity to be a part of the review process and hopes more holistic reviews are undertaken in the future to create the most efficient and equitable utilities market possible.

Appendix 8 Public submission: Water Corporation



Enquiries: Garry Peach
Telephone: 9423 7825

16 October 2017

Ms Nicky Cusworth
Chairman
Economic Regulation Authority
PO Box 8469
PERTH BC WA 6849

Dear Nicky

2016-17 Review of the *Water Services Code of Conduct (Customer Service Standards) 2013*

Thank you for the opportunity to comment on the amendments the Economic Regulation Authority is proposing to make to the Water Services Code of Conduct.

The review process has been collegiate and inclusive and I thank you for the opportunity for the Water Corporation to be involved.

The Water Corporation is supportive of the changes and confident that the Code will continue to support and guide us in our pursuit of service excellence and positive customer experiences.

Yours sincerely



Steve Capewell
Acting Chief Executive Officer

Appendix 9 WCCC advice on Draft Decision



Our Ref: D180413
Contact: Paul Kelly, (08) 6557 7900

Ms Nicola Cusworth
Chair
Economic Regulation Authority
PO Box 8469
PERTH BC WA 6849

Dear Ms Cusworth

2016-17 review of the *Water Services Code of Conduct (Customer Service Standards) 2013*: WCCC advice on ERA Draft Decision and public submissions received

I am pleased to provide you with the Water Code Consultative Committee's advice on the Economic Regulation Authority's "Draft Decision on the 2016-17 Review of the *Water Services Code of Conduct (Customer Service Standards) 2013*".

In providing its advice, the committee considered both the ERA's draft decision and the six public submissions received in response to the draft decision. The advice represents the view of the committee.

The committee supports all of the ERA's proposals to amend the code as set out in the draft decision.

The committee provides the following comments on the proposed amendment to clause 5(1) and the question posed by the ERA in paragraph 176 of the draft decision.

Contracting out: clause 5(1)

The committee supports the ERA's proposal to amend clause 5(1) so residential customers can no longer contract out of the Code. However, the committee asks that the ERA examine if, under the proposed amendment to clause 5(1), a land owner would be able to contract out of the Code in respect of a dwelling occupied by a tenant.

The committee considers that land owners should not be able to reduce the rights of tenants by contracting out of the Code.

The committee notes that only "a customer who uses the place in respect of which a water service is provided solely or primarily as the customer's dwelling" may no longer contract out of the Code. As tenants are not customers for the purposes of the Code, they will not be captured by the definition. Land owners will only be captured to the extent that the water services are supplied to their own dwelling.

This raises the question whether a land owner may contract out of the Code in respect of a dwelling that is occupied by a person other than the owner, such as a tenant.

Payment plans for concession customers

The committee considered the question raised by the ERA in paragraph 176 of the draft decision. The ERA asked if licensees should have to take into account a customer's capacity to pay and consumption history when setting the conditions of a payment plan or other arrangement.

The committee notes the ERA's advice that a payment plan or other arrangement entered into under the Code is an "arrangement for the payment of arrears" under section 33(6) of the *Rates and Charges (Rebates and Deferments) Act 1992*. The committee understands that this means that customers who have entered into a payment plan or other arrangement under the Code will remain entitled to their rebate.

The committee considers it is important that payment plans or other arrangements that give a customer more time to pay take into account a customer's capacity to pay and consumption history. Customers are less likely to fail a payment plan if the conditions of the plan meet the customer's needs. This, in turn, may result in less customers losing a rebate for a water bill.

The committee therefore considers that licensees should have to take into account a customer's capacity to pay and consumption history when setting the conditions of a payment plan or other arrangement.

If you have any questions about the committee's advice, please contact me.

Yours sincerely

A black rectangular box redacting the signature of Paul Kelly.

Paul Kelly

Chair

Water Code Consultative Committee

17 / 11 / 2017

Appendix 10 Minor amendments made by the PCO

Clause reference		Amendment initiated by PCO	Rationale
2013 Code	Revised Code		
1	1	Replace 'Water Services Code of Conduct (Customer Service Standards) 2013' with 'Water Services Code of Conduct (Customer Service Standards) 2018'.	The ERA will repeal the 2013 version of the Code and replace it with the 2018 version of the Code.
n/a	3	Insert a definition of 'AS'.	For clarity. The term is used in the definition of 'National Interpreter Symbol' in clause 3 of the revised Code.
n/a	3	Insert a definition of 'AS/NZS'.	For clarity. The term is used in clause 46(2)(a) of the revised Code.
n/a	3	Move the definitions for 'connection' and 'bill for usage' from clauses 7(1) and 10(1) of the 2013 Code to clause 3. ²¹⁰	The definitions were moved because the terms are used in other clauses as well. For example, the term 'bill for usage' is not only used in clause 11 but also in clause 13 [clauses 10 and clause 12 of the 2013 Code]. Moving the definition to clause 3 ensures that the definition applies each time the term is used.
3	3	Amend the definition of 'bill for usage' to read 'has the meaning given in clause 11(2)' in the revised Code.	Clause 11(2) of the revised Code defines the term 'bill for usage'.
n/a	3	Insert a definition of 'concession' as follows: concession includes an exemption, discount or rebate;	The new definition is consistent with clause 13(1)(i) [clause 12(1)(i) of the 2013 Code], which used to refer to 'concession, discount or rebate'. The word 'exemption' has also been included in the definition.
3	n/a	Delete the definition of 'drinking water'.	The definition has been moved to clause 4(1) as the term is only used in clause 4.
n/a	3	Insert a definition of 'estimate' as follows: estimate includes a calculation based on an estimate;	Clause 10(4) of the 2013 Code referred to bills based on an 'estimation or calculation'. This has been replaced by the defined term 'estimate' in clause 11(4) of the revised Code. Clauses 10(5), 12, 13 14 and 37 of the 2013 Code used the term 'estimate'. The new definition ensures the same

²¹⁰ Clause 3 of the 2013 Code remains numbered as clause 3 in the revised Code.

			terminology is used throughout the revised Code [in clauses 10(5), 11(4), 13, 14, 16 and 49].
n/a	3	Insert a definition of 'National Interpreter Symbol'.	For clarity. The term is used in clause 13(6)(g) [clause 12(4)(g) of the 2013 Code].
n/a	3	Insert a definition of 'residential customer'.	For clarity. The term is used in clauses 5(1), 13(6)(g), 22, 24(1)(a) and 30(1)(a) of the revised Code.
n/a	3	Insert a definition of 'water services ombudsman'.	Although the Code used the term 'water services ombudsman' it did not include a definition of the term.
4(1)	4(1)	Insert the definition of 'drinking water'.	This definition was previously included in clause 3.
4(2)(b)	4(2)(b)	Replace '; and' with '.'	Typographical change.
5(2)(a)	5(2)	<ul style="list-style-type: none"> Restructure clause 5(2)(a) of the 2013 Code into clause 5(2) of the revised Code. Replace 'If a licensee's licence' with 'Subclause (3) applies if the licence of a licensee (the licensee)'. 	Restructured to conform with current PCO drafting practice.
5(2)(b)	5(3)	<ul style="list-style-type: none"> Restructure clause 5(2)(b) of the 2013 Code into clause 5(3) of the revised Code. Replace the clause with 'If an agreement between the licensee and a customer that was in effect on 18 November 2013 and remains in effect has provisions that are inconsistent with this code in relation to the licensee or customer, the provisions of the agreement prevail to the extent of the inconsistency.' 	Restructured to conform with current PCO drafting practice. Also, the commencement date of section 27 of the Act is now known.
6 (heading)	7 (heading)	Insert 'and examples' into the heading of clause 7 [clause 6 of the 2013 Code].	For clarity. Clause 15 of the revised Code includes a number of examples.
6	7	Insert 'and examples'.	As above.
7(1)		Move the definition for 'connection' to clause 3.	See ERA comments for clause 3 (third item) above.
7(1)	8(1)	Insert the following new clause: A licensee must have written information for customers about connections.	For ease of reading. This obligation was previously included in clause 7(2) of the 2013 Code.

7(2)	8(2)	<ul style="list-style-type: none"> • Replace 'A licensee must have written' with 'The'. • Insert 'must deal with' after 'information'. • Delete 'for customers about'. 	The obligation to have written information for customers about connections is now included in clause 8(1) of the revised Code.
7(2)(a)(i) and (b)(i)	n/a	Delete 'drinking' from clauses 7(2)(a)(i) and (b)(i) of the 2013 Code.	As clause 4(2)(a) already provides that the Code only applies to the provision of 'drinking water', the word 'drinking' before 'water' is superfluous.
7(2)(a)(ii) and (b)(ii)	n/a	Delete 'irrigation and drainage' from clauses 7(2)(a)(ii) and (b)(ii) of the 2013 Code.	Irrigation and drainage services have been removed from the application of the Code. ²¹¹
7(2)(g)	8(2)(g)	Insert a reference to subclause (2) in clause 8(2)(g) [clause 7(2)(g) of the 2013 Code]. Note: in the revised Code the reference will be to clause 9(2).	The time frame is included in clause 9(2) [clause 8(2) of the 2013 Code].
7(2)(g)	8(2)(g)	Replace 'connections' with 'standard supply connections as defined in clause 9(1)'.	The term 'connection' in clause 8(1) of the 2013 Code has been replaced with 'standard supply connection' in clause 9(1) of the revised Code.
8 (heading)	9 (heading)	Replace 'standard water supply connections' with 'standard supply connections'.	Clause 9(1) [clause 8(1) of the 2013 Code] now refers to a 'standard supply connection'.
8(1)	9(1)	Replace subclause (1) with: A connection is a standard supply connection if it – (a) connects a metered water supply service to an existing main; and (b) comprises 20 mm water supply pipes.	<ul style="list-style-type: none"> • The definition was renamed because the Code included two definitions for the term 'connection' (in clauses 7(1) and 8(1) of the 2013 Code). • The definition was amended to clarify that the water supply pipes are 20mm, not the connection.
8(2), 8(2)(a) and 8(2)(b)	9(2), 9(2)(a) and 9(2)(b)	Replace 'connection' with 'standard supply connection'.	The term 'connection' in clause 8(1) of the 2013 Code has been replaced with 'standard supply connection' in clause 9(1) of the revised Code.
8(2)(a)	9(2)(a)	Insert 'and' at the end of the subclause.	Typographical change.
9 (heading)	10 (heading)	Replace ',' with 'or'.	Typographical change.
9(1)	10(1)	Replace the definition of 'bill (non-quantity) charges' with the new definition of 'fixed charge'.	For clarity.

²¹¹ See paragraphs 39 and 44 of the Final Decision.

9(2)	10(2)	Replace 'a bill (non-quantity) charges to each customer to whom the licensee provides water services' with 'a bill for a fixed charge to the customer'.	For clarity.
10 (heading)	11 (heading)	Replace ',' with 'or'.	Typographical change.
10(1)	n/a	Move the definition for 'bill for usage' to clause 3.	See ERA comments for clause 3 (fourth and fifth items) above.
10(1)	11(1)	Insert a new definition of 'quantity charge'.	For clarity.
10(2)	11(2)	Replace 'a bill for usage to each customer to whom the licensee provides water services' with 'a bill for a quantity charge (a bill for usage) to the customer'.	For clarity.
10(4)	11(4)	Replace 'estimation or calculation' with 'estimate'.	Clause 3 of the revised Code includes a new definition of 'estimate', which provides that an estimate includes a calculation based on an estimate.
12(1)(f)	13(1)(f)	Replace 'charges' with 'charge'.	The term should be singular as it refers to the water service charge for which a bill is issued under clause 10 or 11 [clauses 9 and 10 of the 2013 Code].
12(1)(g)	13(1)(g)	<ul style="list-style-type: none"> • Delete 'or services'. • Replace 'charges are' with 'charge is'. 	Clause 13(3) of the revised Code specifies what information must be included on the bill if the customer receives more than one water service.
12(1)(i)	13(1)(i)	Replace 'applicable concession, discount or rebate' with 'applicable concession'.	Clause 3 of the revised Code includes a new definition of 'concession' which refers to an exemption, discount or rebate.
12(1)(m)	n/a	Move to clause 13(6)(a) of the revised Code.	New clause 13(6) of the revised Code sets out the general information all bills must include.
12(1)(n)	n/a	Move to clause 13(6)(b) of the revised Code.	New clause 13(6) of the revised Code sets out the general information all bills must include.
12(1)(o)	n/a	Move to clause 13(6)(f) of the revised Code.	New clause 13(6) of the revised Code sets out the general information all bills must include.
12(1)(p)	n/a	Move to clause 13(6)(h) of the revised Code.	New clause 13(6) of the revised Code sets out the general information all bills must include.

12(2)	13(4)	Replace 'in addition to the requirements of subclause (1)' with 'also'.	For ease of reading.
12(3)(e)	n/a	Move to clause 13(6)(b) of the revised Code.	New clause 13(6) of the revised Code sets out the general information all bills must include.
n/a	13(6)	<ul style="list-style-type: none"> • Insert new subclause (6). • Move clauses 12(1)(m), (n), (o) and (p) and 12(3)(e) of the 2013 Code to clause 13(6) in the revised Code. 	New clause 13(6) of the revised Code sets out the general information all bills must include.
12	13	Delete the note at the end of this clause.	The note is no longer relevant.
15(1)	17(1)	<ul style="list-style-type: none"> • Replace 'leak' with 'customer's system'. • Replace 'a leak from a' with 'any'. • Replace 'the' with 'a'. • Replace 'under' with 'for the purposes of'. 	The proposed amendments aim to clarify the intent of the clause.
15(1)	17(1)	Replace 'as an owner or occupier of land' with 'or the occupier of land owned by a customer'.	The phrase 'the customer, as an owner or occupier of land' implied that occupiers of land (for example, tenants) could be customers for the purposes of the Code. The amendment clarifies that occupiers are not customers under the Code.
15(2)	17(2)	Insert 'from the customer's system' after 'leak'.	The proposed amendment aims to clarify the intent of the clause.
16(2)	18(2)	Replace 'An' and 'a' with 'the'.	Typographical change.
16(3)	18(3)	Replace 'An' with 'The'.	Typographical change.
16(4)	18(4)	Replace 'A' and 'an' with 'the'.	Typographical change.
16(5)	18(5)	Replace 'A', 'a' and 'an' with 'the'.	Typographical change.
n/a	19(1)	<p>Insert new subclause (1):</p> <p>This clause applies if –</p> <p>(a) a licensee has overcharged a customer by including an amount in a bill that should not have been included in the bill (the overcharged amount); and</p> <p>(b) the customer has paid the bill, including the overcharged amount.</p>	New subclause (1) clarifies that clause 19 only applies if the customer has paid the overcharged amount.
17(1)	19(2)	<ul style="list-style-type: none"> • Replace 'A' with 'The'. 	<ul style="list-style-type: none"> • Typographical change.

		<ul style="list-style-type: none"> • Delete 'that overcharges a customer'. • Replace 'error' with 'overcharging'. 	<ul style="list-style-type: none"> • New subclause (1) already provides that clause 19 only applies if a licensee has overcharged a customer. • For clarity.
17(1)(a)	19(2)(a)	<ul style="list-style-type: none"> • Insert 'the overcharged amount to'. • Delete 'and immediately afterwards notify the customer'. 	<ul style="list-style-type: none"> • For clarity. • This requirement is now addressed in new subclause (4).
17(1)(b)	19(2)(b)	<ul style="list-style-type: none"> • Insert 'send the customer a notice (an overcharging notice)'. • Insert 'ing' after 'inform' to read 'informing'. • Insert 'ing' after 'recommend' to read 'recommending'. • Replace 'amount overcharged' with 'overcharged amount'. 	<ul style="list-style-type: none"> • For clarity. • Typographical change. • Typographical change. • 'Overcharged amount' is now a defined term (new subclause (1)(a)).
17(2)	19(3)	<p>Replace subclause with:</p> <p>If the licensee sends the customer an overcharging notice and receives instructions from the customer about refunding or crediting of the overcharged amount, the licensee must, in accordance with the instructions, refund the overcharged amount, or credit the overcharged amount to the customer's account, before the end of the period of 15 business days starting on the day the licensee receives the instructions.</p>	<p>The obligation included in clause 19(3) of the revised Code is the same as the obligation that was included in clause 17(2) of the 2013 Code. The amendment was made to accommodate new clause 19(4).</p>
n/a	19(5)	<p>Insert new subclause (5):</p> <p>The licensee must notify the customer immediately after crediting the overcharged amount to the customer's account under subclause (2)(a), (3) or (4).</p>	<p>New subclause (5) ensures that all customers are notified after an overcharged amount has been credited to their account. This was previously only required if the licensee had credited the account without seeking instructions from the customer [clause 17(1)(a) of the 2013 Code].</p>
18(2)	20(2)	<p>Insert '(the review procedure)'.</p>	<p>For clarity.</p>
18(3)(a)	20(3)(a)	<p>Replace 'testing as mentioned in clause 12(3)(c) and (d)' with 'the testing of a meter as mentioned in clause 49(2)(c) and (d)'.</p>	<p>Clauses 12(3)(c) and (d) are being deleted from the 2013 Code.²¹² As similar information requirements are included in clause 49(2)(c) and (d) of the revised Code [clause 37(2)(c) and (d) in the 2013 Code], clause 20(3)(a) now refers to clause 49(2)(c) and (d).</p>

²¹² See paragraph 135 of the Final Decision.

18(4)(a)	20(4)(a)13 5	Delete '(if any)'.	At the time the Code was drafted the water ombudsman scheme was not in operation. As the scheme is now in operation, the words '(if any)' are no longer needed.
18(4)(b)	20(4)(b)	Replace 'complaint' with 'customer's request for review'.	For clarity.
18(5)	20(5)	Replace 'A' with 'The'.	Typographical change.
19	22	Amend the definition of 'financial hardship' by: <ul style="list-style-type: none"> • inserting 'ability of a customer who is a residential' before the first use of the word 'customer'; and • deleting "'s ability' and 'for a water service supplied in respect of the place used solely or primarily as the customer's dwelling'. 	The phrase 'residential customer' is now a defined term. See clause 3 of the revised Code.
20	23	Delete 'if not set under regulations'.	Inapplicable wording removed.
22	25(1) & (2)	Reformat clause 22 of the 2013 Code into two new subclauses.	For clarity.
n/a	25(1)	Insert 'If under clause 24(3) a licensee allows a customer to pay a bill by direct debit,'	Direct debit is being removed as a minimum payment method from the Code. The requirements of clause 25 [clause 22 of the 2013 Code] therefore only have to be met if a licensee allows a customer to pay a bill by direct debit under clause 24(3).
22	25(2)	Delete 'either orally or in writing' from clause 22 of the 2013 Code and insert new subclause 25(2) which reads: A consent or nomination under subclause (1) can be oral or written.	For clarity.
24 (heading)	27 (heading)	Replace 'in absence, illness' with 'in case of absence or illness'.	Typographical change.
25(1)	28(1)	Replace subclause (1) with: This clause applies if: (a) a licensee has sent a bill to a customer; and (b) the licensee has assessed that the customer is experiencing payment difficulties.	For clarity.
26(3)	n/a	Delete subclause (3).	This clause is no longer relevant. It only applied for the six months after the

			<i>Water Services Act 2012</i> came into operation.
26(4)	29(5)	Replace 'If subclause (3) does not apply, a' with 'A'.	Subclause 26(3) of the 2013 Code has been deleted.
26(6)	29(7)	Delete 'and, as part of the review process, consult with relevant consumer organisations'.	This matter is now addressed in clause 29(9) of the revised Code.
27(1)	30(1)	Delete subclause (1) and insert the following new clause: This clause applies if: (a) a licensee has sent a bill to a customer who is a residential customer; and (b) the licensee has assessed, under its financial hardship policy, that the customer is experiencing financial hardship.	For clarity
27(2)	30(2)	Replace 'A' and 'a' with 'The' and 'the'.	Typographical change.
27(3)	30(4)	Include a reference to new subclause 3, in addition to the existing reference to subclause (2).	Consequential change as a result of the addition of new clause 30(3) in the revised Code.
27(3)	30(4)	Replace 'a' with 'the'.	Typographical change.
27(3)(a)	30(4)(a)	Replace 'a' with 'the'.	Typographical change.
27(3)(b)	30(4)(b)	Replace 'a' with 'the'.	Typographical change.
27(3)(c)	30(4)(c)	Replace 'a' with 'the'.	Typographical change.
27(3)(c)(iii)	30(4)(c)(iii)	Delete 'or other financial relief'.	The term 'concession' is defined in clause 3. Also, a licensee must provide written information about 'any other financial assistance' under subclause (v).
27(3)(c)(iii)	30(4)(c)(iii)	Delete 'under the Act'.	The words 'under the Act' are not included after the term concession in clauses 13(1)(i) and 49(1)(c) [clauses 12(1)(i) and 37(1)(c) of the 2013 Code]. Deleting the words 'under the Act' ensures that the obligation also applies to concessions available under other Acts (or otherwise), such as concessions available under the <i>Rates and Charges (Rebates and Deferments) Act 1992</i> .
27(3)(c)(iv)	30(4)(c)(iv)	Insert 'seeking' before 'advice'.	For clarity.
28(1)	31(1)	Insert new subclause (1): In this clause –	Allows subclauses (2), (3) and (4) to be streamlined.

		payment scheme means a payment plan or other arrangement mentioned in clause 28(2) or 30(2).	
28(2)	31(2)	Remove the references to the subclauses so it just refers to clauses 25 and 27 [clauses 28 and 30 in the revised Code].	Typographical change.
28(2)	31(2)	<ul style="list-style-type: none"> • Replace 'another' with 'a'. • Insert 'in addition to a payment scheme' at the end of the subclause. 	To clarify that any payment arrangement or other kind of assistance that is offered under this clause is offered in addition to, not instead of , the assistance available under clause 28 and 30 [clauses 25 and 27 of the 2013 Code].
28(3)	31(3)	Remove the references to the subclauses so it just refers to clauses 25 and 27 [clauses 28 and 30 in the revised Code].	Typographical change.
28(3)	31(3)	Replace 'plan' and 'plans' with 'scheme' and 'schemes'.	Consistent with new definition of 'payment scheme' in clause 31(1) of the revised Code.
28(3)	31(3)	Replace 'of non-payment' with 'they have not been complied with'.	For clarity.
28(4)	31(4)	Replace 'plans, arrangements' with 'schemes'.	Consistent with the new definition of 'payment scheme' in clause 31(1) of the revised Code.
29	33(1)	Insert 'if' at the end of the first paragraph.	Typographical change.
29(a)	33(1)(a)	<ul style="list-style-type: none"> • Replace 'who' with 'the customer'. • Insert 'entered into' after 'arrangement'. 	<ul style="list-style-type: none"> • Typographical change. • For clarity.
30	40	Move to Part 5.	As the clause deals with the restoration of water supply it is better placed in Part 5 which deals with restricting and restoring supply. Clause 30 appears as clause 40 in the revised Code.
30 (heading)	40 (heading)	Delete 'drinking'.	<p>Irrigation and drainage services are no longer covered by the Code.²¹³ The rate of flow of water cannot be reduced for sewerage services. Clause 40 of the revised Code therefore only applies to water supply services.</p> <p>As clause 4(2)(a)²¹⁴ already provides that the Code only applies to the</p>

²¹³ See paragraphs 39 and 44 of the Final Decision.

²¹⁴ Clause 4(2)(a) of the 2013 Code remains numbered as clause 4(2)(a) in the revised Code.

			provision of 'drinking water', the word 'drinking' before 'water' is superfluous.
30(1)	40(1)	Insert 'cut off or' before 'reduced'.	To ensure customers are also entitled to the protections of this clause if their water supply is cut off. ²¹⁵
30(1)	40(1)	Delete 'drinking'.	See comments for clause 30 (heading) [clause 40 of the revised Code] above.
30(2)	40(2)	Delete 'drinking'.	See comments for clause 30 (heading) [clause 40 of the revised Code] above.
Part 5 (heading)	Part 5 (heading)	Replace 'Reducing the rate of' with 'Restricting the'.	To take account of the fact that Part 5 no longer refers to 'reducing' supply, but to 'restricting' supply.
32 (heading)	37 (heading)	Replace 'reduction' with 'water supply restriction'.	'Water supply restriction' is a defined term (see clause 34 of the revised Code).
32	37(1)	Replace ', under section 95(1)(b), reduce the rate of flow of a supply of drinking water to a customer in the following cases' with 'start a water supply restriction if'.	'Water supply restriction' is a defined term (see clause 34 of the revised Code).
32 (a) to (e)	37(1) (a) to (e)	Insert 'or' at the end of each subclause.	Typographical change.
32(e)	37(1)(e)	Replace 'in relation' with 'to the licensee that directly relates'.	For consistency with clauses 32(1)(b) and 33(1)(d) of the revised code.
32(e)	37(1)(e)	Replace 'charges' with 'charge'.	Typographical change.
32(f)	n/a	Delete subclause 32(f) of the 2013 Code.	This requirement is now addressed in clause 38(a) and (c) of the revised Code.
32(g)	37(1)(h)	Replace 'occupier is a tenant and the owner' with 'supply of water is to a place occupied by a tenant and the customer'.	To replace the reference to 'owner' with 'customer', as the definition of customer under the revised Code only includes land owners (not tenants).
32(g)	37(1)(h)	Replace ';' with '.'	Typographical change.
32(h)	n/a	Delete subclause 32(h) of the 2013 Code.	This requirement is now addressed in clause 52 of the revised Code.

²¹⁵ See paragraphs 344 to 351 of the Final Decision.

32	37	Insert new note at end of clause: For more provisions about when water flow cannot be restricted see clauses 38 and 52.	To point out that there are two other Code provisions which also set out when flow cannot be reduced.
34(1)(c)	41(1)(c)	In the definition of restoration event , replace ‘.’ with ‘;’.	Typographical change.
n/a	41(1)	Insert the following new definition: restore means to restore a supply of water to a customer, or the rate of flow of a supply of water to a customer, after – (a) a water supply restriction has started; or (b) a supply of water has been cut off, or the rate of flow of a supply of water has been reduced, under section 95(1)(a), (c), (d) or (e).	To clarify that this clause not only applies when a water supply has been reduced, but also when it has been cut off.
n/a	42	Insert new clause 42: Terms used In this Part – service interruption means the interruption, suspension or restriction of the provision of a water supply service under section 77; supply area means the area in which a place in respect of which a water supply service is provided is located.	To clarify what is meant with the new terms ‘service interruption’ and ‘supply area’ used in clauses 43 and 45.
35(1)	46(1)	Insert ‘(the complaints procedure)’.	For clarity.
35(2)	46(2)	Replace ‘A’ with ‘The’.	Typographical change.
35(3)	46(3)	Replace ‘A’ with ‘The’.	Typographical change.
35(4)	46(4)	Replace ‘A’ with ‘The’.	Typographical change.
35(4)	46(4)	Insert ‘list the procedures available to the customer under the Act as to’.	Previously included in clause 35(4)(b) of the 2013 Code.
35(4)(b)	n/a	Delete clause 35(4)(b) of the 2013 Code.	This obligation is now included in clause 46(4) of the revised Code.
35(5)	46(4)	Delete ‘In subclause (4) – procedures under the Act means’.	This definition is no longer needed as it is now incorporated into clause 46(4).
35(5)(a)	46(4)(a)	Delete ‘(if any)’.	At the time the Code was drafted the water ombudsman scheme was not in operation. As the scheme is now operational, the words ‘(if any)’ are no longer needed.

37(1)(c)	49(1)(c)	Delete 'exemptions, discounts, rebates and'.	The term 'concession' is defined in clause 3.
37(1)(g)	49(1)(g)	<ul style="list-style-type: none"> • Replace 'water service charges remain' with 'a water service charge remains'. • Replace 'they become' with 'it becomes'. 	Typographical change.
37(2)(b)	49(2)(b)	Replace 'outstanding charges' with 'the outstanding charge'.	Typographical change.
37(2)	n/a	Delete the note at the end of clause 37(2) of the 2013 code, which reads as follows: Note: Clause 2(b) applies to the commencement of this subclause.	This note is no longer relevant as the subclause has been operational since 18 November 2015.
n/a	50	<p>Include new clause 50:</p> <p>Terms used</p> <p>In this Part –</p> <p>preserved supply register means the register maintained under clause 51(1);</p> <p>service interruption has the meaning given in clause 42;</p> <p>supply address means the address of a place at which water is supplied by a licensee to a customer.</p>	For clarity.
n/a	52	<p>Insert new clause 52:</p> <p>No reduction of supply</p> <p>A licensee must not, under section 95(1)(b), reduce the rate of flow of a supply of water to a supply address recorded on the preserved supply register.</p>	This obligation was previously included in clause 32(h) of the 2013 Code.